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THE NEW YORK TIMES

Quite a Day

Last Sunday, (3) easily takes rating as the biggest news day in the history of radio. The events broadcast from 6 a. m. to midnight that day were, from the viewpoint of world history in the making, without precedent, not only for broadcasting, but perhaps for newspaperdom during the current century.

1. Declaration of war against Germany by Britain and France.
2. British Empire took for address by the King of England.
3. Speech by Premier Neville Chamberlain.
4. Speech by President F. D. Roosevelt.
5. Speech by Premier Mackenzie King of Canada.
6. News of the torpedoing of a transatlantic liner.

Managerial Indifference Causing More Dramatists to Prod. Own Plays

The greatest death of stage plays, scripts in 50 years exists today, according to a veteran legit producer, who says that goes for London, Paris, Vienna and Budapest as much as for Broadway. That opinion is definitely managerial, and is not shared in by authors at all.

There is a trend among playwrights, established and otherwise, to go into financial backing for their plays, so that when such writers approach managers, offering scripts, the showmen are told that some of the production money is already assured.

With scripts rejected, even under such conditions, it is predicted that a number of dramatists will continue to produce their own plays. The movement is predicated on the success of the Playwrights Co., which proved last season that such activity by dramatists can be successful. Pointed out that the idea is not new in England, where there have been any number of actor-managers, if not dramatist-managers, it is understood that George S. Kaufman and Moss Hart propose

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Sinc Lewis Squawks

Vs. 'Strawhat' Term As Legit Derogation

Clinton, Conn., Sept. 5. Sinclair Lewis, doing a week's stage in "Our Town" at the Playhouse here, has a mild beef on what he considers disrespect by the press regarding summer theatres. Writers there claim that derogatory terms, such as strawhats, cowboys, haylofts, etc., have a bad effect on the prestige that summer theatres have been working to acquire.

In view of the importance of these spots, Lewis feels they should be played up more in keeping with the established legit field. To substantiate this argument he offers a three-cent thought to show just where the press is doing its greatest damage.

Firstly, there's the 'name' situation. Despite the number of names who

(Continued on page 8)

Arthur Hammerstein Is Now an Inventor

Arthur Hammerstein, formerly active as a Broadway legit producer, has, as a hobby, the invention bug. None of his gadgets, however, are too technical. Currently he is working on a simple gadget, consisting of a ball of string within a box, with a razor blade so placed that a tug will sever the strand at the required length. Showman is quite serious about it, and thinks it will clean up.

Producer tried out a drama last season, but has no definite show plans for the forthcoming season.

PROD. IN SPAIN FREES U.S. COIN

Frank Ferris, formerly with Grand National and Educational Pictures, Inc., will produce a series of films in Spain for international distribution. Pictures will be financed by the Chase National Bank which has considerable funds tied up in Spain and has been unable to withdraw them because of Franco government regulations keeping currency in the country to aid in reconstruction program.

Spanish government, however, is a favor of home industry stimulation and has agreed to make available 1,000,000 pesetas (\$250,000) credit immediately for Ferris to start production. Latter expects to sail for Spain immediately and will take with him a Mexican film director.

Chase Bank is reported to have demanded a guaranteed releasing outlet through a U. S. major distributor as well as a cash advance against delivery of negatives. This was turned down, however, release depending on quality requirements.

If the Chase requirement is successful, way may be indicated to other film companies with money tied up in Spain to arrange similar plans, as the quickest means of thawing frozen assets.

TRAFFIC SUBJECTS TO OFFSET COIN LOSS

Features Costing Over \$800,000 to Be Pruned to Profit Basis—Studies Immediately Curbing Controversial or Anti-U. S. Neutrality Themes

NO PRODUCT SHORTAGE

By ARTHUR UNGAR

Retrenchment policy was hurriedly instituted throughout the major studios here on Monday (4) as result of the outbreak of war in Europe. With all theatres boarded up in England and film exhibitors virtually at a standstill throughout the Continent, Hollywood is making every effort to backtrail on expensive production on which it is physically impossible to earn costs without the foreign market.

Many major companies during the past year issued contracts carrying clauses that, in case of war involving the United States, England or France, they would have the right of cancellation. It is not known accurately how many such terms are in force, but it is believed they are numerous.

Edward Small is said to be the first producer to actually abandon production of several pictures which were to have gone into work within the next three months.

Warner Bros. has deferred start of production on "Underground" and "Bishop John Weiss with God," which have an anti-Hitler theme. To avoid any conflict with the neutrality laws, it is possible that these may be set back indefinitely. All studios are steering clear of any subject matter tending for or against a foreign country.

Sam Goldwyn has suspended production of "Barf" because of withdrawal of David Niven from the cast. A British subject, Niven is understood about to join his nation's colors.

Cut Top Stars' Salaries?

All Hollywood on Sunday divided its time between listening to war bulletins and mastering how the studios would face operation under the new circumstances. Agents showed great concern, with opinion widely expressed that cuts would be asked immediately of all topflight contract employees because of the anticipated loss of revenue.

While studios went ahead with their rebudgeting plans to produce "Barf" and "Bishop John Weiss" on Tuesday (Tues.) with Will Hays to hear him outline the foreign situation as he understands it.

It is reported that producers will be asked to adopt a uniform plan for the collection of collection adjustments. New basic wage scales providing increases for labor and mediated by it is expected to be planned for later this month, with

(Continued on page 6)

Behind-the-Scenes Story of IA-4A's Maneuvers a Tense Pressure Drama

The Switch

WINS, New York, treated listeners last Thursday (31) with rare case of reverse English, when an announcer said: "We interrupt our war news to give you the winners of the fourth race at Narragansett."

By HOBE MORRISON

The behind-the-scenes story of the actor-stageland union settlement was a tense pressure struggle. It all came to a head early Sunday morning (3) in Hollywood, but exactly what caused the stagehand leaders to reverse their previous stand—an abrupt about-face—still hasn't been completely learned. The whole story may never be known.

Undoubtedly a factor was the known intention of the Associated Actors & Artists of America, the performers' parent union, to form a working agreement with the United Studio Technicians' Guild, the CIO-financed independent union which has been making inroads on the International Alliance of Theatrical Stage Employees (stageland) in Hollywood.

While the Four A's were rushing plans for their strike mass meetings Sunday night (3) in New York and Hollywood, there were rumors that the ISTG agreement would be signed that day; that a general actor strike of all show business would be called immediately after. IATSE officials undoubtedly heard the rumors. They also must have known that the CIO had made definite overtures, including a huge war chest, to the Four A's. And they likewise

(Continued on page 16)

PIX TO APPEASE G-MEN, OTHER U. S. GROUPS

Washington, Sept. 5.

Rapprochement between offended Justice Department bureaus and Hollywood studios was sought last week by Will Hays during a quick talk with Attorney General Murphy. Spokesmen for the majors and the cabinet officer discussed a possible "formula" for various films dealing with subjects in which the law-enforcers are interested. Murphy appeared to be referring to script treatment of gangsters, G-men and Federal prisons.

In past few years, the D. J. has been plagued over certain Hollywood versions of its operations. Exaggeration and misrepresentation has been charged on occasions by several top officials, while changes in finished product have been made not a few times in response to outraged executives. One recent feature drew fire, which resulted in deletion of certain scenes for the Washington showing, but the offending shots reportedly were not cut in other cities. This sort of thing has irritated the department. [This issue details Hollywood's thumbs-down henceforth on gangster pix.]

FORD DOING A COHAN WITH RADIO PROGRAM

Detroit, Sept. 5.

When Henry Ford returns his Sunday evening symphony series to CBS, Sept. 24, he will confine his list of guest artists to American singers. He will even ask that these artists try to restrict their repertoires as much as possible to classical music composed by Americans.

Already booked for four appearances each on the series are Grace Moore, Glady Swarthout, Richard Anderson, Lawrence Tibbett, Marian Crook and John Charles Thomas. It will be the first time that a sponsor has sought to put a nationalistic stamp on a program of this type.

N. Y. Sponsor's Package Shows Put Commercial Plugs on Television

Prohibited by FCC regulations from selling commercial time on its television broadcasts, RCA has nevertheless opened the way to plugs for advertisers. By bringing in a package show, and paying for the talent, sponsors are enabled to get their advertising on the visual lines. First to take advantage of the set-up is Andrew Geller's Shoes. It has a regular 15-minute program in New York (transmitted in this issue of Variety) on Wednesdays at 12:45.

Several other similar shows have been put on in the past, but they were by regular NBC radio accounts. Geller is the first complete outsider to be given a shot at cuffs to television. Penn Tobacco, a radio account, has been given a plug on a video vox-pop on Friday nights. RCA thereby is ducking the FCC regulation forbidding time sales on the experimental television licenses thus far granted. It is saying the broadcasters experience in handling advertising when and where a media account's body makes it legal, RCA explains.

THEATERS OVERMAY

PICTURES TAKE LOW COSTS OF DISTRIB.

Publication of a quasi-Governmental report last week showing average cost of distribution of all types of products in the United States to be 39% is leading the film execs, harried by Department of Justice charges, to some pointing with pride. Average distribution cost in the motion picture industry is only 20%.

"This report gives better than any other answer we can make to the Government monopoly suit that we have achieved an intelligent and efficient distribution system," a leading industry official said yesterday. He pointed out that it is this system, worked out over a period of years, that enables exhibitors to pay for \$7.50 or \$10 the use of a product which costs perhaps \$10,000, 100 make and of which the print itself costs \$250.

System allows the most complete possible use of the product to bring the cost down to a minimum for each user, it was said. On the other hand, it was declared, while oranges in California and thousands of tons rot on the ground, they are rotting in practically every other state, because of failure to achieve an efficient distributing system.

Passage of an anti-bloc booking bill would raise film distributing costs from the present 25% to 42-45%, it is claimed.

MONOGRAM'S \$41,641 NET PROFIT, SIX MOS.

Annual report of Monogram Pictures Corp. for 30-week period from Jan. 1 to June 30, 1939, shows a gross operating profit of \$333,120 and a net of \$41,641. Since Mono has changed its fiscal year from Dec. 31 to end on June 30, this is the first report since the change was authorized last January.

In the report W. Ray Johnston, president, advises stockholders that in the six months just closed number of contracts reached total of 6,700, as against 6,108 for the previous fiscal period. Company's business in the United Kingdom showed a marked increase over the last six months of 1938.

In computing the earnings statement, it is revealed that Monogram is now amortizing its output on a basis of a 78-week period after release date.

In connection with recent \$225,000 bank loan from the Guaranty Trust Co., under the bank agreement Mono has pledged a number of its negative assets as collateral. Film receipts collected are to be deposited in a trustee bank account and no funds are permitted to be withdrawn for operating expenses without permission from Guaranty. Loan is being repaid at the rate of \$45,000 per month, first payment being due 90 days from date of the loan.

Pathe Laboratories, Inc., a prior creditor to Guaranty, has agreed to subordinate its first lien position in respect of \$172,415, to that of the bank.

Long Time in Saddle

Gene Autry has a lot of riding to do when he returns from London, where he has been on a publicity tour. Three pictures on his Republic schedule in 90 days "till it is clear his state before reporting to 20th-century in his one-picture commitment with Shilley Temp.

Three sagebrushers are "Rovin' Tumbleweeds," Down By the Old Mill Stream and "Grand Old Opry." Roy Rogers gets off his horse and plays a straight role for the first time in "Cowboys and Angels," rolling tomorrow (Wed.) at Republic.

Discounted cowboy co-stars with the Weaver Bros. and Elvira.

NOW THAT IT'S ALL OVER

With that characteristic keen regard for the proper dramatic touch at what is known as the psychological moment, the threatened 'war' between the 4 A's, representing the acting and singing talent of the theatre, films, vaudeville and radio, and the IATSE, organization of stage employees and film operators, has been called off by both factions, and replaced by a peace agreement of deep emotional content, consistent with theatrical tradition.

In other words, the American amusement industry has escaped from a devastating inter-union battle, and has rescued itself from a predicament, which, if permitted to take its full course, would have tossed the entire entertainment business into a bitter and prolonged struggle.

The cheer that boomed through the lobby of the Hotel Astor, New York, on Sunday night (3) when Frank Gillmore announced to 4,000 4-A members the amicable outcome of last minute peace negotiations, was a mixture of joy and a sigh of relief. A threatened strike was no longer in prospect. Friendship, good will and fellowship were established with the IATSE. An 8:45 p.m. cency had become an ally at 8:50.

Reviewing all that has taken place over the past two years in the relations between the IA and the several actor union groups, it was inevitable that the first thought of the demonstrators was that sooner or later would reach the point of impasse, demanding full and complete settlement. That the negotiating groups, representing both opposing factions, had the good sense, patience and authority to iron out differences and reach a clear line of separation, to the demonstration commutation from members of all factions.

A theatrical union war, heightened by employee strikes in theatres, film studios and radio broadcasting, would be little short of tragic. To have taken place at the very moment of tense public feeling and deep concern over the cataclysmic events in Europe would have paralyzed a vital American institution—the amusement industry. It just couldn't happen. Yet how close to actuality it was, is well known to principals and thousands of union members.

Gillmore made a plea that show people now should turn their backs on the past and look towards the future, that bygones should be bygones, and that the theatre, in all its branches and ramifications should strive for a new goal. His remarks along these lines were greeted with quite as much enthusiasm as the same remarks of satisfaction and contentment towards the future, that bygones should be bygones, and that the theatre, in all its branches and ramifications should strive for a new goal. His remarks along these lines were greeted with quite as much enthusiasm as the same remarks of satisfaction and contentment towards the future, that bygones should be bygones, and that the theatre, in all its branches and ramifications should strive for a new goal.

In the legitimate field there is required an almost complete overhauling and reconstruction of the commercial structure in order that the artistic forces may be put to useful and profitable work. A glance at legitimate bookings, carried weekly in VARIETY, presents the

unhappy picture of a branch of entertainment that has contracted almost to the diminishing point, except for a handful of attractions in New York, with occasional lightings of the theatre marquees in Chicago, Boston, Philadelphia, Los Angeles and San Francisco. A mighty art-industry, with unfulfilled promises of employment for thousands, is in desperate straits. Responsibility for this sad plight does not rest entirely with theatrical union labor, but any material and lasting betterment of conditions must spring from within the organized theatre groups, or an institution that should be a strong factor in American life will continue to fade into insignificance.

With harmony between the creative and acting talent on one hand, and studio union labor on the other, there is bright hope that enlightened leadership will aid the film industry through a period, the complexities and problems of which no one at the moment can accurately analyze. Hollywood's film industry has grown on the bounties of a world market. Its production schedules and cost sheets anticipate revenues from countries now at war. To what extent production will necessarily be curtailed to cope with the new conditions none can accurately gauge at the moment. It is fortunate that the immediate future is not further darkened by a strike and its consequent drain upon the industry's resources. But there is readjustment to be made in Hollywood. Of that there should now be the slightest doubt.

As for the variety and vaudeville artists, what of them? And what of their field of operation, once so broad and lucrative, and now confined to night clubs, cafes, hotels and outdoor amusements? It is just one more dramatic item in the general script that the threatened union strife originated with a branch of endeavor that is scarcely a shadow of its former healthy and prosperous self. Now that the status of the variety artist has been defined, so that he takes his place in union ranks with his more fortunate brothers in the other branches, just what will be done for him? Union membership, without employment and the hope of economic progress, is a hollow promise.

From within, not from without, must come leadership that will reclaim the rightful place for the workers in the American entertainment industry. A divided and strife-torn structure promises nothing. Single purposed determination to create something strong is the hope of the future, the outstanding constructive element in the settlement of recent differences.

Hard as the road has been thus far, the path ahead presents equally difficult obstacles to be met and overcome.

For the first time in the history of American amusements there is cohesion among the rank and file of its workers.

The 4 A's now faces an extraordinary responsibility—not only to its members, but to the industry and the public as well. How the organization meets that challenge will be the test of its right to its present position.

Ratoff Ends Rest Cure, Directs 'Daytime Wife'

Hollywood, Sept. 5. Gregory Ratoff has been assigned to direct "Daytime Wife," the Tyrone Power-Linda Darnell co-starrer, due to roll Sept. 11 at 20th-Fox. Ratoff recently emerged from a San Francisco hospital, a reprieve of him had been taking rest treatment since he directed "Intermezzo" for David O. Selznick.

Col.'s 'Page Replote'

Hollywood, Sept. 5. Howard Hawks gets the directorial job on "His Girl Friday," a remake of "Front Page" at Columbia. Film rolls Sept. 15, co-starring Irene Dunne and Cary Grant.

LAUREL, HARDY SCOUT COIN FOR OWN FILMS

Hollywood, Sept. 5. Bankrolling for their own pictures is being negotiated by Stan Laurel and Oliver Hardy. Comics would be their own producers after pact with Hal Roach expires. Team has three more four-reelers to close out their current deal.

Heating Up the Boards

Hollywood, Sept. 5. "Broadway Melody of 1940" is under way at Metro, now, with Eleanor Powell and Fred Astaire dancing before the cameras. Norman Taurog is directing and Bobby Connolly handling the dance routines.

Court Upholds Brown's Walkout on Percent

Los Angeles, Sept. 5. Tom Brown was justified in breaking an agency pact with the Small Co., under a ruling by Judge Henry M. Willis in Superior court. Agency had sued for \$15,000. Court held that the agency's failure to procure work for the actor over a period of four months was sufficient to terminate the contract.

King Stays at Par

Hollywood, Sept. 5. Paramount has picked up Louis King's director option for another year. Currently he is piloting "Typhoon."

H'WOOD THROUGH WITH GANGSTERS

Studies Called to Time by Parent-Teachers Assns. After Other Desists Ignored—Keep Kids Out of Theatres

MUSICALS, COMEDIES

By BOB MOAK

Hollywood, Sept. 5.

Hollywood's era of crime pictures has faded into an inglorious dissolve, Springing up as its successor is a cycle of comedies and comedymusicals, to say nothing of a return of musicals.

That is the way American mothers would have it.

Be there still those who doubt the effectiveness of film censorship as imposed by old Judge Public Opinion, let him consider carefully the special features of the gangster-mothers yarns. By withholding from their offspring the dimes and quarters formerly paid for use as theatre admissions, the mothers of these United States have accomplished what neither the Hays code administration nor state and municipal blue-pencillers have been able to.

More mention of gangster fare to exhibitors nowadays draws from them the same degree of enthusiasm with which they might meet an approaching epidemic. Underworld picture has become a word of warning, are currently as poisonous at the box as dictators are to peace.

Having too long ignored the handwriting on the wall, producers are now engaged in a frantic search for new phases of entertainment, especially in the B divisions, which have been, by far, the worse offenders from the standpoint of crime output. Doing the most thorough about-face on underworld vehicles are 20th-Fox, Universal, Paramount, Metro, M&KO and Republic. Warners, which profited most from the now unwanted type of offering, is slaking its now-endowed contribu-

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ACTORS' SETTLEMENT AVERS BIG RKO STRIKE; HARKENS '1 BIG UNION'

Strong Three-Play Alignment for AFL Among Talent,
Musicians, Labor—Drastic Reorg. of 4A's to Be
Immediate Result of Solution

Settlement of the battle between the Associated Actors & Artists of America and the International Alliance of Theatrical Stage Employees not only averts a devastating show business strike, but it also brings about a long-sought tieup between the 'big three' unions of show business—the actors, stagehands, and musicians. The settlement was made early Sunday morning (8:30 in Hollywood) by telephonic communication with New York, following an all-night series of conferences.

In joining the stagehands-musicians working agreement, the Four A's, which had been a force of holding the American Federation of Labor, has solidified the AFL, both on the amusement industry. It is this increased power is used with a sense of responsibility, it should have a stabilizing influence on the whole show business setup, which has been harried for the last few years by increasing labor troubles.

An immediate result of the settlement will be a drastic reorganization of the Four A's. The 'one big union' which has been the cause of controversy for more than two years, will now become reality within a few weeks and with the settlement of virtually all affiliated unions and the various factions that had previously opposed the idea.

According to Four A's heads, the AAAA, acting as 'one big union,' will probably begin in order to organize the vaude-theatrical and national scale, instead of merely in the few key cities, as has been done in the past. Similarly, the IATSE can quickly line up all straw hat theatres. It is figured that the new working-agreement, the actor-stagehands-unions can now organize on a local basis, and be possible to any one of the three organizations.

The American Guild of Musical Artists may also benefit directly from the new alliance, as it now holds power to enforce its demands immediately through the cooperation of both stagehands and musicians. Indicated by AGMA officials that they will insist upon a quick solution of the long-dreaded issue with the Metropolitan Opera Co., N.Y. The Guild has had a contract with the Met in the past, but never an airtight one.

The union likewise should now be able to obtain much more advantageous terms from the two major concert management, Columbia Concerts Corp. and NBC Concert Service. And holdouts such as Yehudi Menuhin will undoubtedly find it more difficult to resist the demands of stagehands and musicians unions in addition to AGMA.

In the same way, the minor radio stations scattered across the country may now be brought into line by the actors and musicians' unions in cooperation. However, it should be noted that the portion of the actor-stagehands settlement is anticipated to the musicians, specifically states that it is made 'subject to the consent of the American Federation of Musicians.' There are as yet no definite plans for conferences with the AFM, but little difficulty is anticipated on the question of such an agreement.

The reorganization of the Four A's and revision of its constitution will begin almost immediately. As proponents of the 'one big union' idea, the first of the three unions with the stagehands revealed the desire for greater unity, cohesion and strength in the AFM ranks. In effect, the action of the actors' union, in pooling their financial power in the hands of a 'clearing committee' amounted to the 'one big union' idea.

Furthermore, as a serious fight between the actors and musicians seemed imminent, each of the unions pleaded its entire financial resources to the common cause. Under circumstances, the various unions feel that the question of working out a parity of the amounts. In the different treasuries is now the fact that the actors' union source-be pooled almost at once and that is as far as practical the organiza-

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Other Showmanship

An expanding form of show biz is accompanying the widely increasing interest in night bazaar, namely, the employment of acts and stunts to entertain the customers during lulls in activity and before the game. It's practice takes the country, though side-lights are nothing new, since Al Shacht and Nick Altrock's years did their comedy panto act in the majors. The former is presently carrying on alone, being paid by the league.

One example of the idea is Ken Bales, who leads a troupe that rides motorcycles through a flaming hoop before the game. The group works night games throughout the country in between dates at fairs. Other stunts are funny hitting, base running, fire and drum corps, contests for throwing accuracy, etc.

PAR'S 'CITIZEN KID' STORE AS ANTI-UNION

Transport Workers Union of Greater New York is still agitating against Paramount's release of 'Our Leading Citizen.' Grounds for attack are similar to protests made by heart attack organizations recently on the basis that film slanders unions.

As part of its campaign, Transport Workers threaten to advise all taxi drivers and transportation employees who have taken part in a demonstration at theatres showing the film. Austin Hough, union president, has demanded that Barney Balaban withdraw the picture from all theatres.

Jerked in Wis. Capital

Following protests from labor groups, the Capitol here jacked 'Our Leading Citizen' after only one day last week.

SAM MORRIS' HEART ATTACK IN BRAZIL

Sam E. Morris, head of Warner Bros. foreign department, suffered a heart attack while in Rio de Janeiro just before he was to sail for Buenos Aires to hold a Warner Bros. meeting in Argentina. Instead, Morris is sailing for New York today (Wed.).

Warner Bros. executive was reported in poor health several months ago before he left the U. S. for Rio.

Ups in New Chi Dicker

Motion Picture Chicago, Sept. 5. The union here is going into negotiations with the theatre owners on a new scale for the coming year.

Operators are asking for a 10% increase in addition to the return of the 5% cut which they agreed to for the past year.

Figured here that the first agreement will be based on the basis of the return of the 5% slice.

Tourneur's 'Ol' Sleuth

Hollywood, Sept. 5. 'Dick Carter' does his gumshoe work at Metro under the first name of Jacques Tourneur, who has been piloting shorts on the same lot. Tourneur recently was reported from briefs to features in 'They All Come Out.'

Four Under Gun at 20th

Hollywood, Sept. 5. At 20th-Fox, four pictures are lined up for a simultaneous start on Sept. 11.

'Start' consists of 'Daytime Wife,' 'The City,' 'Everything Happens at Once,' and a Cisco Kid story still untitled.

BIG RKO AND U BACKLOG FOR PALACE

Chicago, Sept. 5.

Release schedules of RKO and Universal exchanges have been jammed considerably by the five-week layoff of the RKO Palace, downtown showcase for U and RKO films. Backlog of both of these distributing offices here now includes some dozen pictures and it has been practically impossible for the Palace to play off this over-supply of product.

It is noted that Universal has already begun to take away from the Palace despite its non-release agreement, and when the RKO exchange is ready to negotiate for earlier releases in Balaban & Katz downtown houses.

Universal made the first step last week when it closed a deal to show 'Under-Pup' in the B. & K. Roosevelt instead of waiting for playing time in the Palace. Universal also has on hand three or four pictures for the Palace as it is and is going to speed up the release of 'Tomorrow Comes' and the new Durbin picture. RKO has already 'Fifth Avenue' here in addition to a couple more.

Palace in order to press pictures through the grinder under two different pictures during the two-week run of the 'Folies Bergere' unit, replacing by the next week with 'Stole a Million,' giving both RKO and Universal a chance on its screen. RKO has ready 'Fifth Avenue Girl,' but is being forced to hold that up for some time due to the fact that the other Ginger Rogers picture, 'Bachelor Mother,' is just completing a two-week stay in the house. It so happens that both RKO and Universal are picture-rich at the present time, and it becomes increasingly difficult to squeeze all these pictures through the single Palace outlet and give each picture its proper playing run.

Studio Contracts

Hollywood, Sept. 5.

Metro picked up Nat Pendleton's option.

Warners renewed Maris Wrixon's player ticket.

Lesser-Samuels inked writer deal.

Fred Niblo, Jr., scripter, signed by Metro.

RKO lifted John Twist's writer option.

Warners signed Howard Koch, scripter.

20th-Fox handed Hillary Lynn new writing pact.

Superior court approved Metro's minor contract with Bonita Grant.

Paramount renewed Madeleine Carroll's pact for one year.

Metro handled moppet contract to Katharine Aldridge's option.

David O. Selznick took up Alan Marshall's player option.

Katherine Aldridge's option joined by 20th-Fox.

Sen Yung inked player pact at 20th-Fox.

'Warner' handed Jerry Wald new writer ticket.

Metro signed Robert Planck for one year as chief camera-man.

Warners signed Robert Kent to a scripting pact.

Formal Statement of Agreement

Hollywood, Sept. 5.

Agreement ending the AAAA-IATSE dispute follows: The parties have been engaged in a controversy which seemed likely to tie up the entire industry. Realizing their responsibility to the members, the employers for whom they work, and the public, they have reached an agreement in settlement of the controversy. The points are:

1. In order to prevent a recurrence of the controversy now existing, the parties agree that the IATSE and AAAA will enter into an agreement similar to that existing between the IATSE and the American Federation of Musicians. It is recognized that certain changes will have to be made to make the agreement applicable to the AAAA. Subject to the consent of the AFM, the AAAA will participate in the agreement now existing between IATSE and AFM, with whatever revisions may be necessary to make the agreement applicable to the AAAA.

2. The IATSE recognizes the jurisdiction of the AAAA as heretofore defined by convention action and decisions of the executive council of the American Federation of Labor; i. e., that the AAAA has jurisdiction over all performers in the amusement and entertainment world.

3. The IATSE will concurrently revoke the charter heretofore granted to the American Federation of Actors.

4. The IATSE will forthwith notify its locals all over the United States that the organization and the only organization having jurisdiction over variety performers is the American Guild of Variety Artists and that such locals are to assist AGVA in every way, and that this assistance shall be mutual as between AGVA and IATSE.

5. All contemplated strikes arising out of the controversy shall be withdrawn. All litigation between the parties heretofore shall be dismissed.

6. The AAAA will cause all its branches to lift the suspension of Sophie Tucker and Harry Richmond.

7. Neither party in the future will invade the jurisdiction of the other.

8. AGVA will admit all present members of AFA to membership without payment of initiation fees and without discrimination.

9. The agreement is signed for the IATSE by John Gateale and for the AAAA by Kenneth Thomson, second vice-president.

Screen Playwrights as Arbiters On Film Credits; Other Guild Moves

KAINMANN IN TRUCE WITH ST. LOUIS UNION

St. Louis, Sept. 5.

A truce in the dispute between Clarence Kainmann, owner and operator of a string of North St. Louis theaters, and the St. Louis Theatrical Bunch, which was arranged by Circuit Judge Robert L. Aaronson and pickets were withdrawn from Kainmann and O'Connell's of Kainmann's nabes. The Judge, hearing testimony in a suit brought by Kainmann to restrain picketing these two houses, called a huddle in his chambers after C. O'Connell, vice-president of Local No. 1, testified that the pickets would probably be taken away if Kainmann would meet union execs to iron out the differences.

And indie theatre operators have set for Sept. 11 after Kainmann explained he was to be married Labor Day. Testimony in the suit brought out that Kainmann, who employed members of a union affiliated with ticket takers and ushers, had been paying the union dues until Aug. 1, when he ceased making them and 15 members of the union were suspended for non-payment. In his suit Kainmann charged the union with hiring shirke standstills whom he didn't meet. Newlin denied this assertion.

Me and the Missus

Hollywood, Sept. 5.

One picture together annually, regardless of their separate engagements, is the plan of Charles Laughton and his wife, Elsa Lanchester. Their next combination will be 'The Admirable Crichton.'

Katharine Cornell is currently in 'Hunchback of Notre Dame' at RKO.

McCrea for 'Arizona'

Hollywood, Sept. 5.

Joe McCrea, the male role opposite Joan Arthur in 'Arizona,' was a high-budget Technicolor picture which rolls on location near Tucson Sept. 11.

Producer-director Wesley Ruggals is making tests of his principals against adobe background at the studio.

MOORE IN HALL'S SPOT

Hollywood, Sept. 5.

Clayton Moore stepped into the star slot in Edward Small's 'Code of Pagan Pago,' replacing John Hodi, originally named for the role.

Picture rolls Sept. 15, Charles Vidor directing.

Hollywood, Sept. 5.

Screen Playwrights are no longer potent in deals between writers and major studios. This fact was brought out in the Screen Writers Guild complaint hearing before the Federal Labor Relations Board. High-salaried scripters and agents testified that new contracts are being made without any reference to settlement of screen credit disputes by SP.

Sherridan Gihney was one of the writers who delivered testimony that he doctored a script for Paramount without the SP arbitrating clause. Ferdinand Reyher and Leonard Lee said they objected to the clause in their contracts. Allen Simpson, with the Leland Hayward agency, testified that he did not know of any incident on its insertion. Hearing closed with attorneys being granted two weeks to file written briefs or to present arguments before the NLRB in Washington.

Gifts Tabu

Gifts by extras to directors or production execs were banned under a new rule approved by the board of directors of SAG. New deal was also endorsed by the Unit Managers Guild.

Wage tilt of 25% for press agents when working away from the studio on commercial assignments was provided in the new clause in the Producer-Screen Publicists Guild contract.

Screen Actors' Guild for 25% lift in pay for work on location.

Joseph Morgan, president of Screen Actors Guild, is up for reelection at the annual ballot Oct. 1. Others McGough, Robert Montgomery, George Forman, James Cagney, 1st v.p.; Joan Crawford, 2d v.p.; Edward G. Robinson, 3d v.p.; Paul Harvey, recording secretary. Eleven nominees for the board of directors are: Joan Crawford, James Cagney, Joan Garfield, Frank McHugh, Robert Montgomery, George Murphy, Irving Pichel, Elizabeth Risdon and Dorothy Tree.

Cartoon film editors were excluded from jurisdiction of the Screen Cartoon Guild in an agreement signed by George B. Searles, president, and Leonard S. Janofsky, counsel of the Society of Motion Picture Film Editors.

Charles H. Carr, special assistant to S. Attorney General, questioned the role of 16 actors on tax questions and charges of racketeering in the film industry. Carr is preparing to lay evidence before the Federal Grand Jury about Sept. 15.

Exhibit Views on the Code

Cross-section of exhibitor views on the demise of the film trade practice code brings to the front several expressions of opinion that the forms and modifications in distributor-exhibitor relationships will be the subject of state and national legislation during the coming months.

Prospect of delays in putting the code into effect through the channel of pending anti-trust legislation, and subsequent appeal motion, prompts several theatre operators, in letters to VARIETY, to urge legislative action as a more speedy remedy.

On the other hand, there is ample proof of the disappointment in exhibitor circles that the trade practice code, or at least its major provisions covering traditional essentials against forced selling of shorts, has been placed on the shelf, as result of Thurman Arnold's opinion that the code would invite Government prosecutions under the Sherman act. As head of the anti-trust division of the Department of Justice, Arnold stated that any code which was practiced on ownership and operation of theatres by major producer-distributors could not find support in this department.

Concurrently, exhibitors are suggesting that distributors, individually, follow the lead of Warner Bros. and incorporate into prevailing new season contracts the major concessions contained in the code. It is the belief of exhibitors that the companies incur no liability if they act separately. Recent exhibitor code was as follows:

'Foolish' Code Was OK

Cuthbert, Ga.

Editor, VARIETY:

I was so positive that the Code would be placed into effect for the current season I bought product accordingly and now under conditions I am left with 20% too much film.

I would like to see the producers voluntarily put into effect all the concessions in the code and so immediately so all could receive some benefit from now on.

M. G. Lee.

Never Believed In It

Jacksonville, Ill.

Editor, VARIETY:

I personally never had the slightest confidence in the code. I never believed that it would be approved, or that the exhibitor would derive any benefit from it even if it were approved. Therefore, its rejection will mean very little to the exhibitor who may have a stake in it.

S. E. Pirie.

(Pittsfield Circle, Theatres.)

Cass Suspects Manipulation

Sumner, Ia.

Editor, VARIETY:

The Cass Theatre Circuit is in no way favorable to the proposed code of fair trade practices as submitted by the major producers. Regardless of any code they would put in practice by agreement with individual exhibitors, it would be, in our opinion, manipulated and used by them only as far as it suited their interests, regardless of any agreements. This has been my experience with them in the past thirty years. If the NRA code had remained in force, very few small-town exhibitors would now be in existence. If the Government suit is indefinitely continued the only way the small-town exhibitors can get relief is to concentrate on legislation, for the major producers, in my opinion, will never voluntarily give up their stronghold.

J. F. Cass.

(Cass Theatre Circuit.)

Sorry to See It May

Albany, N. Y.

Editor, VARIETY:

U. S. Attorney Thurman Arnold has rejected the draft of the film industry's proposed code of fair trade practices. I am not sure whether I am appointed in this rejection; however, I will not keep up from putting the code into operation. I do not think as a legal proposition it would prevent any single distributor from putting the code into operation, if he desires to do so.

My opinion is that Mr. Arnold's action here would be immediately given to the several distributors if they entered into an agreement with the exhibitors to put the code into operation, for this might mean a conspiracy under the Sherman act, but certainly it could not apply if each individual without any agreement or concerted action on the part of other distributors would put the code into operation as a part of its selling plan.

I do believe there are great many advantages both for the Distributor and the Exhibitor combined in this code. I think such a code should be put into operation and I would have a tendency to favor a better understanding of it.

(Continued on page 15)

Now the TMAT May Jazz It Up

With actors-stagehands contest settled and the intended strike called off, it proved a relief to managers, but Broadway may be caught in the middle again over further union squabbling. Theatrical Managers, Agents and Treasurers union is burning because the stagehands chartered its treasurers group and threatens to shut down the point of appearance complicated since TMAT is not affiliated with either three. TMAT may not await action until the American Federation of Labor decides if it has jurisdiction over theatre.

Gustav A. Gerber, counsel for the union, was of the opinion that the 'id might blow off Thursday' (7), unless the situation eased up. TMAT shortly appears in the legal session.

LEGAL ALTERNATIVE

Failing thus far to persuade Thurman Arnold to reconsider his crucial views concerning the trade practices code, this method of governing the relations of distributors and exhibitors is now believed to be as dead as similar prescriptions of the past, including the NRA with its clearance and zoning boards; the S-3 conferences; the 2-22 behind that change the Federal Trade Practices Pact of about 12 years ago, and the Film Board of Trade's compulsory arbitration.

Being no nearer a solution of its internal problems, the industry now is turning only through the legal action of distributors or through legislation affecting the sale and exchange of film, as more practical means of operating the arbitration machinery was concerned, the distributing company would gamble on litigation and legislation, it is known.

Since Arnold decried his crushing blow to the code by declaring it illegal and threatening action against it, the distributors sought to get him to change his mind. The distributors' code-negotiating committee for two weeks, and none is reported forthcoming at the moment. William F. Rodgers, spokesman for the distributors, who was out of town last week, returned to New York Friday (1) but issued no statement and went away over the holiday weekend.

The belief in some major circles is that 'appeasement under a policy that would suggest the distributors are about reform, may be suddenly expected through independent action by the sales managers in a direction similar to that taken by Warner Bros. three weeks ago. The probability that enlarged cancellations, elimination of shorts, charges rather than their consolidation into film rentals, and other policy changes, is based also on the assumption that any such concessions might have the effect of slowing down the U. S. anti-trust suit and others, plus legislation.

20% Looks OK All Round

The sales manager of one of the major distributors is quite possible that all companies would be willing to grant a 20% cancellation, on a basis of the Warner Bros. In the end usually the average company ends up in that position after several cancellations, plus adjustments, reductions, revision, etc. This distributor's spokesman declared that he would not make a 20% cut. He stated that his company is ahead of sales for 1939-40, as compared with the same time a year ago.

There is considerable doubt concerning a complete follow-through by all companies with respect to the proposed Brownlee-Egan agreement on bracketing, particularly the distrib that does not have theatres of its own. The distrib, however, may test certain pictures in which it is doubt if left before deciding its percentage value and allocation.

Entrance of Bioff Into the Actors Vs. Stagehands Credited for 11th Hour Settling of Probable Strike

SAG's Salute to Bioff

Hollywood, Sept. 5.

Appreciation for his part in bringing to an end the AFAA-IATSE controversy was expressed in a letter yesterday, addressed to William Bioff, the sonnel rep on the Coast of George E. Brown, IATSE prez, from Kenneth Thomson, exec secretary of the SAG. It said:

Dear Sir:

The industry has been informed that you have felt the best interests of the amusement industry will be served by prompt and conclusive settlement of the matter now threatening the economic welfare and affairs of membership of the IATSE and AFAA.

Through the intervention of AFL officials, your services were made available to the industry and a just and equitable solution of existing differences has been effected.

Because we feel that industrial peace and harmony are essential at this time and should be paramount to all other considerations, we are glad to assure you that assistance you rendered is appreciated by the AFAA.

By Kenneth Thomson, Executive Secretary.

Hollywood, Sept. 5.

General tieup of the entertainment industry throughout the nation, which threatened into it was within a hair's breadth of reality during the holiday weekend, was averted by the entrance into the picture on Sunday (3) of William Bioff, personal representative in the IATSE of its president, George E. Brown. That was arranged by Matthew Wolf, American Federation of Labor vice-president, who had been approached by major film company executives.

Bioff was responsible for the agreement between the IATSE and AFAA which removed the guideline hanging by an all too slender thread over the head of films, legit, valid and every other branch of show business. The strike calls issued Monday and Tuesday were immediately cancelled following the settlement.

By the agreement, the IATSE recalled the charter it had issued to the AFA. In turn, Equity, the Screen Actors Guild and American Federation of Radio Artists, members of the Four A's, lifted the suspensions they had meted out to Sophie Tucker, AFA prez, and Harry Richman, v.p., for accepting the charter, freeing Miss Tucker to appear in "Leave It to Me" in New York Monday night (detained further in the legit dept.).

AFAA further agreed to accept all members of the AFA into the American Guild of Variety Artists, which it chartered to succeed the AFA when it lifted its tleket to do business earlier in the show biz conflict. Included among those eligible for AGVA, it was explained, is Ralph Whitehead, AFA executive secretary, whose position and role in theatrical unionism was one of the major points in dispute. Whitehead will now be eligible for election as an officer of AGVA.

Two groups agreed that there will be no payment of initiation fees or back dues. It was also agreed that the AFAA would become a member of the IATSE, which granted to the plaintiffs all the profits, as a result of the plagiarism of their play, "Disorderly Lady," by Metro Pictures Corp. Metro Distributing Corp., Loew's, Inc., and Culver Export Corp.

The circuit court had found that 20% of the net, or about \$106,000, was a fair settlement.

The application for a rehearing stated that the cases cited by the circuit court in its opinion show that the records indicate no evidence upon which appointment might be made. The court stated that even if the (Continued on page 16)

Rehearing Denied Sheldon Barnes in 'Lettie Lynton' Suit

The Circuit Court of Appeals in N. Y. yesterday (Tues.) denied a petition filed by Edward Sheldon and Margaret Ayer Barnes for a rehearing on the decision of the court, which ruled only 20% of the profits of 'Lettie Lynton' to them. Awards of \$87,000 and \$32,000 had been made respectively, which granted to the plaintiffs all the profits, as a result of the plagiarism of their play, "Disorderly Lady," by Metro Pictures Corp. Metro Distributing Corp., Loew's, Inc., and Culver Export Corp.

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Other Stories

Stories on the vaudeville-night club scene of the past few years. The IATSE settlement on Page 35 of this issue.

Legit aspects on Page 43.

Details of amalgamating the Four A's into the operating alliance which has existed between the IATSE and AFM for more than 25 years will be worked out at conferences between the two groups in New York shortly.

(Continued on page 18)

Soph's Spot

As the deadline for the strike approached, Sophie Tucker, whose suspension from Equity might have started the fireworks, became uneasy. She wanted to take the pans from a number of friends because her stand involved her OK as a member of the stagehands' grab of the actors. Jack Yellen, long her lyricist, offered to let her out in a night club, stating:

'Sophie, you should be seeking international lines. How in the world did you get mixed up in such a situation, with people who have nothing to do with your performance?' Soph mumbled that she had signed a paper with stagehands' officials to stick to the ousted AFA, but was not sure just what the contents were.

Sears Says WB's 20% Working Out OK for Co.

Vigorous selling by Warner Bros. and a policy of added concessions, including a reduction in rentals to 20% against higher rentals for 1939-40, has the company in a position where its close friends of the circuit possibilities to take. This includes both major and independent chains. The importance of the standing compares with 63% of chain possibilities at this time last year. (Gradwell T. Sears, sales chief of the company, also stated yesterday (Tues.) that since he announced the new sales policy for Warner, granting cancellations of 20% where the rentals average no more than \$100 an engagement, the volume in contracts including chassis as well as smaller independents, has more than doubled.

A list of circuits given out by Sears includes Fox-West Coast (National), although the details of the entire contract have not yet been worked out. Sears explained that Warner and National have agreed upon a deal in principle, but that its application to the various theatres involved may require several more weeks' time, is yet to be worked out.

Air Drills Come High

Hollywood, Sept. 5.

High cost of aviation drills boomed to \$200,000 a week for Warner Bros. from \$500,000 to \$750,000 at 20th-Fox. Picture is based on training of cadets for wartime air service.

Most of the scenes will be shot at Southern California airports, with Alfred E. Green directing.

OUTGERS 3 UP AT 20TH

Hollywood, Sept. 5.

Eight scribbles and three more in Fox lot and five others moved in under the revised personnel list. Executive producer, Edward Ziegler, John Tainter Pope, Eleanor Harris, Sonja Levien, Edward J. Magner, Ernest Pael and James Woolley.

Newcomers are Arthur Lewis, Ruth Fadden, Jesse Hilde, Hilda Vincent, and Frances Hyland.

Few newsreels in U. S. figure on labor.

Korda's British Chore.

London, Sept. 5.

The British government has named Alexander Korda producer of its propaganda films.

United Artists will distribute

Signed, Sealed and Del to the leading showmen in t



FIRST OF THE TREMENDOUS
COMPLETE AND WAITING
WARNER

ivered
he land!



1939-40 ATTRACTIONS AT FAIR AND SQUARE BROS.

BETTE
DAVIS • MIRIAM
HOPKINS
in
"THE OLD MAID"
GEO. BRENT
with
DONALD CRISP • JANE BRYAN • LOUISE FAZENDA
JAMES STEPHENSON • JEROME COWAN
WM. LUNDIGAN • CECILIA LOFTUS
Directed by EDMUND GOULDING
Screen Play by Carey Robinson • Based on the Pulitzer
Prize Play by Zoe Akins and the Novel by Edith Wharton
Music by Max Steiner • A First National Picture
JACK L. WARNER in Charge of Production • HAL B. WALLIS
HENRY W. BLANKE Associate Producer Executive Producer

Let's Go To Town!

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PRIZE BABY OF THE INDUSTRY

WE GO TO TOWN ON SPECIAL TRAILERS TOO!

Announcement Holiday Teaser
Tie-Up Merchandise House
Policy Trailers made with the same
care and thought you find in all National
Screen Products And Quick!



While M-G-M's magic wonder show "WIZARD OF OZ" winds up the 1938-39 season in a blaze of glory, the year '39-'40 has opened up with all eyes on Leo the Lion!

YOUR ITCHING PALM! **there's a fortune in it!**

We told you how the Previews of "THE WOMEN" and "BABES IN ARMS" created a furore! We pointed out that no season had ever yielded two such sensations to begin with. Now "NINOTCHKA" has been previewed . . . it is phenomenal! And "BLACKMAIL" and "THUNDER AFLOAT" have been previewed! They are smashing entertainments! Did we hear somebody say: "Pictures talk!"



Film Reviews

OKLAHOMA TERROR

(Continued from page 14)

at the outset, it finally straightens itself out and manages to get by, mainly on its abundance of battling sequences but they're few and far between. Too, the footage could be shortened to make it more compact by eliminating portions of the many chase.

It is written around the period right after the Civil War. Randall, captain in the northern army, returns west to find his father had been murdered and the area served by the stagecoach line which the father had managed in the grip of a band of outlaws. He and his pal Furzy (Al St. John) set about righting the wrong and acquire the support of local ranchers who are fed up with the gang's operations. In short order Randall and his vigilantes, helped by a man originally suspected of the father's death, who turns out to be the deceased's boom friend, round up the gang in one full swoop at the finale. The town's richest and most respected citizen was behind it all.

Virginia Carroll, formerly of New York, is the most attractive of the film. She can't make it do but that little is handled capably. St. John, comedian of old gigs in a few laughs.

FIGHTING RENEGADE

Vigorous release of Sam Kantam production. Features Tim McCoy, directed by Victor J. Rott. Released by Columbia. At Central, N. Y. sheet, \$1.00. At 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000.

Tim McCoy, disguised in a Mexican bandit—de best damn caballero role, pretty familiar stuff by now, attempts to dress up western bad man formula by cloaking the proceeding in a pseudo-scientific expedition to recover museum relics from Indian burial grounds. Idea had possibilities. Writer has managed them so badly, however, that final result is nothing more than the usual roundup of band of desperados and killer. There's the rising and shooting action of sorts, but nothing to set apart from any ordinary interest for action fan houses.

McCoy, long hunted as the suspected murderer of museum expedition leader, turns up in disguise as El Puma, feared leader of the Hood type, when the new expedition arrives to take on where the old one left off. Head of expedition in which daughter of the murdered scientist has joined, to find her father's murderer, is a crochety unreasonable character, played by Forrest Taylor. He falls foul of a hiring of the real killer, Ted Adams, who sticks a knife in the professor and arranges blame to fall on El Puma. From there, the action on three-way manhunt between the Pumas, Adams and sheriff's posse ensues. At the end of the trail, where relics and gold are cached, El Puma finally gets his man and clears his name.

Redeeming feature of this western is its magnificent canyon and boulder backgrounds. Cameraman has handled scenic effects with good composition. McCoy, for the most part, is unimpressive despite his strutting caballerito interpretation. His work lacks the vigor and hard scraping qualities expected of western heroes. Joyce Bryant, the female lead, is a looker but needs more experience. She has possibilities.

GIRL FROM RIO

(WITH JINGS)

Musical release of R. B. Dyer production. Features Marjorie Reynolds. Directed by Lambert Hillyer. Original screenplay by Milton Haskin, John T. Southern. Music by Paul J. Smith. Released by Columbia. At Central, N. Y. sheet, \$1.00. At 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000.

Slow-paced arson and stamp-collecting racket mystery with fair entertainment and production values. Leads heavily on singing talents of Marjorie Reynolds. To exploit her vocal accomplishments, lending distinction to an otherwise flat story. A dual entry, Planned as a musical western, American warbler, Movia is called New York to extricate her brother from a scrape. Circumstantial evidence has involved him in arson and murder. Convinced of his innocence and aided by her American sweetheart, a newspaperman, Warner Hall, she obtains employment in Clay Cle-

ment's Condor Club, hoping to get the necessary evidence. Working with her are insurance company investigators who are trying to pin the goods on Clement, suspected of having caused some of his previous night club ventures to go up in flames, later collecting for loss of valuable stamp collection. Movia is exposed as the accused boy's sister. Converted in Clement's office, she uses latter's own gun in self-defense. Tracer bullets in weapon set another fire and furnish clue to Clement's arson motive. Hull and insurance men arrive in the nick of time.

Director Lambert Hillyer has given Movia every advantage to shine in the footage and flashy costuming. Actress furris in a nice performance and will hold audience interest with her rendition of "The Burro Song," "Romance in Rio" and "Daddy Mine." First two numbers fit into the Latin atmosphere suitably. The "Burro" piece serving as the thematic music throughout.

HEARTBEAT

French M. P. Cine production and release. Features Jean Demais and Jean Servais. Directed by Marcel Pagnol. Screenplay by Marcel Pagnol from novel by Jean Giono. Music by Vincent Sordani. Released by Progression Sound. N. Y. sheet, \$1.00. At 10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210, 220, 230, 240, 250, 260, 270, 280, 290, 300, 310, 320, 330, 340, 350, 360, 370, 380, 390, 400, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, 610, 620, 630, 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 790, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 910, 920, 930, 940, 950, 960, 970, 980, 990, 1000.

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Right now!

**3 BIG RKO RADIO SHOWS ARE
PLAYING PREFERRED TIME,
HOLDOVERS, FROM PRE-RELEASE
TO SUBSEQUENT RUNS!**

BACHELOR MOTHER

An absolute cleanup in the key spots . . . Holdovers everywhere . . .
Now sweeping the subsequent runs to unprecedented business!

IN NAME ONLY

Just opening in first runs from Coast to Coast—and every opening
another smash prelude to big holdover business!

FIFTH AVENUE GIRL

Finishing its second sensational week at Radio City Music Hall . . .
the third in a row in that charmed circle of \$100,000 honeys! . . . All
set for the pre-release sweepstakes this month!

and note this!

**FOR SEVEN WEEKS DURING THIS HOTTEST
OF SUMMERS RKO RADIO MUSIC HALL
GROSSED WAY OVER HALF A MILLION
ON THESE THREE SHOWS . . . AN AVERAGE
OF ALMOST \$90,000 A WEEK!**

THAT'S

The Kind We Mean When We Say BIG ONES from RKO RADIO!

Chain Income from Time Sales

GREEN CALLS OFF IMPORTANT TIME SIGNAL DEALS—Ford Dealers Shelve High-Budget Campaign—Boom Times Expected, However, Following Initial Uncertainty

WJR, Det., Bans Anti-Coughlin Talk; Also Miffs Gov. Dickinson of Mich.

Green Calls Off Important Time Signal Deals—Ford Dealers Shelve High-Budget Campaign—Boom Times Expected, However, Following Initial Uncertainty

New NBC Curiosity

NBC news room has been asked the news of the network's guided tour through its plant in the RCA building. The rubber-nuders can now look through the glass surrounding the room and watch the staff ripping the sheets from teletype machines, editing the material and passing it on to newscasters and commentators.

The payee herds had for days been asking the guides about the latest broadcast reports on the European situation, until the network decided to include the newswoman in the tour.

Detroit, Sept. 5. Flock of accusations and censorship split the ozone here last week, with WJR on one side and, turned down, the anti-Coughlin speech and Gov. Dickinson's message on evils of dancing.

First of all was WJR's cancellation of an anti-Coughlin speech, scheduled to be given Wednesday (30) by Rev. Walton E. Cole, minister of the Unitarian Church, Toledo, and sponsored as first of series by the Unitarian Fellowship for Social Justice, founded in 1908. WJR officials announced only that the talk contained an attack on Father Coughlin and it is entirely out of accord with policies of WJR.

Despite the short notice, the Rev. Cole gave his talk on schedule, over CKLW and an indie hookup, blasting Coughlin as a "Nazi warmonger" in a week he sent a protest to the FCC asking commission to have WJR give equal opportunity for the expression of both sides of controversial questions, or that its license be revoked.

WJR's originating station for Father Coughlin's regular Sunday afternoon speech aired over indie hookup of about 50 stations.

Rev. Cole declared that WJR officials previously had objected to broadcasting an analysis by Rev. Cole of the controversial issues raised by Father Coughlin. "However," it was said, "the manuscript was approved a week ago as to libel by William A. Ailes, WJR attorney, but the fellowship was advised last Tuesday (29) that Rev. Cole would not be permitted to give the speech."

Gov. Dickinson Burns
In the Dickinson case, a mysterious someone blue-painted WJR's attorney's proposed speech Sunday (3) on the evils of modern dancing and stirred up a mob of anti-Coughlin newspaper editors. Dickinson, who was waging a campaign to drive prohibition liquor to shorts on boy scouts, promptly became indignant when he noted decisions of some of his frank talk on the sensual perils of check-to-check hoofing under soft lights.

WJR officials denied altering a word in speech; so did Aircasters agency and the League. As result of a little war over "who-dunnit," WJR announced later in week that it would carry governor's talk verbatim as Rev. Cole on WEVD, N. Y.

Rev. Walton E. Cole, minister of the Unitarian Church of Toledo, obtained time from WEVD, N. Y., for a radio address on a similar attack on Father Charles E. Coughlin for his "race hate propaganda" last Saturday.

The Unitarian clergyman made no mention in his broadcast of his difficulties with WJR, Detroit.

ATLANTIC TO AIR 191 GRID GAMES

Philadelphia, Sept. 5. The Atlantic Refining Co. will sponsor the broadcasts of 191 football games over 74 radio stations, setting a record for grid airings.

The program includes the complete home schedules of 27 colleges along with the Penn State-Cornell games; the Pitt-Carnegie tussle; Army-Yale, Duke-North Carolina, Florida-Alabama, and California-Georgia Tech, and Boston College-Holy Cross.

'14-'18 COMPARISONS

Business of commercial broadcasting, is expected by agency circles to be unfavorably affected by the European war. The prospect as agency men see it, is a brief period of uncertainty and confusion, as manufacturers seek to readjust their marketing situation. After that, it is predicted, there will be an individual boom, with advertising participating in the fruits.

Where agencies anticipate the first reaction is spot broadcasting, where the commitments aren't, as a rule, anything as long-ranged as the network broadcast. A sample of this became evident to the trade last Friday (1), when Gruen cancelled some of his important time signal deals. Gruen imports the works for its product from Sweden and the U. S. from England, and is hoping that the war that its materials from that source won't be curtailed before it can make any further spot obligations. Another case in-point was the shelving of a big-money spot campaign by a group of Ford dealers. Proposition was all set when word came through Friday that the European situation made it advisable to act temporarily. (On the other hand, reports are current that some auto makers will prefer spot broadcasting because of its flexibility.)

Not Hopeful
The networks, with fingers crossed, are hoping that their customers who are dependent on European materials will be able to get adjusted quickly so that they won't find it necessary to exercise cancellation privileges, which usually come four weeks before the end of each 13-week cycle. About the only thing present advertisers on the air are worrying about is the tough going mail offers in either network or spot programs are bound to get during the constant interlarding of the schedules with war reports. The mail offer age accounts for a considerable portion of radio business, and the advertisers feel that the turmoil and intense excitement deriving from such war broadcast are conducive for a proper psychological frame of mind as far as mail offers are concerned.

American agencies with branch offices in London and Paris expect to be the first to feel the effects of the war, particularly where the latter have been actively engaged in placing programs on French radio and Radio Luxembourg and Radio Normandy. Fear is expressed in these agencies quarters that the French government will, because of the war, deprive Radio Normandy station of its license, but it is hoped that express and mail transmission between London and Luxembourg won't become so difficult as to discourage continued use of super-water. Agencies that have been active on the Pacific are J. Walter Thompson, Erwin, Wasey & Co., and Lord & Thomas.

Interesting though academic insight into the affect that the present European conflict may have on American advertising perhaps can be deduced from the Media Reference figures for the fiscal year 1938-39. There was little difference between 1913 and 1914, but as soon as war munitions and other goods came on line, in the United States had a business boom, with advertising also going up. On the other hand, after the United States (Continued on page 32)

ROBINSON CHIEF TALENT BUYER FOR Y. & R.

Hubbell Robinson, Jr., formerly production supervisor, has been named chief talent buyer for Young & Rubicam. Under the agency's radio department setup for the 1939-40 season as set up by Tom Harrington, No. 1 man of the department, Tom Lewis, as manager, will have charge of all program production, dividing his time between New York and Hollywood.

Adrian Samish, Bob Welch, Jack Van Nostrand and Carol Irwin have been designated production supervisors and they will report to Lewis. Van Nostrand will head West Coast organizations, while Mrs. Irwin will supervise the daytime programs. Robinson will be assisted in New York by Tom Everett and Harmon Nelson and on the west coast by Joe Stauffer, manager of the agency's Hollywood branch office. Terry Lewis will continue as story editor in charge of scripts and writers, and Fred Wile, Jr., carries the title of assistant to the radio director.

HENRY, JR., TOPS NAB BUREAU OF ADVERTISING

Washington, Sept. 5. Samuel J. Henry, Jr., former production manager for World Broadcasting, takes charge of the NAB bureau of radio advertising, created several months ago to plan and coordinate broadcasting industry in competition with other media. Went to work last week.

Before joining the trade body, Henry, a Brown U. graduate, worked on the Washington Herald, wrote copy for Cecil, Warwick & Cecil agency and for CBS and was a local newspaperman.

NBC Moves Blue Net Affiliate Confab to Chi

Meeting which NBC was to hold in New York last Tuesday (29) with the blue network affiliates has been put off to Sept. 12, with Chicago the spot.

The figure that since these same stations were slated to attend the special convention of the National Association of Broadcasters in Chicago in Sept., they could not save the expense of making a trip to New York.

CBS Aug. Billings 64% Over '38; NBC Ahead 12.6%, Mutual 24.7%

Columbia's time billings last month took a jump of 64% as compared with August, 1938. The increase for NBC was 12.6%, while Mutual showed a tilt of 24.7% over the same month for the past month was \$2,337,376. NBC got \$3,312,570 and Mutual, \$205,410.

Comparison of the accumulated billings for the first eight months of this year with those of the like period of '38 shows CBS up by 17%. NBC's margin is 8.4%, while Mutual is ahead 22.5%.

In August of last year CBS grossed \$1,423,865, and NBC, \$2,941,099.

NAB NIXES FREE RADIO PIC PLUGS

Washington, Sept. 5. Relations between films and radio were strained further last week when the National Assn. of Broadcasters indirectly cautioned sponsors to reject free time proposal of agency promoting a new RKO picture. At the same time, curbs were put on proposition offered stations by Ringling Bros.-Barnum & Bailey Circus.

Asserted time chiseling was revealed through publication of correspondence in which the National Assn. of Broadcasters, headed by Arthur L. Sponberg, of KFPY, Spokane, who tartly told Ringling-Barnum-Bailey heads that broadcasters don't reason about victims of discrimination. Whenever outdoor shows come to town, Bright lived they buy newspaper space but look for charity from radio.

Ackerman East

Hollywood, Sept. 5. Harry Ackerman has been transferred east by Young & Rubicam to produce the Kate Smith program. While here he handled Al Pearce and Gulf-Screen Guild shows.

EXTEND WRIGLEY-RKO TIEUP ON LASKY SHOW

Decision was reached yesterday in Chicago at conference of Wrigley and CBS execs to continue the affiliation with RKO on new Gateway to Hollywood series. Format of the program remains unchanged and scouts for Jesse Lasky will beat the bush for talent to be used on the air show in competition for RKO contracts. Surviving boy and girl of 13-week elimination process are to be featured in a picture, similar to picture "Career and Girl". Deal had been in negotiation to tie up with Warners this fall.

Hill Blackett in Chi On Reput. Campaign

Hill Blackett, of Blackett-Sample-Hummert, met with a group of radio reps in Chicago the middle of last week to form a plan for the Republican presidential campaign for next year.

Among others, the meeting was attended by John Henry, formerly g.m. of Central States Broadcasting System and now with the Republic Bluffs, Iowa, Nonpareil, news sheet.

Blackouts for Texaco

Hollywood, Sept. 5. Texaco will borrow a stage trick, blackouts, for the first time in next season's program from here.

Producer Ed Gardner is auditioning all available comics and scrutinizing material. Ken Murray presides over the local half of the hour petrol show.

Neutrality Impossible?

Network executives declared Monday (4) that while neither resolves their organizations may have made to maintain neutrality in the talks with domestic commercial stations, both commercial and sustaining were seriously undermined by the torpedoing of the steamship Athenia off Scotland Sunday (3). The reactions and sentiments of the public, these executives pointed out, are to be reflected in the work of the commentators, regardless of their underlying attitudes at objectivity.

As the networks see it, they have never been faced with a more timely dilemma, namely what it is in this country, the impossibility of strict neutrality over its facilities would not only be going against the public grain, but subject the networks to severe backlashes. The word censorship, proving, but a mild term in the approbrium. The networks on the other hand feel that it is their duty to stem the spread of mob hatred and prevent being used to cement public opinion toward America's entry into the European conflict.

Dorothy Thompson Cut Off St. Louis, Sept. 5.

KWK, local affiliate of the NBC-blue cut off the broadcast of Dorothy Thompson Thursday (31) in the midst of her discussion of Chancellor Hitler's address to the Reichstag. The station took her off the air just after she had attacked Hitler with thinking only of his own prestige and not the horror that might be caused his people by a general European conflict.

Robert Cowley, head of KWK, denied that the station's action had even any implications of censorship. He said that Miss Thompson's belief that Miss Thompson was expressing some personal opinions and that it does not seem, in view of the present tension in international affairs, that anything but reportorial matter would be in the public interest.

Mitchell, 'The Answer Man,' Gets Some Queries He'd Not Answered

At Mitchell, 'The Answer Man' (Wor, Newark (Provident Loan Co.)) has compiled another list of screwball questions received, indicative of the expense of radio's lunatic fringe.

Is Dixie Lee Crosby a blonde or a dark brunette? In many movie magazines her hair is very dark. If she is a blonde is her hair real blonde or is it bleached?

What do dreamy eyes look like? Stated on the radio that the Hawaiian Islands look like trees and mountains are over there. Please answer whether it is so.

Will you please tell me there's anything as an open enemy? How many bald-headed women are there in this country that wear wigs?

How many flowers of a potato plant produce tomatoes?

How many famous Hollywood stars have to wear wigs? I am interested in zoology. Please tell me if skunks make their female helpers work for them and if this intelligence or natural instinct?

Was the horse that Paul Revere rode when he went on his famous ride to warn the Minute Men a male or a female?

If a resident of New York, N. Y., has triplets born to them does the city, state or government award them anything?

How many baseball players are in the major leagues today that do not speak English?

Can you be married before getting engaged?

Is anyone buried at sea and if so, what in the cost and how would it be about arranging for a sea burial?

What is the difference in tonnage between morning and evening papers in the subway stations?

How many hot dogs are sold in the city and grill on the city side of 42nd street just off 7th avenue? Does the mandrake, a plant, scream when it is cut?

Has the silver dollar that Washington threw across the Rappahannock ever been found?

How did money come from the first? Is it true that waris come from frogs?

Is it true that in some parts of Massachusetts you are not allowed to walk in the street with your shoes untied?

Is it really true that there is a 'star' in the sky made by the Edison Company?

My friend says a wasp stings with its mouth. I say its stinger is in the back. Which is correct?

What size shoes, stockings, dresses, hats, coats, gloves and skirts does Sonja Henie wear?

Which state has the most litterbugs, and which two are second and third?

I hope to become a singer and my name is too short for my voice. I mean I would like my name to have a touch of Italian in it to fit my coloratura soprano voice. I have chosen Aureana Gatti-Cazazza for my operatic name. I know that Gatti-Cazazza was once manager of Grier and Phil Harris.

THE DOUGH RISES

Occident Flour Co. Increases Its Radio Appropriation

Chicago, Sept. 5. Occident Flour Company of Minneapolis is spreading its radio appropriation for this season, following a check with announcement last year on a flock of small stations.

This year it is upping to the more powerful stations including WCCO, Minneapolis, and WHO, Des Moines, on which the flour firm now sponsors a weekly quiz under the name of 'Kitchen Quiz.' It also puts a 15-minute, three-a-week sketch on WPAK, Chicago, under the name of 'Royal Vikings,' an informal musical program.

RADIO BRITONS' ON DIVERSION

London, Sept. 5.

With theatres and entertainment form of amusement enterprise dark, the British Broadcasting Corp. has assumed the gigantic job of diverting the United Kingdom's only diversion.

Even before hostilities were actually declared on Sunday morning the BBC began its list. It scrapped its existing program plan on Friday night and emergency schedules immediately went into effect. They constituted new programs, hour, linked by continuous programs of light music and talks, either on regular discs or special recordings.

While the programs of the first two days were not conspicuously different from the previous program, they were being modified to provide real entertainment. Orchestras, organists and other entertainers are being moved for studio broadcasts. Yesterday (Monday) a special listing of radio for the forthcoming week, running from 7 a.m. until past midnight each day.

All BBC transmitters, except the Scottish and North Regional stations, will be on the air Friday night. National coverage was maintained by these two only. Other national transmitters were being employed for Government work, including propaganda to Germany.

Live Talent, Production Spurt in Richmond, Va.

Richmond, Va., Sept. 5.

With WVA adding three new local live-talent shows to roster, number of such shows currently aired in this area hits an all-time high. Extent of production spurt is the fact that WVA alone has created seven new localizers within recent weeks.

Among them are two narration-dramatization half-hour shows called 'The Great Scripts and Production Effects.'

While not reaching the WVAV new show, 'The Great Scripts and Production Effects,' WMBG and WRDT have already increased total of their production efforts to 15 minutes a half hour. Increases. In addition to competitive angle, possibility of advertising agencies buying local live-talent shows this season is advanced as a factor in local production spurt.

Tums-Vitals Switch Ends Phillips' Squawk

NBC has got itself out of the tiddly spot created by the protest of Phillips Milk of Magnesia against having another similar medicinal product following it on Friday night Friday nights. The Tums' Pot of Gold show with Horace Heidt will be on the air Tuesday 8:30-9 p.m. span on the red link.

The Friday 9:30-10 p.m. period on the red link had previously been assigned to Tums but will not be taken over by the Vitals' session, For Men Only, which will be on the red Friday days from 9 to 9:30 p.m.

Chicago, Sept. 5. Tums' 'Quicksilver' program on the NBC Blue will increase from 15 minutes to a half hour on the show, based on riddles, is handled by the Kaster agency here and will be run by Hanson Shier and Bob Brown, of the local NBC artists staff.

War News Slats

Baukhage Caught Short

Washington, Sept. 5. Baukhage, NBC Washington commentator, to Berlin to be on hand for the blow-off resulted in a record in red tape. The State Department and various foreign embassies. Baukhage called at his home, around bedtime, 10 days ago and asked if he wanted to go to Europe, via the Yankee Clipper, next day. After only one question, 'What about my commercial?' Baukhage accepted.

Next day he camped 15 miles on the State Department steps to receive his passport, picked up French and Portuguese visas and was sped to the clipper base at Port Washington, L. I., in a chartered amphibian plane. Baukhage's down when the Clipper was detained 24 hours by bad weather after all the rush.

Baukhage will return after doing a two weeks' trick at the German capital of Berlin, where he will be replaced by the State Department steps in New York. He will resume his Washington assignment, which includes some commercials. Departure was so hasty that he carried but one piece of luggage and combined while linen cap with a toilet as a going-away costume.

Lawyer's Leg Work

Dither in which broadcast stations found themselves in attempting to cover all angles of the Washington war reaction resulted in reshuffling of assignments among the staff. Paul A. Porter, CBS Washington correspondent, dropped lawyering temporarily and became a leg man on the State Department beat. Nothing novel about the chore, as Porter was formerly a newspaperman.

Britisher's Freezaker

H. V. Kaltenborn's final comment from London on Tuesday (29) for Pure Oil was, as always, trenchant and personal. Conclusion to the spiel, however, was one of the most remarkable heard to date. For it left the impression that the speaker was not impressed by the English and their attitude of forbearance. While other commentators have stated similar feelings, Kaltenborn got his cooped in such semi-philosophical angles that he definitely made a mark and went several steps beyond the usual self-imposed limits of commentators.

Several of his remarks about the crisis bringing out admirable qualities in the English, that he mastered of that ill-fated crack Lymon Wilbur (Secretary of the Interior under Hoover) made about the depression: that he had one virtue in keeping people at home and enhancing family life. Kaltenborn's remarks about the crisis brought out several steps beyond the boomerang that flew back at Wilbur.

Also doubtful whether a bull-up of the British in such glowing terms is a desperate measure. It is a fact that the British had all the 1914-1917 later got a shower of dead cats, and were pointedly reminded that the British never did settle up what they owed the U. S. for the last war. In this Kaltenborn instance it wasn't just words he used, as the feeling and circumstances in which they were delivered. It definitely was going a step further than any of his colleagues in the matter of personal comment.

CBS Brags BBC

British Broadcasting Corp. and British NBC were the recipients of a gracefully-worded tribute for their 24-hour service and high efficiency during a CBS broadcast from London early Sunday morning (3). The tribute was a nice and smart gesture on the part of Columbia, apparently Edward R. Murrow, although there was no identification on either end. It came in the midst of frequent bulletins and transatlantics between the two networks. It was a tribute to the British for their courage and subsequent developments in England. Mikeman devoted several minutes to praise of BBC and BPO. He said that when the full story of the cooperation was known, it would be a masterpiece of light.

Apparently, miker said he was broadcasting from BBC's cellar because of an air raid warning, but before signing off he received word from upstairs that 'all was clear.' Unidentified plane proved to be a friendly one.

NBC's 2d Recording In His History

For the second time in its history, NBC on Sunday (3) broadcast a second look-up at the British Empire. The policy was to give a speech of Premier Chamberlain to the British Empire. The talk reached this side at 6:15 a.m., and NBC deemed it of such transcendental import that it was given by way of a special program. The previous deviation on this policy occurred in May, 1937, when NBC broadcast twice a recorded description of the Zeppelin Hindenburg's destruction by fire at Lakewood, N. J.

Mutual Buys to NBC

Practice of the news agencies and newspapers giving the networks credit for news bulletins has been common since the start of the European crisis, but for the first time one network gave another credit for news information when Mutual late Sunday night (3) quoted NBC as the source for the news about the torpedoing of the steamship Athenia.

Mutual Accepts Rap

Mutual quickly pulled away from German government's reproving finger from CBS' direction late Saturday night (2) after a Nazi broadcaster, in New York, had accused Mutual of being a German agent. The statement had originated from a New York source on this particular item, denounced by Mutual's broadcast by the Columbia Broadcasting System and printed by the N. Y. Journal-American, a declaration that was made in the name of a children's sanitarium in Poland.

Mutual's broadcast happened on the item while tuned in on German shortwave, and one of them immediately phoned the German consul in New York to advise him that the statement had been made in a broadcast by its Warsaw correspondent. The German consul was immediately checked with a story in the N. Y. Times. The Journal-American had credited WOR with the story and the German government's N. Y. source had apparently jumped to the conclusion that this was a Columbia outfit.

BBC Suspends Listings

British Broadcasting Corp. has suspended its listeners Saturday night (2) that it has temporarily discontinued all its overseas publications. Latter called the listing of British Empire programs and chatter.

Baxter Program Director For Youngstown's WFJM

Youngstown, O., Sept. 5.

John Holt Baxter, of New York, has been appointed program director for Youngstown's new station, WFJM. He will be assisted by a former Vallee radio assistant.

In that capacity he worked with the NBC artists bureau.

New Host for Holtz

Loe Holtz to do a guetter on the Alka-Seltzer show from Chicago. He will be on the air on the Rudy Vallee stanza Sept. 26.

Set by William Morris office.

'LOVE' TO TAKE UP HALF OF RUDY VALLEE TIME

Script show, 'Those We Love,' will be the second portion of the hour program. It will be a half hour. Vallee will be the Standard Brands commercial at the end of this month. He was formerly a radio host for Ponds, but has been off for 26 weeks. Scripted by Ann Ridgway it will be a half hour. Vallee will be before and subsequently the same cast.

Man's Family' will fill the first 30 minutes of the SB-sponsored hour.

WAR NEWS UPS OKLA. CITY BIZ

Oklahoma City, Sept. 5.

Sales staffs have noticed a pick-up in spot announcement business around the war news broadcasts. Practically every established news broadcaster on the situation, much has been sold and sponsors are crowding opportunities for spots against each other. Result: business is good.

However, continuity staffs have not been so scattered into tied-in on war news. Policies of stations have been to relay news only. Some have been to keep mum. A few larger stations have aired important personages as commentators on the situation. Some WKY here, which has been airing daily evening summaries and analysis of what's going on behind the scenes by Walter M. Harrison, managing editor of the Oklahoma City Times and Daily Oklahoman, who recently did an Associated Press article on the situation. Result: business is good.

Bandwagon on Coast

Hollywood, Sept. 5.

Fitch Bandwagon, which picks up four bands here for Coast origination of the program, is being followed by Harry Sornik, Jimmy Grier and Phil Harris.

FCC Suggests Curb

Washington, Sept. 5. A policy statement, suggesting officially that broadcasters exercise extreme caution in airing war news and check-rein interpretive commentaries, is being drafted by the FCC. Official explanation of the FCC position is expected within next 24 hours.

Chairman James L. Fly is working on reminder to licensees of their public interest obligations and probably will see the ultimatum at tomorrow's (Wed.) meeting, first since he has moved the throne. Meanwhile, Neville Martin, president of NAB, and Fly, discussed the radio situation this afternoon.

Various Government departments have been contending about radio, but industry leaders have been assured there is no thought of censorship at present. Suggestions from some administration sources that broadcasting industry promote to check all rumors and tips with State Department before microphoning have been rejected as undemocratic. Ailfude is to leave it up to the industry to use its own discretion, at least until station managers have shown their inability to cope with problems.

Discouragement of rebroadcasting foreign reports, particularly British Broadcasting Corp. news summaries, is in prospect. Subtle hints already are being thrown out that this practice is liable to have unpleasant consequences. No outright ban is anticipated, although NAB may make suggestions to members in friendly manner.

CURTAINING HEAVY NEWS BARRIAGES

Organizing Clearance of War Broadcasts on Set Schedule, But NBC, CBS and Mutual Won't Consolidate Forces—Huge Expense, Fear of Alienating Commercial Advertisers Prompting Restraint

PROPAGANDA EVIDENT

Shortly after President Roosevelt yesterday the proclamation of America's neutrality in the current European war, NBC, Columbia and Mutual rushed into a revision of their policies on war news coverage, with all three curtailing their broadcasts from Europe and eliminating anything that might be considered rumor bulletins.

NBC cut down the number of programs Europe is to report for each of its links (red and blue), shut down practically on all sustaining commentaries and limited its bulletins to factual stuff at stated intervals. Mutual did away with all European commentaries, excepting in cases where they indicate in advance they have something of great interest to the general public. CBS cut down its European news broadcasts and limited its bulletins to direct statements. CBS put the European section of its program in effect, H. V. Kallenborn will be confined to two periods a week except when required for unusual developments in the European situation.

American networks have already begun to exercise some restraint on the madhouse pace that they have been leading in since the European crisis came to a climax two weeks ago. NBC, Columbia and Mutual started working Monday (4) toward not only easing the bombardment of war broadcasts, but organizing the timing of such programs and bulletins on a set schedule.

Reasons which prompted this move were (1) the mounting huge expense to which this coverage was putting them, (2) the realization that indiscriminate overloading of the public ear in time produce a reaction that would do serious injury to regular listening habits, (3) the fear of alienating commercial clients by constant disruption of their programs, and (4) the need for easing up things for the network staffs before the winter crash. The strain of long hours and sustained excitement.

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Preparanda Seeping In
With the war scare rumors prevalent among the three webs as to the future operation of their commentaries, the managers of the three on one network declared Monday that he felt certain that within the next 48 hours to a week in large measure the airings of these programs (Continued on page 32)

CBC Schedule Back to Normal, Militia Guards Chain Stations; Name Walter Thompson Censor

NAB Launches Code

Washington, Sept. 5. Moves to set up enforcement machinery for the NAB code have been launched as result of the war excitement. Directors will huddle in Chicago tomorrow (Wednesday) to interpret declaration of principles and try to relieve some of resulting headaches.

Canadian Broadcasting Co. yesterday (Tuesday) advised its New York reps that it had returned to normal as far as its programming operations were concerned.

It explained that it would broadcast only war bulletins of importance at systematized intervals, and that its main purpose was again to entertain its listeners.

Censorship Starts

Toronto, Sept. 5. With declaration of war, every unit in the transcontinental station chain of the Canadian Broadcasting Corp. was placed under heavy military guard over the weekend, with extra precautions at the key high-power stations and the short-wave stations at which the company is maintaining radio communication with the British Isles through BBC.

Censorship plans for the Dominion were also completed over the weekend, with Walter Thompson named as Chief Censor. Former public relations head of the Canadian National Railways was chief press liaison officer for the government for a while. Telephone communication between Canada and England has already been restricted for official business.

Appointment of the Chief Censor followed a weekend conference of Cabinet officials and Major Gladstone took the week by the authority of the Governor in Council under the War Measures Act. It is understood that broadcasters will now submit particulars of all talks in advance for approval of the Canadian Broadcasting Corp. officials. In line with this ruling, news flashes and commentaries from the United States were restricted last week on private as well as government stations. In future, no talks will be aired before the war is declared by the CBC. Measure was taken to ensure elimination of talks of an inflammatory or alarming nature.

Some sources, not government, have taken exception to internal (Continued on page 30)

TIME MAG BUYS SPOTS TO CASH IN ON WAR

Because of the heavy listening percentage that radio was enjoying because of the war, the magazine decided suddenly last Friday morning (1) to go on the air that very day, (2) to buy advertising time on the radio, and (3) to place advertisements plugging its current issue, particularly the stuff on the war. The magazine is the department of B.B.D.A.O., agency on the account, engaging in a flurry of advertising spots on the radio, including station spots for available time and writing out the spot announcements for the stations. The business was placed with 34 stations.

Rush orders such as "Time" are rare for the business. The agency handling that type of case usually means a loss for a station rep and a rush order for the station itself as an accommodation.

IN NICK OF TIME

Lynchburg, Sept. 5. Unlimited hours and increase in power couldn't have come at a better time for WVA here. "Week after station went unlimited, war broke out and a 24-hour service was ordered. The station's war bulletins are sponsored by a headache powder firm and a bank.

All Philly Dailies Buy Spots, But Two Scribes Snipe at Radio's War News

Philadelphia, Sept. 5. Just when everybody thought things were hunky-dory between the dailies and radio stations, with every newspaper including the stogy Evening Bulletin buying spots for the time news, two of the city's leading columnists began taking potshots at the airwaves.

No one knows whether there is anything significant at the way The Record's Charlie Fisher and the Ledger's Don Rose almost simultaneously ripped into the way radio was reporting the war news. The radio exiles are openly resentful at the sniping.

Fisher, felled at the way vital war news was interspersed between programs. Rose the next day (3) applauded Fisher's attack on radio as "a good job of japing radio for its frantic efforts to act as public entertainer and bulletin board at the same time." Rose added:

"Its so-called news bulletins are disordered and meaningless as a madman's dream. They are pieces of a jigsaw puzzle which nobody has time to put together and which wouldn't make sense if they did."

Every newspaper in the city has purchased spot announcements following war news bulletins. Surprise to the industry was purchase of time by the conservative Evening Bulletin, which had taken radio from the outset. Daily now plugged over KWW and WCAU after each news flash.

WDAS plugs Ledger, Record and Daily News.

WWJ News System
Detroit, Sept. 5. With listeners protesting off-crept war news cutting into regular programs, WWJ Friday (1) set up its own news-vending machine, with the help of NBC and Detroit News, station's parent.

Instead of airing numerous NBC flashes, as they came from New York studios, WWJ is cutting discs of "em and then has Detroit News editorialists, experts on European situation, check up on bulletins and condense it into each hour on the hour, station airs condensed versions of the happenings, thereby avoiding the flood of European news bulletins appearing here for past two weeks.

By sending facilities to the news, of course, to any real news or official talks, which are thrown on air immediately. Station took ads in three Detroit papers, announcing its decision, and pointing out WWJ will give news every hour from 6 to 2 a.m. daily.

NAB Rookies

Washington, Sept. 5. Six newcomers have been admitted to NAB following the New York conference meeting two weeks ago. Rookies are KOYOB, Provo, Utah; KVGB, Great Bend, Kan.; KDRO, Durango, Colo.; WJHL, Johnson City, Tenn.; WMBG, Richmond, Va.; WAFI, Birmingham.

A Polish Victory

Joseph Lang, general manager of WHOM, New York, announced yesterday (Tues.) that the Morning Bulletin was scheduled to be indefinitely canceled, being replaced by a Polish Hour. Former has been on station for five years.

There are two other Polish hours also being broadcast. One was forthcoming from Lang or other official officials.

SULLIVAN FILES FOR EUROPEAN BACKGROUND

Louisville, Sept. 5. Paul Sullivan, WHAS news commentator, who starts on a series for Brown & Williamson tobacco over CBS Tuesday 24, flew to London Monday (4) for a two-week stay to gather European background. He was accompanied by his wife. Columbia's New York office has arranged for Sullivan to work along-side of Ed Murrow, chief of the network's London staff, and the former will likely participate in several hour-minute interview in his mike box on WCKY. Sponsored by the Brown & Williamson Tobacco Co., Sullivan has been newswriting on WHAS, Louisville, for several months, following his departure from NBC last week. With the time change he goes CBS network, simultaneously with WCKY's transfer from NBC to CBS.

Explains Change
Cincinnati, Sept. 5. Between plugging his name here Thursday (31), Paul Sullivan, news commentator, was the subject of a four-minute interview in his mike box on WCKY. Sponsored by the Brown & Williamson Tobacco Co., Sullivan has been newswriting on WHAS, Louisville, for several months, following his departure from NBC last week. With the time change he goes CBS network, simultaneously with WCKY's transfer from NBC to CBS.

L. B. Wilson, WCKY general manager, also had a part in the special program and stated that one of his chief purposes in making the network change was to return Sullivan's night programs to a Cincy station. **Deputy Leaving Hosp**
Percy Deutsch, head of World Broadcasting System, is expected to leave the hospital a part of time, leaving the hospital some of this week. He is located at the Markness Pavilion, New York. Had a siege of pneumonia.

NEWS LISTENING AT HIGHEST PEAK

Insofar as figures on listening compiled by the Cooperative Analysis of Broadcasting are comparable, there was approximately twice as much dialing to news of the current crisis as there was a year ago, when the Munich specter was in the air. On Sept. 28, 1938, the day before the Munich powwow, one out of every six programs reported as heard by listeners was a newscast. This year, on Saturday, Aug. 26, when the European situation was still calm, 33.5% of all program mentions were for news—in short, one out of three chances heard was a report on the crisis.

Elaborating on this angle, the current C.A.B. report states: "Between August 24 and August 29 news broadcasts covering this fall's crisis accounted for 18.7 of all daytime program mentions and 27.2 of all evening program mentions."

The report also shows that during the period covered some 30 episodes of sponsored daytime serials were omitted, to make room for news broadcasts.

OLD GOLD MAY GIVE SWING 1ST COMMERSH

Raymond Gram Swing, Mutual-WOR staff commentator, may get a sponsor. Lennen & Mitchell, agency for the Marlboro cigarette brand, includes Old Gold, Senation and Briggs, has the proposition to sponsor the deal would put Swing on a hook-up.

If Swing gets the assignment, it will be his first commercial. He has been on WOR for over three years.

Red 8-10 P.M. Stretch Up 5% in New Rates

New NBC rate card, issued today (Wednesday) and effective Oct. 1, shows an increase in the certain network time periods in the form of lower discounts. New system blocks hours 8 to 10 p.m. sector as a premium spot, and advertisers whose stanzas fall into this zone will get 12½% to give the clients who put New York time is used in current calculations and the lowered discount applied to rebroadcasts as well as the original air.

Of the 174 NBC stations, 16% have had their rates boosted, 10% have had them pared, and 74% remain where they were. Annual rebate meantime is increased from 10% to 12½% to give the clients who put up the summer hiatus a break.

Wally Shelden, player at WCAU, Philly, is making arrangements to have published a series of about a hundred comic cartoons of events behind the mike. He drew them in spare time between hours.

Flash... Flash... Flash...

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TRENDS

10 Years of Network Program Analysis
Specially Compiled by the Cooperative
Analysis of Broadcasting; with 39
maps and charts in color. Rural Radio
Survey.

ADVERTISING AGENCIES

Network Billings to Agencies.
825 Network, Spot and Regional
Sponsors.
Complete Details on all Major Advertising
Agencies.

MONEY

Full Particulars on How, When and
Where \$144,000,000 Was Spent for
Radio in 1938.

NEWS-PUBLICITY

Lists of Radio Editors and Their
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Trade Journals.
Fan Magazines.

PRODUCTION

Program Popularity Polls and Awards.
Programs Charted by Types.
Full Data on All Network Commercial
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PRODUCTION AIDS

Music Licensing Societies.
Popular Song Lists.
Adaptations of Plays, Books, etc.
Research Organizations.
Transcription Producers.

PROFESSIONAL RECORDS

Records on 5,625 Radio Artists.

PROGRAM TITLES

25,000 Names of Program Series.

STATIONS

Details on all U.S., Canadian, Alaskan
and Hawaiian Stations.

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Names of Sports Announcers).

TELEVISION-FACSIMILE

Complete Details on Radio's Two New
Arts.

Plus Unions, Networks, Law and Other
Timely Subjects.

1,352 Pages.

So it goes, all day long. One news broadcast after
another.

The present world crisis has made news broadcasting
tremendously important. The public turns to radio for spot
news, and the commercial value to sponsors of these news
periods increases accordingly.

The Variety Radio Directory, anticipating this interest in,
and demand for increased news broadcasting, contains the
only published list of regularly scheduled news periods for sta-
tions in the United States and Canada.

In the light of current world happenings, every sponsor and
agency in America turns naturally to Variety's exclusive com-
pilation for information about this field of broadcasting which
has assumed immediate and future importance.

Yet, important as these news broadcast periods are, they
are but an infinitesimal part of the valuable and usable in-
formation contained in the 1,352 pages of the new Variety
Radio Directory. Glance at the column at the left for an outline
of what you will find in your copy of the 1939-40 Variety Radio
Directory.

For immediate delivery order your copy of the Radio
Directory today from one of the offices or stores listed below.
Or mail the coupon.

CHICAGO VARIETY

54 W. Randolph St.

RANDOLPH ST. BOOKSTORE

54 W. Randolph St.

WRIGLEY BLDG. NEWSSTAND

MERCHANDISE MART NEWSSTAND

HOLLYWOOD VARIETY

1708 No. Vine St.

SATYR BOOK STORE

1620 No. Vine St.

G. SCHIRMER MUSIC STORES

737 So. Hill St.

NEW YORK VARIETY

154 W. 46th St.

BRENTANO'S BOOK STORES

586 Fifth Ave.

VARIETY RADIO DIRECTORY

154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY
(\$5 per copy; \$5.10 per copy in New York City).

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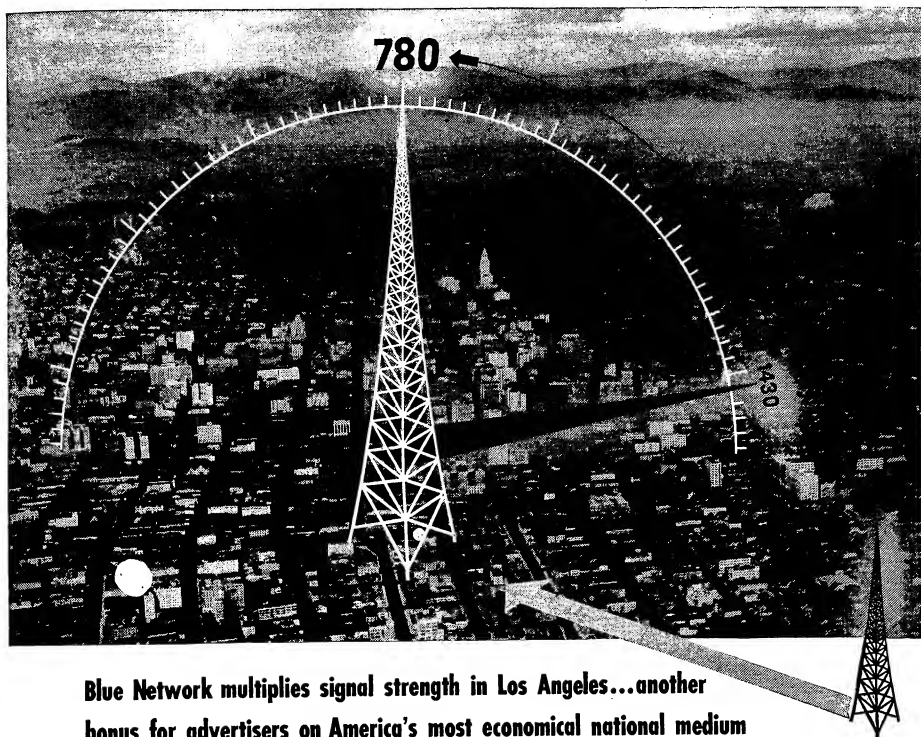
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THE INTERNATIONAL
BROADCASTING CORP.
NEW YORK

New Dial for KECA New Deal for ADVERTISERS



Blue Network multiplies signal strength in Los Angeles...another bonus for advertisers on America's most economical national medium

In Los Angeles . . . America's fourth largest buying market . . . listeners now tune in at 780 on the dial for KECA. And thousands of new families . . . rich and with three chickens in the pot . . . are brought in as added coverage by KECA's new transmitter location, nearer to the better residential areas.

This apparent miracle was accomplished by taking over KEHE's frequency and also its transmitter. A simple thing to do, but one which overnight reduced local competition for listeners, by eliminating one station, and at the same time combined KEHE's best features, as well as its habitual audience, with KECA's—thus opening up to Blue Network advertisers a much larger slice of Southern California's best buying market. Naturally, present Blue advertisers gain these benefits at once.

The famous Blue discount plan enables advertisers to "go national" on indeed a modest budget. Now at no extra cost Blue sponsors

may reach several hundred thousand additional homes in the country's fourth largest market. KECA's new frequency and transmitter location mark the Blue Network's most important improvement since the Blue discounts. For not only has it brought Blue advertisers a big circulation boost . . . but does so without costing one penny more.

This great national advertising medium . . . the NBC Blue . . . has its stations strategically

located to reach 95% of all radio families in America's major markets—and don't forget, too, it serves a goodly part of the small town and rural audience.

To sum up, you'd "Better Buy Blue" for topnotch coverage at lownotch cost . . . as so many other smart advertisers are doing. And there are some good evening time periods still open on the Blue! National Broadcasting Company, a Radio Corporation of America Service.

What happened when KECA's transmitter and dial position were moved?

Large increase in signal strength followed, notably in better residential areas. For example: In Hollywood area, Glendale, Burbank the new signal is 5 to 10 times as strong. In Wilshire section and Beverly Hills, 5 times as strong.

Southern area, including Culver City, Inglewood, Hawthorne 4 times . . . Santa Monica, including El Segundo and beach section 2 to 3 times as strong. Northeast area 2 to 3 times as strong . . . and in Pasadena area 3 times as strong!

"Better Buy Blue"

NBC Blue NETWORK

Inside Stuff—Radio

Tabulation of over 98,000 coincidental personal interviews on radio audiences in the Milwaukee, Indianapolis, Omaha and Columbus trading areas has been completed by K. B. Arrington, advertising manager of Omar, Inc., Omaha (flour and cereal), four a radio sponsor and a proponent of a national radio audit bureau. Interviews were made by 700 house-to-house salesmen of the bakery division of the company, completing the survey within a five-day period in each market. Results have been tabulated by days and by hourly intervals and divided by town and country areas. Survey was made by Omar, Inc. for its own guidance in station and time selections, but has been released to leading stations in the interest of factual and unbiased station coverage information.

John B. Hughes, newscaster, is being dropped by Brown & Williamson along with his CBS Pacific hookup, as a result of the contract that the same account has made with Columbia for the Paul Sullivan nightly newscasts, which will be on a cross-country basis starting Sept. 24. Another cause cited in the trade is the reported failure of CBS' Pacific division to carry out an understanding with the account. B. & W. bought Hughes on a three-time-a-week basis and it was understood that the regional will have him on another two days a week as a sustainer.

Howard Clancy's return to the NBC payroll, this time as a commentator from London, resulted from his being on the spot when there was pressing need for mike personnel. Clancy quit NBC's New York announcing staff about a year ago because of poor health. He went abroad and while there started studying art. When the Polish crisis broke he got in touch with Fred Bate, NBC's London rep, and the latter put him to work immediately. Clancy is past year announced for numerous major commercials.

Tommy Smith Radio Prof at Temple U.

Philadelphia, Sept. 5. The first radio course by a major college in this area will be offered by Temple U. this fall. Prof. will be Thomas B. (Tommy) Smith, program director of WPEN. The course will be in radio production and technique. Smith, a graduate of West Chester Teachers College, taught a course in radio there last year. This semester he'll teach at both schools in addition to his work at the station. The course at Temple gets under way the first week in October.

Boswell Back in Milwaukee

Milwaukee, Sept. 5. Chet Boswell, song stylist, returns to the airwaves of WTMJ here Sept. 11 with a twice-a-week schedule following a trip east. Boswell will air Tuesday and Thursday afternoons.

Combo of Jack Martin, organist, and Joe Stot, guitarist, appear with him.

Philadelphian, not so much because of what was said, but because of the manner in which it was said. With radio commentators inclined to dramatize happenings and listeners expecting news dramatization on the air, it is felt that less war consciousness will be engendered through use of straight news material.

Questionable if broadcasters will be able to use many American or international commentators from now on since NBC and CBS do not furnish names and titles of proposed international hookups sufficiently in advance for stations to get approval from the proper authorities.

It is understood that in a long distance phone chat between Herbert Moore, Transradio head, and Gladstone Murray, general manager of the Canadian Broadcasting Corporation, impression was given that news service such as Transradio would not be eliminated from Canadian broadcasting.

War Measures Act now in force in

Canadian-Censorship

Continued from page 25.

Canada until Parliament meets this week affects periodicals as well as radio. No official censorship on cables was in effect on Friday. (1) from Montreal to the continent, but it is understood that all such messages would be forwarded through England, where they would be read by British censors to prevent spreading of information that would be contrary to the interests of the nation.

Radio messages for ships were being accepted last week, but only at risk of the sender. And ships were ordered to give no response, since that would be a tipoff on their position. Orders were received by cable companies that all messages were to be written in English or French. No code or cipher messages could be accepted.

Trans-Atlantic telephone conversations, either private or commercial, were given up in Canada. Instructions from the General Post Office in England, which controls the English telegraph and radio system. Lines were available only on government business. Impression is that restriction on Trans-Atlantic phone use was due to possibility that code expressions by hostile interests might be passed along with the messages, thus preventing the use of code talk.

Crisis Handled Carefully

Winnipeg, Sept. 5.

Unlike American stations, Canadian stations held off until the last minute of the European crisis before throwing open their transmitters for all night operation and even at the last minute some preferred to go ahead in the usual way by just signing on in the early morning. Reason for this was believed to be a result of accusations thrown around at the time of the Munich crisis, when some stations stayed on practically all night and promptly became labelled as 'alarmists.'

While many stations and the network retained skeleton staffs throughout the night, Saturday and Sunday nights (2-3) were the first during the present upheaval the net stayed open all night. As in the past, all news programs became available to all stations, commercials being cancelled right across the board, with news flashes continued to those from the Canadian Press.

CKY, local government station, still apparently trying to stay clear of the 'alarmist' accusation, signed off at the usual time Saturday night and came back on at 4:00 a.m. CST, Sunday (2-3) to join the net. The Richardson transmitter, CJRC, however, threw precaution to the winds and stayed on throughout the night feeding its own Transradio flashes.

The present situation, if nothing else, has done more than anything else to unite the constantly warring factions of press and radio in the west, with many papers publishing special stories on radio news broadcasting. The Winnipeg Free Press, long an enemy of radio news broadcasting, has been going overboard lately to plug radio news, daily listing all stations, their services, and times of broadcasting.

SAID GEORGE ROSS IN THE NEW YORK WORLD-TELEGRAM THURSDAY, AUGUST 31st

THE MAJOR NETWORKS during the last two weeks have been envious of a smaller chain's scoops in the international situation. The latter station that has carried sensationally exclusive news has been WMCA, which has not the extensive access to sources abroad as the larger networked stations. For example, WMCA flashed the British Admiralty orders and the secret German naval orders before those became public knowledge. And the story of these exclusives is this: Several weeks ago the station hired an expert of naval code who stationed himself near the short wave receiver of a local morning newspaper. As secret orders from shore to ship were flashed from England and Germany he quickly decoded them and rushed his findings to the microphone. WMCA's rivals had been eager to know.

THE ACTORS' FIGHT threatens to come to a show in Sunday night all the members of the Four Aces.

AND BEN GROSS IN THE N.Y. DAILY NEWS

of events... Johannes Steel, as usual, impressed with his inside knowledge of Germany, on WMCA... The latter station also added to its record of sensational even crisis scoops by airing an intercepted British Admiralty code message ordering the closing of the Mediterranean.

---and we respectfully refer you to the FRONT PAGES of the following New York newspapers that generously credited WMCA for important international news scoops:

Daily Mirror... August 28 and 30
Journal-American... August 28
New York Post... August 29

Herald-Tribune... August 29
Daily News... August 29

**TOP OF THE DIAL
IN NEW YORK**

Boying Power
Goes Up in
SALT LAKE CITY

Mines and smelters are reopening. Payrolls rising. Retail sales falling. And more local advertisers continue to use KOVR, than any other station. Audience-winning showmanship does it.

5,000
LISTENERS
LAST WEEK

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

Live Talent Cuts in on Australian Wax Dominance; Discs Must Improve

By JACK HELLMAN

Hollywood, Sept. 5.

Live production is making strong headway in Australia and creating real competition for U. S. transcription, according to S. B. Dobbs, managing director for J. Walter Thompson agency in the Antipodes, who is here to strengthen the ties between the firm's Pacific office and the two most strongholds. Quality of wax shows shipped Down Under must improve in quality if the exporters hope to continue their domination of the Australian radio market, he warned.

Present lack, he says, is production ability. Advertisers have been awakened to the efficacy of home production, and insist that if the quality of the program is up to platform standard. Presently, 90% of the country's airwaves emanate from turntables. That figure is being gradually shaved.

Biggest problem of the Thompson agency is to clear time for transcontinental programs. Dobbs pointed out, as there are no land lines or networks available for sponsors other than those strung together on occasion. Major obstacle is refusal of local advertisers to budge from peak time in deference to a chain program. Broadcasting will continue to be stalemated in Aussie, he believes, until such a time that a continuous frequency on major transmitters is made available to advertisers.

A prime favorite in the Antipodes is the character team of Dad and Dave, transcribed for local spotting. Thompson office is bringing out under Wrigley sponsorship a counterpart of Edgar Bergen's dummy in Cinerama. Dramatic serials have a strong following and the lanes are overrun with them, mostly American wax imports.

High budget programs are unknown to Australia, declared Dobbs, few ever costing over \$400. Dobbs' staff of eight turn out four live shows weekly with several more in prospect. Hollywood Dick, film gossip, has his news cabled to him day of his broadcast.

Stations owned, controlled and operated by the government are doing a good job, Dobbs declared. They form the 'A' group and accept no advertising, their operation being propped by \$4,000,000 take annually from 5,000,000 licensed sets. The commercial transmitters, 'B' group, are powered at a maximum of 2,000 watts and carry sponsored programs under licensing of postmaster general.

Dobbs will pass a couple of weeks at the JWT home office in New York before sailing home.

Bell Tel. Gets Okay To Use Own Lines On Canadian Show

Montreal, Sept. 5.

Bell Telephone Co. will be permitted to use its own telephone lines in a half-hour weekly network show scheduled to start the second Sunday in November. Government has own system of communications and, as a rule, private stations applying for lines are granted use of the Canadian National Railway system rather than Bell or Canadian Pacific.

The Canadian Broadcasting Corp. has granted Bell Telephone permission to use its own lines in linking chain of eight selected private stations. Bell plans to conduct a major contest, using choir recommended by various music festival judges in Canada. Program will run for 15 weeks, the final show to be devoted to selection of winners.

CFCF Promotions

Montreal, Sept. 5.

James A. Shaw, manager of CFCF, last week announced series of special promotions.

E. H. Smith was appointed director of publicity and sales promotion; J. M. Humphreys, commercial director; Herb Hewelson, program director; and H. Gordon Young, special events head.

RADIO CENSUS

More Than 8,000,000 Sets Now In United Kingdom

London, Aug. 29.

Number of registered radio listeners in U. K. is now for first time above the 8,000,000 mark. Tally reckons out at 72 receivers to every 100 households.

London area alone has well over 3,000,000 licensed listeners, and the industrial north of England in excess of 2,500,000. Figures are compiled from G.P.O. register of licenses, which are compulsory for all set operators.

Polish Radio Setup

Washington, Sept. 5.

Polish radio system comprises 10 medium and long-range outlets and six short-wave plants, all controlled by the government-owned Polish Radio Co., the Commerce Department reported Saturday (2).

Audience has 1,036,000 sets, all under license, as of July 1, the largest number in the country's history.

CBC 10% Service Fee on Indie Hookups Not Considered Certain

In Australia

Sydney, Aug. 19.

Cracks still being made by various Child Welfare Societies at commercial managements for playing 'blood-thunder' U. S. waxes designed for kiddie consumption. Say government will be approached to ban such airings.

Television will not be possible in Australia for at least another ten years, say Anzacs coming back from U. S. and Europe. Government officials stated recently that the cost of sale operation was beyond the government's offerings to current heavy defense expenditure.

Adolph Zukor, visiting this country, gave a little talk over a commercial unit about Hollywood.

Montreal, Sept. 5.

Following meeting of broadcasters in Toronto last week, indie station men cling to belief that government may not impose 10% service fee on private network hookups.

Indications are that the Canadian Broadcasting Corp. will not deviate from its policy of controlling booking of subsidiary networks. CBC officials here stated last week that matter of the 10% service fee was a minor item which did not really enter into determination of general policy.

Government is desirous of establishing principle of control over subsidiary, or private network broadcasting. Private broadcasters object to Government control of private network hookups on principle.

Iris Moore, Hollywood femme, doing a couple of shows for Lux Radio theatre.

MORE THOUSANDS

See...

WLW BOONE COUNTY JAMBOREE ENTERTAINERS AT OHIO STATE FAIR

Eager, enthusiastic audiences indicate a loyal friendship with WLW . . . and prime reason why Boone County Entertainers were asked to appear at 38 State and County Fairs in 8 States from July 4 through September 15.

Engagements for these WLW "Ambassadors of Good Will" following their "Fair appearances" are scheduling apace, and may easily pass their record—averaging 4 engagements a week since January, 1939. All this good will for The Nation's Station naturally extends to WLW advertisers. To further strengthen this bond of friendly relations, the WLW announcing and dramatic staffs, are also available for personal appearances.

Continuously keeping WLW in personal contact with the listening audience on this vast scale is an earnest objective with us, a definite advantage for every user of

★ STARS ★ OF THE JAMBOREE

Defining Pioneers . . . Judy Dell Sunset Rangers . . . Chuck Sweetheart . . . Five Novelty Aces . . . Pa and Ma McCormick . . . Kentucky Girls, Jo and Alma . . . Fred Kirby and Bob White . . . Helen Diller, the Canadian Cow Girl . . . Tex Owens, Radio's Original Texas Ranger . . . Lita Harkness, Harmonica Wizard . . . Lazy Jim Day, Short Crack Philosopher . . . Charlie Wayne . . . "Happy Hal" O'Halloran . . . Boss Johnston, The Old Coney Hunter . . . Barton Rice, Figur. Pict. Philosopher.

The Nation's Station

See the Crosley Building at the New York World's Fair

Television Rehearsal Indicates Its New Show Biz Technique

By JACK PLASKY

Backstage with television is much more interesting than what comes on the lid of receiving sets and is quite revealing of the difficulties surrounding visual broadcasts. It is a new technique in showmanship, largely experimental and enthusiastically faced by a group of young showmen engaged by RCA-NBC studios. When and if television will net a profitable return is anyone's guess. It's all going out and nothing coming in with no estimate of how long it will take to place this type of performance on a commercial basis.

Last Thursday's (31) afternoon rehearsal of "Streets of New York," an old play, indicated a new high in television presentations. It was broad, the same night, the director changes by the cast indicate that the usual television direction has been mastered, although the production of televising in color isn't hinted at as yet. There are space limits, not quite as constructed as generally believed. Top height possible to lens is seven feet, but from 20 feet in width may be used nearly double that in depth is possible under the present set-up.

There are similarities to studio picture shooting in television. Cameras are similar to sound equipment, but the rest of the operation is different. The director is completely in charge, results depending upon him almost entirely.

Performance is directed from the control room, back and above the action. Stage is merely a backdrop, indicated only when the curtain rises or falls as ordered by the director working from script. Rehearsals, except the actors have ear phones, orders coming from an engineer seated beside the director, four men

being at control boards. All but the director are silent, save for whispered instructions through chest phones to various members of the cast.

Three cameras are used, two for color, one for black and white. The fire scene, that box being less than two feet back of the others. Directing is recorded in front of the camera number one, two, or three to register the broadcast, the picture is recorded in front of the film, while of course what goes on below is also before his eyes.

There are really three reproductions in the control room. One, somewhat blurred, is that which goes on the air. Another is a preview picture, that scene which is to follow and which is clearer. Third is a picture of a technician who is in charge of the sound effects. The preview picture is actually a scene being rehearsed, but it does not go on the ether, a channel quite different being employed.

One important problem has been solved via the preview glass. This permits selectivity, changes being made during rehearsal. Amount of music change and delete as the show goes on, there being no cutting room in television. The director feels that he must think fast to get satisfactory results.

\$1,000 Per Hour
Around 100,000 weekly are being consumed in actual telecasting programs by RCA, at a cost approximately one-third of the price. Amount of actors are small but definite. There has been no cost breakdown to some of the other costs because the technicians are also otherwise engaged. Rehearsals are held on two days when a play is telecast, including the day of performance. During "New York" rehearsal, only one player slipped up in the lines, and then made because the prompter was not in position.

RCA staff freely concedes that telecasting of dramas is feasible because of the co-operation of actors and authors. Top salary is \$50 per hour, that includes rehearsal. For "New York" the players' end is around \$700, moderate perhaps, but there is no chance for the stars to get any return at this time. Only chance for profit to RCA is the sale of receiving sets, and comparatively few are being sold because television is too limited in scope and the sets are costly.

For "New York" a good cast was assembled. Play by Dion Boucicault was first presented in 1873 at Wallack's, on lower Broadway. It is a melodrama, with villains and heroes all over the set. Some of the leads are recently back from summer stock. The play explains the names present. George Coulouris was the heavy, a villainous character who got away with \$100,000 from a ship captain, played by Whitford Kane. Latter had the easiest assignment, role that he had to pass out early with a stroke. Norman Lloyd was runner-up conniver who declared in "New York" that he was "a man." Dorel Fairman, as the hero, Sheila Trent, playing the banker's daughter, and Joyce Kilmer, as the captain's daughter.

Singing Between Acts
In between scenes there were songs, as was the custom in the days of vaudeville. The songs were in instance sang "Alice Ben Bolt," and even the villains volunteered. There

were 18 in the cast, unusual for a televised play. Cast also included Molly Pease, John Callahan, Fred Simon, Tom Gorman, Robert Lindsay, Clarence R. Chase, Helen Edwards, John Keane, Victor Graham, Lee Parry, Pat Lawrence and Madeleine Houley.

Mr. Handman was the director. When the first rehearsal was over he told the cast to go out in the car. Molly Pease, who had been in the following. Host of the lamps did not seem to effect the players' unduly, fact, that features appear to be somewhat exaggerated. Inundation in lighting, however, may help and the light may prove satisfactory. Lighting so far gives viewers a good idea of the effect of those with light hair not registering as distinctly.

Television drama is a new field, particularly for stage actors, according to those closely associated with the new activity. For artists, or those from the screen, appear to be at some disadvantage. When images are larger, probably through screen projection, and when the color angle is mastered, television will be revealed. The need to add color, however, will be necessary. There must be some commercial or monetary reason for the use of color in television art, but when that will arrive none around RCA cares to guess.

Films Use Television As a Quick Screen Test

Preliminary screen tests for talent in television is being considered by eastern film executives. Latter are receiving sets in their New York offices, and are keen on performers who have been seen on performance etherized from Radio City. Idea was suggested by Eddie Sobol, stage manager of the Radio City, who suggested him in the RCA-NBC television project, and it was agreed to by several executives. The idea is to lead to a lead.

How effective such talent inspection will prove remains to be seen, however. Reception is often blurred, and because of the present lighting system, some players record better than others. Bruna has a distinct advantage. It is possible that special makeup will correct that defect. However, it is stated that the idea is for stage players, which source is given particular attention by Hollywood rather than radio and other entertainment fields.

War Worries

Continued from page 21.

been in the war a while, advertising started to decrease.

Using 1929 as a base (i.e. as an index of 100), the following European image figures for the war years were as follows:

1932	51.3
1933	51.7
1934	58.1
1935	58.1
1936	57.2

Auto Mfgs. Eye Spot

Detroit, Sept. 5.

Because of the short-range outlook now employed by the automotive industry—motivated by conditions in Europe—build of 1940-model cars, budget with cutbacks, is being tried for time being on the more flexible media, notably newspapers, newspapers, and radio. Will carry out current contracts for netting auto makers will be considered, but they can be cancelled or revised quickly, until matters clear up across the pond.

Since auto industry would be one of the first to be taken over, at least partly, by Government in case U. S. enters European, motor moguls are watching their p's and q's closely, content to spend money freely on their products only so far ahead as they can see. Don't want to get caught with piles of ad commitments if car sales should slump badly, as they did in early stages of World War in 1914, or if U. S. should enter war and take over auto plants.

Auto makers realize they'll sell plenty of trucks and motorcycles to foreign countries engaged in hostilities, since ordinary trucks and cars aren't banned by current U. S. neutrality act, but they don't know if that would offset a dip in domestic sales in early stages of war. Later, when and if U. S. workers start getting high wages as they did during World War, industry expects to sell plenty of its product, as happened between 1914 and 1918. U. S. makers, however, auto makers are holding back with long-range advertising commitments as not to get caught short.

Webs Curb Coverage

Continued from page 25.

mentators and that if the latter are subjected to censorship and foreign office pressure in their commentary, news might as well pull their men from the scenes and limit themselves to official commentaries broadcast by warring governments over their own shortwave stations.

All three networks admit that the vein of propaganda has become increasingly prevalent in their commentary output during the past week, and particularly since the declaration of official commentaries broadcast day (3), but add that they have each impressed upon their foreign staffs the need for exercising objectivity. CBS states that it is doing all it can to avert the airing of inflammatory stuff and that the only policy which it will pull a serious burden. An executive of this same network remarked Monday that in his opinion the radio imports from Europe will in a short time simmer down to official commentaries and news. Business agencies by either staff men on the scene, or persons they bring to the scene after the show has been properly checked.

The networks also admit that they have been overdoing the shortwave pickups from abroad, frequently cutting in their commentators when they actually had nothing new to

working on 16-hour shifts. NBC is the only one that has added men to its local news department. Columbia has enlarged its Washington coverage troop by five men.

Only newcomer to the network's foreign staffs of commentators has captured particular attention from the trade during the past week is Bill Henry, doubling as CBS's Los Angeles Times in London. During the few days he has been on the air, Henry has impressed with his keen sense of human interest and knack for getting at the essentials of a situation and presenting them simply and laconically. Henry had gone over on a peace mission, the meeting of the Olympics Committee in Helsinki, Finland, now finds himself mixed up in a war. His is one of the few ironies twisted connected with the current corps of commentators abroad.

First member of the commentators who reacted to the European scene to the point of losing control over his emotions was Baukhage, NBC's regular Washington commentator. The dramatic intensity occurred Sunday noon. Baukhage, speaking from Berlin, was describing his observations about the city on that sunny day. He told of seeing children building castles of rocks and feeding the squirrels in the parks, utterly oblivious of the horror that was facing them in a few days, if not hours, when his normal speaking voice became clogged with deep feeling. His fadeout, "Goodbye, you lucky Americans," was almost a sob. All that he sent on a 24-hour status Friday (1) and remained that way until Monday (4). NBC and Columbia have been maintaining their three-way roundups (London, Paris and Berlin) as a three-day event, while Mutual has been specializing in bringing in broadcasts, with Patrick Matland as commentator, from Warsaw.

An Exception?

In his N. Y. Mirror column of Monday (4), Nick Kent, commenting on Fortune's poll of the American public's sources of official communications and news, reported that the "average" person's rating of 68% and radio 25%, "is directly in line with your neck." Nick's comments printed here some time ago. He adds, "No newspaper would last long if it printed the mass of hysterical twaddle, conjecture and rubbish dispensed by radio excited war commentators." Another Hearst radio columnist, Dinty Doyle, in the "Journal-American" column of Tuesday (yesterday) took a similar slap at broadcasting.

On page one of the two-star final edition of the issue containing Kenny's slap, the Mirror played up, as its No. 1 item, the following bulletin:

"New York, Sept. 5 (UP). National Broadcasting Co. reported from London tonight that the steamer Athenia with 1,400 passengers aboard was torpedoed 200 miles off the Hebrides Islands."

A general departure noticed in the daily press these past few days has been the crediting of news reports to NBC, CBS or MB radio sources.

contribute. All three webs point out that this has been largely justified by the fact that the competition has been doing the same thing.

Too Expensive
Dominating panel heard from the three webs during the past few days has been that this can't keep up much longer, "referring here particularly to the expense involved in the war coverage. Aside from the big bills piling up on shortwave, cable news services connected with the cost of the local staffs' overtime, including union any news engineers, including those on foreign government shortwave programs and the feeding of the men while on the job.

While Columbia has added Ernest Pope, former press association man to its Berlin staff, NBC has decided to keep its foreign staff down to the minimum. Only one remaining on the Berlin staff, NBC payroll, is the head of the London, Paris and Berlin offices, will be John Gurney, who will remain in London. In New York the staffs have been

WAL
Radio Station Representatives
NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO
KATIE THOMPSON
for ETHEL
with ANDRE KOSTELANETZ
CBS Every Monday, 8:30 P.M. EDT
Management
WILLIAM MORRIS AGENCY

KATIE THOMPSON
and her Rhythm Singers
for ETHEL
with ANDRE KOSTELANETZ
CBS Every Monday, 8:30 P.M. EDT
Management
WILLIAM MORRIS AGENCY

WBAL
means business
in Baltimore

WAGAN
*WILL COLLABORATE
THE CUSTOMER'S ALWAYS RIGHT—
YOU PAY FOR WHAT YOU USE
DENNEY KENNEY, c/o VARIETY, NEW YORK

MAKE A NOTE TO USE

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ANNOUNCING THE SEASON'S GREATEST SONG LINE-UP from ROBBINS

The Country's Most Beautiful Song Hit
THE LAMP IS LOW

Lyrics by Mitchell Parish
Music by Percy De Rose and Bert Sheple

Rapidly Climbing To Musical Heights

MOONLIGHT SERENADE

Lyrics by Mitchell Parish Music by Glenn Miller

A Distinctive Achievement from
Two Top Tune-Smiths

YOU AND YOUR LOVE

Lyrics by George Metcalf Music by Johnny Green

Our Biggest Novelty Hit Since
"DISKIE A LASKIE"

THE LITTLE MAN WHO WASN'T THERE

Lyrics by Harold Adamson
Music by Bernard Hanigh

STILL TOPS

STARWAY TO THE STARS

Lyrics by Mitchell Parish
Music by Matt Matlock and Fred Fisher

One of N.Y. World's Fall 1939 Theme Song
as featured in Billy Rose's "Broadway"

YOURS FOR A SONG

Lyrics by Billy Rose and Ted Fetter
Music by Doris Suss

ROBBINS MUSIC CORPORATION
799 SEVENTH AVENUE NEW YORK

MURRAY BAKER, Gen. Prof. Mgr. • LEO TALENT, Prof. Mgr.

Band Bookings

Cab Calloway, Oct. 26, Madrid B.
Ramona, Sept. 14, four weeks, Leon
and Eddie's N. Y.
Lou Breese, week, Ritz-Carlton
Hotel, Boston, opening Friday (9);
Sept. 16, Century Country Club,
White Plains, N. Y.
Inkspots, Oct. 20, week, Earle the
atre, Washington, Oct. 27, week,
Earle theatre, Philadelphia.
Red Nichols, Sept. 10, New Yorker
Hotel.
Charles Agnew, Sept. 18, Moon-
light Gardens, Saginaw, Michigan.
Ina Ray Hutton, Oct. 13, Oriental
theatre, Chicago.
Carl Shrader, tomorrow (7) till
Dec. 10, Thursday and Sunday each
week, Pershing B. Chicago.
Don Bestor, Sept. 14, Hooperstown,
Ill.
Eddie DeLange, Sept. 16, Great
Band, Kansas.
Duke Ellington, Sept. 8, Johnson
City, N. Y.
Pinky Tomlin, Sept. 13, Reno, Nev.;
14, Visalia, Calif.; 17, Balboa, Calif.;
19-21, Phoenix, Ariz.; 22, Tucson.
Tommy Tucker, Sept. 14, Murray's,
Tuckahoe, N. Y., indef.
Benny Goodman, Sept. 15, Shea's
theatre, Buffalo.
Gene Krupa, Sept. 15-20, New York
World's Fair.

Theatre Dates Stymlie

Spitalny, Goodman Subs At Mich. State Fair

Detroit, Sept. 5.
Benny Goodman's orch., substiting
for Phil Spitalny's femme band,
opened all-star Coliseum show at
90th annual Michigan State fair here
last Friday (3), after plans being
from Canadian National Expo in To-
ronto, where he played earlier in
week.
Spitalny, originally signed to open
fair here, was forced to cancel be-
cause of theatre commitments.
Goodman, on his way to Coast, was
able to stay only Friday, Saturday
and Sunday, fair officials be-
coming to bring in Glen Gray's Casa
Loma band for Labor Day (yester-
day).
Bob Crosby, plus Tony Martin,
opened in the Coliseum today (Wed-
nesday) for three days, to be followed
by Ted Weems and Rochester for
windup of fair next Sunday (10).

Cole Joins P-P

Bob Cole has joined the Paul-
Pioneer Music Corp. as professional
manager in Chicago.
It's the first time that the firm has
had such representation in that city.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on
NBC (WEAF and WJZ), and CBS (WABC) computed for the week from
Monday through Sunday (Aug. 28-Sept. 3). Total represents accumulated
performances on the two major networks at 8 a.m. to 1 a.m. Symbol *
denotes film song, † legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Over the Rainbow... *Wizard of Oz...	Peist	47
Love, *Yokel Boy...	Chapman	32
Lamp Is Low...	Robbins	32
Man With the Mandolin...	Santly	31
Especially for You...	Famous	31
Cinderella Stay in My Arms...	Shapiro	29
Oh You Crazy Moon...	Shapiro	29
I Poured Heart Into Song...	idlie...	26
Run Day Out...	ABC	25
Running Through My Mind...	ABC	25
To You...	Paramount	24
A Man and His Dream... *Star Maker...	Santly	24
Moonlight Serenade...	Harms	22
Moon Love...	Robbins	22
White Salts...	Famous	20
Beer Barrel Polka...	Peist	20
Go Fly a Kite... *Star Maker...	Remick	20
South American Way... *Streets of Paris...	Harms	20
An Apple for the Teacher... *Star Maker...	Famous	20
Stairway to the Stars...	Robbins	18
You Taught Me to Love Again...	Mills	18
I Remember Is You...	Red Star	18
Begin the Beguine...	Spirer	18
Ding Dong Witch Is Dead... *Wizard of Oz...	Remick	18
I'm Sorry for Myself... *Second Fiddle...	Peist	18
Address Unknown...	Berlin	18
Baby Mine...	ABC	18
Still the Bluebirds Sing... *Star Maker...	Famous	18
Jumpin' Jive...	Marks	18
Old Maid Whoo!	Agar	18
Start the Day Right...	Witmark	18
Vu Vultu Gally Star...	Green Bros.	18
Well All Right...	Crawford	18
Goodnight My Beautiful... *Scandals...	Witmark	18
It's Funny to Everyone But Me...	BVC	18
This Is No Dream...	BVC	18

15 Best Sheet Music Sellers

(Week ending Sept. 2, 1939)

Beer Barrel Polka	Shapiro
Sunrise Serenade	Jewel
Man With the Mandolin	Famous
Over the Rainbow (*Wizard of Oz)	Peist
I Poured My Heart Into a Song (*Secon	Santly
Cinderella Stay in My Arms	Berlin
Stairway to the Stars	Robbins
Love Is Low	Shapiro
Oh You Crazy Moon	Robbins
It Makes No Difference Now	Witmark
To You	Southern
Especially for You	Paramount
In an Eighteenth Century Drawing Room	Shapiro
	Circle
	Feist

On the Upbeat

Jan Savitt's crew joined to play the
Ring Dance at Annapolis Naval
Academy next June. He'll leave cur-
rent stand at the Lincoln, N. Y., to
open at the Paramount theatre
Thanksgiving week. In for two
weeks with option for a third, then
going west.

Skinnay Ennis, currently at the
Mark Hopkins hotel, San Francisco,
returns to Victor Hugo, Beverly
Hills, Oct. 2.

Gus Arnheim to follow Jimmy day
at Plantation, Dallas, to be followed
in turn by Clyde Lewis and Jan
Garber.

Phil Baxter, son of songwriter,
opened Wed. (30) at English Wil-
lams, Dallas. Dad wrote "Piccolo
Pet," among others.

Panche's orch back at Mural Room
of Baker hotel, Dallas.

Harry Owens' band, recently fea-
tured in San Francisco at the Hotel
St. Francis, is coming back to the
Coast Sept. 12, for a two weeks' stand
at the Golden Gate Expo. Owens
will replace Phil Harris.

Tommy Williams' band set indefi-
nitely at Wilmer Vogt's Tavern,
managed by Les Hervey, Jr., at
Mountainhome, Pa.

Anthony Bennett's music featured
in new sky terrace and lounge at
Poccano Mountain Inn, Cresco, Pa.

Al Cavella and his "Cascading
Chords" orchestra, who excelled at
Hotel Biltmore, N. Y., last week,
bow into the Peabody hotel, Mem-
phis, Sept. 12, for a three-week sess.
Combo will air via CBS.

Spud Murphy, arranger who led a
new band at the Village Barn, N. Y.,

for a short time this summer, has
reorganized his outfit. New orch. is
currently in rehearsal.

Panche and Adrian Rollini suc-
ceeded in Coleman's orchestra at the
Troadero, opening Sept. 14.
Coleman goes to the Mark Hopkins
in San Francisco.

Jan Garber's band follows Ted
Lewis into Topsy's, Southgate, Cal.,
Oct. 12.

Shirley Darling orch. signed to play
in "Swanee River" at 20th-Fox.

Kay Kyser pre-recording for
"That's Right, You're Wrong" at
RKO.

Eddie South bows into the Blatz
Palin Garden, Milwaukee, Sept. 7,
for a six-week stay.

Jimmy Dorsey returns to Meadow-
brook, Cedar Grove, N. J., Oct. 5, for
six weeks. Jack Teagarden band,
currently there, is to be held over
two and half weeks until Sept. 22,
then shifting to Nicotell hotel, Min-
neapolis, opening Sept. 29. In be-
tween Teagarden and Dorsey at
Meadowbrook isn't set.

Eddie Martin orchestra goes into
the Arcadia Ballroom, Detroit, Sept.
12. Closed an all-summer Great
Lakes boat job Friday (8).

Ed Chrysler, of CRA Chicago of-
fice, in town.

Benny Goodman, Teddy Wilson
and Stuff Smith orch will be on tap
Sept. 12 at the first of Martin
Block's combo radio session and
dance at Manhattan Center,
New York. Second will likely have
Krupa, Andrews Sisters,
George Hall orch and a group from
Jack Teagarden's band. Air pro-
gram and dance will be separate.

Louie Armstrong has been offered
the part of "Bottom" in the com-
pleted musical version of "Midsum-
mer Night's Dream" in New York.

Shep Fields shifts to the Nether-
land Plaza hotel, Cincinnati, when
he pulls out of the New Yorker,
N. Y.

Tommy Dorsey opened his Milton
H. Weil Music Co. offices in Radio
City, New York, past week. He's
taken part of Sam Fox Music suite.

Eddie Davles' band closed its 13th
season at Canece Place Inn, South-
ampton, L. I., this week. Davis will
be at LaRue's, N. Y., again this year.

Larry Clinch has been booked for
a third week at the New York Para-
mount theatre.

Bob White's new band is set to
succeed Bob Chester's new band at
the Van Clee Hotel, Dayton, Ohio.
It is for four weeks.

Teddy Powell's new band opened at
Famous Door, N. Y., last night
(Tuesday).

Basie Going West

Count Basie orch takes its first
trip to the Coast next month, where
it's scheduled to begin a date at the
Palomar, Los Angeles, Oct. 4.
Charles Cross, crew chief, is current-
ly there, the band to be held over two
weeks until Basie arrives.

Basie bowed out of the Famous
Door, N. Y., Sunday (3) in favor of
Teddy Powell and Frances Faye.
Dates are being arranged to split his
jump to the Coast.

Michigan, Detroit, Probably Back To Vaudefilm; Colonial Opens 17th

Detroit, Sept. 5.—Earl Hudson, general manager for United Detroit theatre here, is going into New York for a conference with the Paramount home office executives on the new season's operating setup.

Under particular discussion will be the use of Michigan which is cinch to return to a vaudefilm policy in a few weeks. Hudson has been a steady upholder of vaude and he will likely return to Detroit with an O.K. for attractions at the house.

Colonial's Names
Charles H. Allen has been appointed New York rep for Sol Berns, booking the Colonial, Detroit, which goes vaudefilm Sept. 17 with a permanent line. Fred Bernard as m.c. and band leader. Jack LaRue shifts from the Oriental, Chicago, to Detroit as the opening name.

Colonial has been straight sound heretofore. Will play four or five acts weekly on an elastic budget. It's in the downtown zone.

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YIDDISH VAUDE BACK ON N. Y.'S EAST SIDE

After an absence of years, Yiddish vaudeville returned to New York's East Side last week when Moe Goldman and Jack Rovinger brought in a show headed by Itzik Feid, comedy star of Yiddish legit, to the Clinton theatre. Policy is scheduled to be permanent, at 53c top, with cheapie pic.

Shows are being changed weekly, shown only over the Friday to Sunday weekend, and will also include American standards. Three shows Friday and four each on Saturday and Sunday is part of the setup.

First bill, which bowed Friday night and through the holiday weekend, included, besides Feid, Mische and Celia Budkin, also of the Yiddish stage; Patton Sisters, dance team; Kraft and Audion, mixed act; Jack Stillman's five-piece band and Yetta Zwieling, Yiddish comedy, also from legit.

Saranac Lake

By Happy Benway

Pat DiMascio now with local Hotel Saranac orch, is baby clothes hunting.

John O'Shea is a newcomer at the Will Rogers, ditto for J. A. McCulloch, from the Encore Studio. Cliff Farmer, Joe Reynolds, Marcel Charaphy, Tom Phillips all were given their go-home papers. All made the grade in less than a year. Jules Zwieling, Kitty Moran, Jean Ryan and Moe Gould all handed O.K. reports. They are looking up time-tables.

William Chase, vaudevillian, shot into the Rogers for a check-up. Ditto for Henry Makowsky, of the Warner Bros. h.o. John J. Menzies back to Syracuse after a summer's vacance at Camp DuRoi. Write to those who are ill.

Joe Clymas' New Unit Slightly International

Chicago, Sept. 5.—Joe Clymas, of the Clymas vaude troupe, is producing a new unit based on the experiences of his travels through the Orient with the A. B. Marcus show.

His a flock of Oriental wardrobe and scenery, but general tone of the revue will be French. Figures to be ready for opening late in September.

BRANDT ROUTE STARTS SEPT. 21

Rotating stage shows on the Brandt circuit get under way Sept. 15 for six days when the Flatbush theatre, Brooklyn, brings in Sammy Kaye's orchestra and Bob Dupont. Three other Brandt houses in the metropolitan area are included in the vaudefilm setup, the Windsor, Bronx; Audubon, Manhattan, and the Carlton, Jamaica.

Stage shows open at the Windsor and Audubon Sept. 21, the opening Flatbush bill going into the Windsor and the Audubon getting Jimmy Dorsey's orchestra. The Carlton is tentatively set to open Sept. 28. Shows will rotate in the following order. Flatbush, Windsor, Audubon and Carlton. Arthur Fisher is doing the booking.

New N. Y. Vaude Spot
The Century theatre, in downtown New York gets underway Sept. 15 with vaudeville, six acts headed by Bella Baker. Policy of the house will be split-weeks and B films. Moe Goldman and Jack Rovinger have leased the house from the Brandts.

Ga. Spot Sets Talent

Atlanta, Sept. 5.

Hawkins' Hangar, ritzy opposite Atlanta's municipal airport, has put in floor shows, with Betty Blue as m.c. Spot features Jimmy Duffy's orch, with Jimmy Kilpatrick as soloist.

A. C. Took It on the Chin This Year, Pier B.O.s Best; All Spots Trim Nut

Atlantic City, Sept. 5.—This resort's amusement industry this week will wrap up what is left of a dismal season, save for a few weekends, and lose no time in calling it quits.

Spot which took the worst beating this season was the Atlantic City Auditorium. Last year the big city-owned project gave the prominent enterprises plenty of headaches with its Joe Floccis, starring Bessie Zahner. This season they were all ready to repeat when a last-minute cancellation threw a monkey-wrench into the pie. Too late to look around for anything else, the Auditorium threw in the midsize auto races, which flopped all over the place. Then it tried a split-week policy of auto races and indoor baseball. This also failed to show. They were turned out in a hurry early this week to stay dark until the fall football season.

Globe theatre, with burlesque, is taking no chances on Pageant Week, and is looking up after tonight's (Tuesday) performance. Starting off slow, burlesque picked up the last couple of weeks, but not much to garden. Theatre will be dark for the winter.

Garden Pier, playing road shows, also showed its heels to Pageant Week, and has pulled down everything, going dark over the Labor Day holidays.

The two piers, Hamid's Million Dollar and Steel Pier, took all of the holiday business, both spots packing them in with a carload of names. Hamid has Artie Shaw and his orchestra as the top card, while Steel

Pier doubled up with Rudy Vallee and Tommy Dorsey.

Steel Pier has the jump on everybody next week as the principal events of the Atlantic City Pageant will be held on the pier. Pier owner Frank P. Gravat was one of the prime movers for the restoration of the pageant three years ago and is reaping in his reward. However, because of the threat of an opposition pageant from George Hamid, next year the beauty-fest will go into the Auditorium as a city-run proposition. The night spots, which have been dying on their feet all summer, are folding fast and furious. The larger and more stable clubs like the Balbette and 500 Club, however, will go along for the winter conventions, curtailing shows and cutting the nut to last Sunday (10). Just what the policy will be after that is not known.

Hamid's Pier today (Tuesday) out its Hippodrome, leaving Clyde Beatty and his circus and Eddy Morgan's orch as the headliners. Steel Pier will not cut very much until Sunday (10). Just what the policy will be after that is not known.

HILDEGARDE

Playing to
CAPACITY BUSINESS
NIGHTLY

SAVOY PLAZA HOTEL
NEW YORK
Per. Mgr.—ANNA SOSENKO
Ex. Rep.—JACK BERTELL

DAYTON LOOKS SET FOR A LOT OF FLESH

Dayton, O., Sept. 5.—Colonial, closed most of the summer, reopens with vaudefilm on Friday (6). Bert Wheeler, Rita Rio, Louis Armstrong, Gene Krupa, Patsy Kelly, Ted Weems, Lottie Mayer's Watercade, Cab Calloway, Vernon Elphants and Laurel and Hardy are attractions booked to date.

SKO in Cincinnati via Chicago, will route acts playing Cincy, Chicago and Cleveland a week at the Colonial.

Burley returns to Dayton after a lapse of several years. Jay Hornick, rep for Itzy Hirst, of Philby, has leased the old Lyric and will rescat and generally renovate. It is currently playing pic under tag Mayfair, managed by Homer Guy. Hotels which will have bands and talent include the Van Cleve (Ct.), which is bringing Bob Chester's crew into the Mayfair Room; the Biltmore, where Herbie Holmes holds forth in the Kittyhawk Room; the Miami, which will reopen its Silver Forest Room before the end of October, and the Lantz Merry-Go-Round, which has a local band, Bud Schilling, and a floor show.

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OPENING
WEEK OF
SEPT 8TH
CHICAGO
THEATRE

OVER
100
RECORDINGS FOR
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VOCALION
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AGVA will open offices in other cities immediately.

AMERICAN GUILD of VARIETY ARTISTS

Legality of 'Scandals' Ticket 'Loan' Depends on the League's Decision

The 'buy' on 'Scandals,' which opened at the Alvin, N. Y. last week, has been postponed and may not be consummated. It has been denied by George White, 'Scandals' producer, that such a ticket deal, which is prohibited by the ticket code, had actually been sealed. Leading brokers said they had not been approached, nor had any intention of making an outright 'Scandals' deal for tickets.

Revue's producer is said to have proposed a buy but this is denied by the Alvin management, which, as a member of the League of New York Theatres, is signatory to the code. The league was frank to say that if any agency bought 'Scandals' tickets, passbooks for other shows would not be allotted them. Stated, too, that the theatre management has no right to delegate the sale of tickets, either than by its own box-office crew.

From few tickets for 'Scandals' are being sold. Many have been refused agencies which did not 'lend' money to White, who averred coin secured from the brokers was a legitimate loan for which he signed notes. It will be up to the League, however, to interpret the transaction, which is figured as being extension to a new show somewhere.

Seek Code Extension

Extension of the code, Nov. 1, with which Equity concurs, is now the aim of the League. Equity and the League are joint signatories to the code. Agreement expired Aug. 31 and is technically not in force. All brokers signatory to the code since last season have been asked to accede to continuance up to Nov. 1, but many may not do so. It is on such an agreement. In notifications sent last week, brokers were asked in eight and comparatively few tickets are sold at a premium.

Associated Theatre Ticket Agencies

The independent-businessmen who participated in the code, called a meeting late last week to discuss the decision, but there was no quorum, a number of ticket men being absent from the city. The league was asked to set back the deadline for compliance as few new shows are in sight and comparatively few tickets are sold at a premium.

Brokers vs. Code

Known that brokers are legally to loan the code with the original level of 35c per ticket still in effect, that issue has been the subject of controversy for some time and a refund of part of the coin paid the League is pending. Agency fees the levy should be not more than 35c per ticket. If that is agreed on the code may be okayed for the new season, unless amended in light and comparatively few tickets are sold at a premium.

Notice to the agencies

asked for signatures to a declaration of cooperation, strict adherence to the code is expected. The code is being enforced through October. There are two short paragraphs which the agencies are expected to sign. One return, one okaying the extension and the other signifying unwillingness to be bound by the code. The nature of the replies.

Equity assisted to extend the code because it has been involved in the threatened matter of 'Scandals' all actor contracts having a clause relating forthrightly to the league and manager are subject to stipulations concerning tickets in instances where the producer is not the owner does not belong to the league. White is not a member of the league. Equity could sue the actors if violations were proved. Last season charges were made in Manhattan but no such drastic action was taken by the association.

Robitschek Tries Coast

Hollywood, Sep. 5.

Barry Robitschek, for months, has been remodelled by Kurt Robitschek and coproduces Oct. 1 on the movie theatre theatre.

Margrit Wyler, French actress-producer, is coming from Paris to stage a series of revues.

Passage on Spec

Louis Schonecht, of Mackey's theatre ticket agency, New York; last week received a phone call from one of his regular customers.

"You people have an inside track on getting all kinds of tickets," the man said, "can you get steamship passage for my friend, Col. William Hayward, who's stranded in Paris? Price is no object."

Hayward has extensive connections with U. S. and European statesmen, and is a lifelong friend of William C. Bullitt, U. S. ambassador to France.

Olsen-Johnson Set to Expand As Managers

Olsen and Johnson, who have 50% of 'Streets of Paris,' at the Broadway theatre, and a major percentage of 'Hellsingborg,' Winter Garden, N. Y., propose to enlarge their management. Whether they will participate with the Shuberts, as they have in the two revues, is not determined.

Planned is a straight play, in addition to which they have taken over outright the score of a colored musical now being rehearsing at the 44th Street, but which has been abandoned. A revised edition of 'Hello, Hello!' tentative for the autumn. Charles Withers is slated as an added feature, having been placed under contract with his 'opera house' turn.

'Me' Return with Soph Like Breath of Spring

"Leave it to 'Me,' starring William Gaxton and Victor Moore, which was eliminated through the suspension and reinstatement of Sophie Tucker, featured in the show with Tamara, responded without incident at the Imperial, N. Y., Monday (4). Miss Tucker in no way referred to the American Federation of Music, which has been bitterly resentful on the turn of events that eliminated AFA, of which she was president.

Miss Tucker was given the usual reception at the theatre house, but the fairly well attended. Uncertainty over whether she would appear or not, if she did, she must be reflected at the boxoffice, according to the management, and it was claimed on the Coast several weeks on the nature of the replies.

Vinton Freedley, who's producing 'Me' at the Imperial, is the owner, about the middle of October, first stand being Philadelphia.

Beal Will Have Lead In Justin Sturm Play

John Beal, who leaves for the Coast this week, has been signed for the leading part in Justin Sturm's 'I Know What I Like,' which Day Tuttle and Richard Skinner will put into production. Beal, if for a November opening on Broadway. Autol Lee will direct. Actor will remain on the Coast several weeks on personal matters and may do a broadcast while there.

John Beal (Mrs. Beal) is remaining in the east. She's considering going on the road in 'Family Portrait' in which she followed Margaret Webster as Mary Magdalene during the New York run. Nothing definite.

CATERING POSSIBILITIES

85 Shows Tried Out, Fewer Than Usual, But Favored Productions Have Better Chance Due to Greater Care in Preparation

MORE NAMES IN '39

Summer tryout season of 1939 is winding up this week, with scattered spots holding on for a time. There were 85 plays tried out, that number being approximate because there were some tryouts by little theatre groups or clubs, not all of which were listed or observed by scouts.

Not counting several new plays on the straw hats boards, starting this week (4) indications are that possibilities for Broadway presentation were untold. This season there were fewer tryouts than last summer and more care in preparation was evidenced. That may portend a crop of possibilities. Although a high was reached in that 19 new plays out of 75 tempted leave scouts to having checked out the rural activity merely provided some surceases for the actors, the season was a disappointment. The principal purpose of the barn trend other than affording vacationers a change of pace from social activities.

6 Film Possibilities

Six of the 10 possibilities are rated likely picture material. It is above average, one already having been bought by Hollywood, which does not preclude it being shown on Broadway first, however. As for talent, the results depend mostly on screen tests, number of which are scheduled currently.

'Life With Father,' rated having a chance both for stage and screen; 'The Woman Brown,' screen rights having been secured by Warner; 'You Can't Eat Gladys,' slated for Broadway and figured okay for pictures; 'Rue With a Difference,' which may appear on the New York boards during the autumn; 'Not for Child,' 'Grass Always Greener,' which caught attention and should do for stage and screen after revisions; 'Grass Always Greener,' which caught attention and should do for stage and screen after revisions; 'Grass Always Greener,' which caught attention and should do for stage and screen after revisions; 'Grass Always Greener,' which caught attention and should do for stage and screen after revisions.

Other Possibilities

Shows which may also be included are: 'He's Showing in the hideout,' 'The Boy Who Sailed,' 'A Bed,' 'Jutland,' 'N.Y.' 'Thieves Fall Out,' 'Olney,' 'Mid,' and 'Timbalu,' which is a summer theatre venture, but indicated to be a better bet for the screen than for Broadway. 'Indians of the Summer,' rated as good stuff for theatre or films, pleasant enough for a summer night but observers confused over merit, and 'It Shouldn't Happen to a Dog,' dialect comedy which will probably reach the stage, or the special stage.

More name players, a number from Broadway, in extra roles in the theatres this season than heretofore. Consequently, grosses were considerably smaller. Stage players draw exceptional money for 'straw hat' appearances, better known get-

(Continued on page 44)

IATSE Charter to N.Y. Treasurers Brings Their Suspension by TMT; Beef vs. Shuberts to Labor Board

Penance

Though somewhat tardy in taking action, hotels in midtown New York are soliciting the return of former permanent guests, many of whom are show folk. Some accommodations for the same rates are being offered.

Most hoteliers not only lacked the rates but last spring frankly declared that permanents were not wanted. Soon they learned that was a mistake both ways for the expected N. Y. Fair in mid-July did not materialize.

Daniel Frohman has filed a N. Y. supreme court action against Barbara Henson, also known as Margaret-Louise Simpson, asking that an agreement signed between himself and the defendant on June 16, 1939, granting her certain rights to his name, be repudiated, and an order signed May 26, be substituted.

The plaintiff asserts that he granted the defendant rights to dramatize his life and to sell the completed story either for radio or film dramatization. This was subject to the rights vested in the publishers of his two books, entitled 'Daniel Frohman Presents,' published in 1935, and 'Encore,' published in 1937. The defendant was also granted rights to create a dramatic sketch and use his name in connection with the same. The profits were to be divided equally.

Since the first agreement was not drawn in legal form, it is alleged that the defendant brought Frohman to the office of her attorney on June 16 to draw the agreement legally. Since his eyesight is bad, he accepted her word that the document was the same.

The claim now is that it grants her more money than Frohman is willing to pay.

Berger Renamed Head Of St. L. Mundy at 156 Per

Richard (Dick) Berger has been reappointed for another two-year period as managing director of the St. Louis, Titio Schino and Guinness. Former Broadway boxoffice man recently completed his third season as New York City's principal agent. Originally, Berger went to St. Louis as assistant to Laurence Schwab, later when the latter did not repeat.

Berth calls for a salary of \$15,000 for the first season. He is not sure represents the venture through the regular theatre season, having offices in New York, where most of his talent is obtained.

Met's Second Night Opera Set; Opener Still Secret

When the opening night opera of the Metropolitan always is kept secret until about two weeks before the date, the second night, Nov. 29, will be 'The Song of Don Quixote,' 'Don Pasquale' with Mariella Fava, Nino Martini and Salvatore Boccioni in the leading roles.

The opera was last heard in N. Y. in 1934, with a cast including Lucie Arncliffe, Tito Schino and Giuseppe De Luca. The latter two will appear in their former roles later on in the season.

Although the fight between the actor and stagehand unions was abruptly stopped by the satisfaction of all show business, internal dissension within the Theatrical Managers Agents and Treasurers union flared into an open fight in New York last week. A group of treasurers secured a charter from George Browne, of the International Alliance of Theatrical Stage Employees, whereupon the entire boxoffice group was suspended. Charges similar to those of the actors, that IATSE had made a jurisdictional invasion, may be filed with the American Federation of Labor.

TMT heads have filed a complaint with the N. Y. State Labor Relations Board, charging that the Shuberts, J. J. in particular, attempted to obstruct TMT. It is believed that the present move is designed to scrap the basic agreement, which has been in negotiation for revision for some time. Hearings of the charges are expected to be scheduled for next month. The showmen are fostering the formation of a company union, regardless of the IATSE connection.

Alleged that late last week each treasurer and assistant in Shubert theatre boxoffices was summoned to the office of Ben Mallam, Shubert's checker-upper, and told to join the new union. Called: the Treasurers and Ticket Sellers Assn. of New York City. The group of office people are said to have been 'interviewed' individually. All will be asked to join the N. Y. SLRB branches.

J. J. Shubert, in favoring the new union, is not only being defended his action, arguing that company and house managers should not be unionized, but he represents operators of shows in contracting with backstage labor. That has been continued on page 4.

'Prince Alexis' Has 'Swell' Niterly Job, Through with Equity

Walter Braun, alias Prince Alexis Orloff, who has been associated as a participant for getting jammed up in Equity because his managerial moves, says he's through organizing companies of actors who were on WPA's Federal Theatre Project. Youngster Orloff, who has been in the job a night club, said to be in Greenwich Village, N. Y., where he resides.

Orloff, who has been a former WPAers looking for jobs, held at the Longacre theatre, N. Y., last week. He has been associated as a participant for getting jammed up in Equity because his managerial moves, says he's through organizing companies of actors who were on WPA's Federal Theatre Project. Youngster Orloff, who has been in the job a night club, said to be in Greenwich Village, N. Y., where he resides.

Equity reps descended upon Braun, finding his name and that of Orloff on the list of actors who had declared the proposed venture would use only Equity people and he was asked to sign a statement that he would not be permitted to do business with non-Equity people. He had to sign a statement that he would not be permitted to do business with non-Equity people. He had to sign a statement that he would not be permitted to do business with non-Equity people.

Auriol Lee's Stager Auril Lee Will Stage 'You Can't Put Goldfish' for Ruth Patterson

Auril Lee will stage 'You Can't Put Goldfish' for Ruth Patterson on the Broadway theatre. The play is a comedy by Margaret Burke and Goldfish. Patterson will present it in association with the Shuberts in addition to having a lead role.

WHAT THEY THINK

In re: Rastus Barrymore
New York.

Editor, VARIETY: My accomplishments was to prove that actors could read, and that they could back the play. Strange though it may seem in the light of the present production, I think I did it now, that all rights actually meant all rights without any mental reservation. There being legal, or other technicalities.

That is all mentioned, though in passing on to something else. I have a special request that every mug who can't believe his own ego (the first time I saw this paper, I thought, "I could be a star, I couldn't believe them either. But that's behind the point).

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It was a pleasure to be business

Foreign Powers' Commitments Complicate N.Y. Fair's 2d Year

Add: Ill-Will

After considerable publicity about reducing the parking fee at the New York World's Fair, the rate was doubled last week. Recently, hastily made sign of the boost was first seen at the entrance gate. Drivers were told that lot must pay the fee, even though wishing to reach the entrance to discharge passengers, and then depart, although one taxi line has the privilege gratis. Amusement companies complain that there is no transportation accommodation at the Fair turnstiles is around the south gate area. Distance from the start on the parking lot to the Fair turnstiles is around a couple of miles and motorists must pay the fee of a hoof it.

S.F. EXPO STEEL

PLANS 2d YEAR

San Francisco, Sept. 5. Second term for the Golden Gate Exposition, which is to have been mulled last week at a meeting of the board of management, has been postponed until next week, whether to keep going next year. Promise was made to Los Angeles that the Fair would not run in 1940. However, rumors are that others that the Fair would not run in 1940. However, the possibility of the Fair being held in 1940, or so is remote. The expo is now operating in the black, supposedly to the tune of around \$700,000. All of which has prompted considerable uneasiness among the board of management. Time for budgets is approaching and the various exhibitors and city officials are getting anxious to make some definite statement about 1940. President and Cutler made a statement some months ago that there would be no second year, that Treasurer Island would be shut down. 2. Manager Charles Strub has also planned plans for the Fair's second year. However, rumors are strong that a second year is in the air and that the only reason for the announcement is that expo officials fear it would hurt attendance at this year's.

B.O. Drop

The b.o. was definitely continuing to drop until late in the week when German tourists entered Poland. A new two-week attendance figure was chalked up for the period ending Friday (25), when 715,939 had passed through the gates. The average daily attendance for the period was \$1,142. However, following the gate fell to a few hundred short of 30,000, the lowest in several weeks. The war news was the big story, and the crowd of people clung to their radios.

Expo officials started talking of the possibility of a second year when they looked over the financial statement for the period ending Aug. 27. The statement showed that the Expo had lost \$1,000,000. The Expo had visited the fair and had spent more than \$100,000 on the island. The Expo had visited the fair and had spent more than \$100,000 on the island. The Expo had visited the fair and had spent more than \$100,000 on the island.

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With the peak gate apparently reached last Sunday (3), the day before Labor Day, the New York World's Fair management now is making a better judgment of the problem of persuading foreign participants. With the outbreak of war in Europe last week, and the matter of obtaining necessary finances, hopes are still high for a second year.

Survey after a total of more than 700,000 paid admissions had been rung up Sunday and Labor Day (Mon.), indicated the N. Y. Fair paid attendance for its first year would be a little over 20,000,000, or about 5,000,000 less than revised estimates made a couple of weeks ago. Estimates were suddenly slashed from 50,000,000 to 25,000,000.

Even so, if operating revenues had measured up to expectations (especially the midway), the Expo would have been a better proposition. Instead, it is no secret in expo circles that it is only a question of how large the loss will be. At \$5,000,000 to \$15,000,000. It is such a situation that prompted the realization that the Expo is in a bad move. Move ostensibly was made so that banker interests could watch expenditures.

New Control

Harvey D. Gibson, president of Manufacturers' Trust Co., is now being considered for the job. Move is rated on Flushing Meadows as a smoke screen move to indirectly control the Expo. The Expo is the Fair, although he remains president, and retains his salary of \$100,000 a year (less the second 10% cut).

Actually, the exposition management stays in the hands of the banker group which has been repeatedly blamed for the more glaring financial mismanagement. The move is rated on Flushing Meadows as a smoke screen move to indirectly control the Expo. The Expo is the Fair, although he remains president, and retains his salary of \$100,000 a year (less the second 10% cut).

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OBITUARIES

EDWARD GIBSON

Edward Gibson, around 75, nicknamed "bull," a familiar figure in show business up to recent seasons, died of a heart ailment in New York last week.

Prior to legit activity, which dates back 15 years, he was with the Ringling circus, doing advertising. He was general manager for the late John House manager, and later for the Broadway house and for some time.

Deceased had been inactive, having suffered a stroke several years ago, and was appointed to some survivors.

LUCY LEVIN

Lucy Levin, Jewish musical comedy star, succumbed to an illness of several months in a New York hospital last week.

Born in Russia, Miss Levin bowed to Yiddish theatre audiences at 16 in Philadelphia, and thereafter had many star roles in musicals on Gotham's 2d avenue. She had four children, including the late Picon, Yiddish legit star, and had also appeared in Yiddish films.

Her husband was Sam Levin, Yiddish player; her mother, husband and a daughter, 11.

R. WALTON O'DONNELL

R. Walton O'Donnell, 52, died from a heart ailment last week. He was a conductor of the British Broadcasting Corporation, and was also a conductor of the British Broadcasting Corporation, and was also a conductor of the British Broadcasting Corporation.

Ringling Opens Only L.A. Regional Date Sept. 13

Invading California from the north over last weekend, Ringling Bros. Circus, which has been here next Wednesday (13) for five days, only looking in the greater Los Angeles area. The circus is this year is trying out new site at Crenshaw and Exposition, about six miles from the city. The Los Angeles center and equal distance from the heart of Hollywood.

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GREAT CLIFFORD C. FISCHER SHOWS! STARTLING MONEY RECORDS!

SOLE AGENTS
"BIG"

MANAGED BY CLIFFORD C. FISCHER AND FRANK COHEN

GOLDEN GATE INTERNATIONAL EXPOSITION
1939 *A Pageant of The Pacific* 1939

EXECUTIVE OFFICES
Administration Building
Treasure Island on San Francisco Bay
Telephone Mainroom 1939
San Francisco, California, U.S.A.

August 16, 1939

Mr. Clifford Fischer
% Folies Bergere
California Auditorium
Treasure Island, California

My dear Mr. Fischer:

We are happy to advise that the Folies Bergere, produced and operated by you, has broken all records for attendance at the Auditorium for a twelve (12) days' period. Approximately one hundred two thousand (102,000) people have paid admission to see this fine show.

We are confident that with the splendid start it has had, the show will continue to play to capacity houses for the balance of its engagements.

Please accept our congratulations and thanks for your operation.

Very truly yours,

H. C. Sutorff
H. C. Sutorff,
Executive Secretary and
Assistant Treasurer.

3L

**A REAL FISCHER
'FOLIES BERGERE'
SMASHES DENVER'S
ALL TIME MONEY
RECORD!**

PLAYING WEEK OF AUG. 2nd 1939
(NOW ON TOUR)

**AN AUTHENTIC
CLIFFORD C. FISCHER
'FOLIES BERGERE'
SHATTERS EVERY
EXISTING RECORD
AT THE SAN
FRANCISCO
EXPOSITION!**

(Now Playing)

BY DIRECT WIRE FROM
WESTERN UNION

FD882 54 1 EXTRA DL= WUX DENVER COLO 8 827P
CLIFFORD C FISCHER, CALIFORNIA AUDITORIUM=

TREASURE ISLAND SFRAH=

TONIGHT AT SIX O'CLOCK WE WERE HAPPY TO REPORT THAT THE
FOLIES BERGERE BROKE THE ALL TIME HIGH FOR ANY THEATRE
IN DENVER PREVIOUSLY HELD BY SNOW WHITE. THE COOPERATION
RECEIVED WAS UNEXCELLED BY ANY ATTRACTION THAT WE HAVE HAD
HERE. PLEASE ACCEPT MY HEARTIEST CONGRATULATIONS AND THANKS
FOR A SWELL SHOW REGARDS=

MICKEY GROSS MANAGER ORPHEUM THEATRE.

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING THE SERVICE

ENTERTAINMENT

PRICE
25¢

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Vol. 136 No. 1

NEW YORK, WEDNESDAY, SEPTEMBER 13, 1939

48 PAGES

RADIO OF DESPITE WAR

E. E. Horton's Record 33% of Gross For Touring with Legit Show, 'Henry'

Edward Everett Horton will receive 33 1/3% of the gross for his touring appearances this fall in "Springtime for Henry." The Coast player's services were in high demand for a road season in the Benn Levy farce comedy, with Rowland Stebbins, who produces under the name of Laurence Rivers, Inc., making the tour bid with this record offer. No slice of a show, such as has been given Horton, is known to have ever been offered an actor.

It's figured that Horton's share of "Henry" will easily top that of the manager. The show is a four-person, one-setter that can operate profitably at comparatively moderate grosses. On the strength of the comedy's success in the summer theatres, Horton will probably double his average picture salary in the stage play.

Horton came from the Coast early in the summer and played "Henry" in sticks, moving from straw hat to straw hat. Play was presented 12 times up to this week, with the flimsy making that many summer appearances. It's understood he received 10% of the gross, with a guarantee of \$1,000 weekly, and the show was reported getting top grosses all along the line. On tour his earnings.

(Continued on page 47)

Kaye Neutral, So He Nixes 'Over There', Curbing War Songs

Philadelphia, Sept. 12. Sammy Kaye, orchestra leader, started a row at the Earle here Friday (8) when he opened with the theatre's stage show. One of the acts on the bill is John Burke, who turns out a doozy of a song routine, costumed in Khaki uniform. Burke's introduction is the tune "Over There."

Kaye reportedly refused to play the song, saying it would tend to become favorable propaganda for the European fracas. After a prolonged argument, Burke gave in and substituted an ordinary fanfare.

War Songs Taboo on Radio
Songs inspired by the current European war have already begun to pour into publishers' offices. Most of them so far hang on the theme of staying neutral and extol the virtues of this country. Music publishers are inclined to hesitate about accepting this type of script because of an anticipated taboo by their main

(Continued on page 36)

German Retreat

Dallas, Sept. 12. Things being what they are, Lou Bova announces that the weekly German dances at the Bova Club here are off from now on. They're being succeeded by Polish polkas.

Bring Your Mask

Hollywood, Sept. 12. London affiliate of artists and actors here was called for on playing time for one of its clients.

Came the reply, "Time immediate and permanent—in the British army."

Wired Televisish, Over Phone Line, Into the Home

Wired television is the newest form of aerial visual outlet, and is speculatively the solution of making that form of broadcast a commercial possibility. Whereas telecasts are limited in reception areas, it has already been proven that reception by means of telephone wires, without interruption of telephonic service, is entirely practical.

Like television itself, the wire telecasts are in an experimental stage. Bell laboratories daily shoot picture film over coaxial cables between New York and Philadelphia and doubled back and forth again.

Radio chains are acquainted with the Bell experiments, all data being given broadcasting companies gratis and without obligation. When and if live performances are sent over the wired systems, rates will be arranged approximately along the lines as when radio programs were first sent from one central point to subscribing stations.

Wired television may be said to be comparable to selective radio programs, which are sent entirely over copper cables, such as the Muzak system. Special receiving sets would be leased to subscribers and regulation television sets would be equipped to pick up such service.

Since a fee would be charged, that type of telecasting would be placed on a commercial basis, even before commercial advertising presentations, as now sent on the air daily.

Musicals Again by WB If Zorina's 'Toes' Clicks

Hollywood, Sept. 12. Warners will again turn to screen musicals should "On Your Toes," Zorina starred set for release Nov. 25, click. The Burbank plant, which formerly leaned heavily toward tunefims, has been dodging them for a year.

Execs feel that customers may again be in the mood. 'Toes' will decide a future course.

NEW ACCOUNTS EQUALIZE OUTS

Broadcasters See All-Time Sales Record for 1939, Though Decrease in Certain Types of Advertisers Expected—Rising Market Prices Affect Some

SPORTS, NEWS, BIG

Course to be steered by national and regional spot radio advertisers (the boys who make up the real individual station jackpots) is still pretty nebulous as a result of the war situation, but this much appears certain—the radio industry will wind up 1939 with the biggest year in its history. Unlike other forms of the entertainment biz, it is far from worried over developments in the next few months. There may be headaches aplenty in 1940, but so far radio has not succumbed to the jitters which, for instance, are quite prevalent in Hollywood and other forms of show biz.

Developments of the past week indicate that some of the big national spot spenders are going to sit out their usual fall radio waits. On the other hand, a couple of tobacco accounts are plowing into sports schedules just as strong as always. Ditto others.

In fact, sports and news commentators look strong as programming possibilities during the coming season. Major new spot bid signed up last week falls into these two categories almost entirely.

From the wrong side of the ledger, the Swiss Webb radio deal, among the first to quit its radio bargain. Movements for the Gruen light bulb sale in Switzerland were shipped here via Germany, a

(Continued on page 26)

Coward Advises Lunts That War Duty Will Keep Him From U. S.

Noel Coward has gone to Paris to join the staff of the British legation and plans to remain there for the duration of the war. Alfred Lunt and Lynn Fontanne received a letter from him last week stating that as the reason he would not come to the U. S. this season, as has been expected.

Playwright has a business tieup as well as a close friendship with the Lunts. He had a sort of good-war and educational survey assignment with the British navy a year or more ago, but it is his first diplomatic post. Was in the British army for a short time during the last war, but didn't get into action.

Execs Emphasize No Impairment To Pix Despite Recent Economies

Power-Conscious

Attitude of kids who chase leading bandleaders for autographs has changed. Benny Goodman, going to fight his way through a mob at the New York World's Fair, heard a kid yell: "We made you. C'mon, give us your autograph."

Anti-War Feeling In U.S. Cools Film Reissuing Plans

Although all film distributors are rummaging through vaults for war pic that might be appropriate for reissue, they're not at all certain how many and to what degree they will hit the screens. Lists of prospective reissues are being compiled, but distribution execs are just sitting and waiting while they try to figure out which way the wind of public temper is blowing as regards things martial.

There's a fear by officials that instead of being draws, because of their timeliness, war films may be actually repulsive to many people.

One reissue actually being booked so far is the March of Time's "Inside the Maginot Line," first released last October. It's being well received, but as it is of an educational nature it is naturally far removed from

Other War News

Show biz and the war, all over the world, pages 6-7, radio, page 21.

Hollywood, Sept. 12.

Having parted weekly payrolls by some \$75,000 and otherwise reduced operating costs, heads of Coast studios today (Tues.) began to see daylight in their intensive drive to cope with slashed foreign revenues without impairing production or lowering quality.

With monetary outgo on all lots being brought down to expenditures for actual essentials in both manpower and materials, production biggies are assuming a more optimistic outlook toward the war-changed situation overseas than they were a few days ago.

Joseph M. Schenck, Jack L. Warner and Harry Cohn, speaking for their respective companies, 20th-Fox, Warners and Columbia, issued statements in which they pledged delivery of all pictures promised in their spring announcements for the 1939-40 season, adding that they would be filmed on scale originally

(Continued on page 7)

Grace Moore's 'Music Box Revue' Film Idea; Irving Berlin's Songs

Grace Moore is being sought by 20th Century-Fox for "Say It With Music," with a score of new and old tunes by Irving Berlin. Yarn would be based on incidents in the soprano's own life, with a background of the old Berlin "Music Box Revue" in which she appeared. It also has a story thread about the Music Box theatre, N. Y.

Singer, who returned from Europe last week, is vacationing at her Newlawn (Conn.) home, but begins a concert tour Oct. 10 in Westchester, Pa. She'll return to the Metropolitan Opera, N. Y., in late November.

Again! As Usual!
The Hour of Charm
Breaks All Records
Loew's, Canton, Sept. 8-9-10
\$8,024.00
Phil Spitalny
And His All Girl!
Orchestra

WILSON SEES FUTURE OF 1939-40 FILM INDUSTRY; SEEKS 75% OF POSSIBILITIES

**With Labor Day Come and Gone, It's Belated—War's
Uncertainty Another Headache—And, of Course,
Dat Of Debbil Code**

Whether the war's added uncertainty is responsible or not, selling continues slower than the distributors like it. Labor Day is under them and numerous new seasons (1939-40) pictures are already rolling on releases. These companies which hit a heavy feeling among distributors, however, that the prospects of a boom and the threat of a shortage of pictures may now mean an early conclusion of deals remaining to be closed up.

While some companies are in better shape than others and scream no dissatisfaction over sales compared with last year, reliable estimates are that an average for all the distributors would show that deals closed to date represent considerably less than 75% of possibilities. These companies which hit a high standard on deliveries this season (1938-39), and are offering a 38-40 program that looks good, are getting their contracts in earlier, while others are having to wait their turn. Thus, the picture brings the average for the whole down, against such claims as Warners that volume increased with the company and that over 75% of possibilities among the chain accounts have been sold.

Among such a slow start, the Warners, encouraged both by its record during 38-39 and by its recent success in chain buyers' estimates indicate that they are not ahead of last year at this time in closing up their own buys. The company, of course, covers all distributors and brings the average down regardless of what is being sold by WB. Also, Warners started selling earlier than any other companies this year.

Starting to begin to sell later than some other distributors, Paramount is running generally on a basis on which it offers for the coming year. The last three weeks have improved the picture, this year. The company has been slow to close up its contracts. Two smaller distributors, Universal and RKO, are also slow under the selling by Paramount, but forces than they had in the past.

While the chains putting up considerable resistance in their negotiations among all the distributors, still in the latter part of the summer, the various companies have been delayed in getting around to longer independent distributor contracts. Those minor exhibitor buyers who have been approached are also taking their time in deciding what they want to do for the next year in view of upset conditions. The delay on the part of exhibitors is a deterrent as well, since numerous buyers saw bargains in advantages in the code, but not all of it had been approved.

Policy Headaches
Plenty of exhibitors, moreover, have been considerably in doubt as to what their own policy would be for the coming season, whether admission prices would be raised or down, or whether they might be used, runs switched, etc. This has had some effect in slowing up the picture among distributors but also in protracting negotiations that were begun some time ago.

This year, also, the distributors have agreed on a lot of important details, including knowledge of what pictures will be played, but the details in applying such agreement to the picture theatre and situation involved has taken more than the usual amount of time. One distributor has said that while the various circuits are taking this picture for '39-40, that having been agreed upon, it may be three months before the contracts are actually signed, to be tucked away in the files.

Application of agreement in principle to the theatres controlled by an account, especially if it then goes over a wide area, is requiring more time due to the present economic conditions, which differ in various localities, wavering grosses, and now the war.

Some companies declare they are ahead of last year on sales at this time, while others are even or behind. This comparison with last summer and early fall is not saying much, however, since the contracting (Continued on page 10)

Wasted Libretto

Hollywood, Sept. 12.
Young producer on major lot who has been nursed along as a prospect by top executive with salary jumping from \$100 to \$700 a week during a few years' time, was rehearsing for whole week what he dared say him to cut. He told his story to anyone who would listen to it in a cafe.

When the studio decided to get rid of the excess baggage he was the first to go and not given chance to tell the studio topnotchers off.

ATLAS BACK S'IT WITHDRAW RKO BUDGET

Spokesmen of the Atlas Corp. aver that the company will not withdraw its underwriting agreement for the new RKO common stock, but will indefinitely postpone having the fairness of their offer until a minimum of two weeks have passed. It is also possible that the hearing may be postponed longer than the fortnight period, but certainly no longer than a month.

The reason for the postponements is due to the unstable condition of the market at the present time, because of the war, this making it impossible to place a reasonable offer on the value of the stock which will have stabilized in a month.

At that time Atlas will renew its offer before Federal Judge William Bondy in New York, who will have returned from his vacation. Atlas is also willing to go before a master, if Judge Bondy still remains unwilling to hear argument at that time. At no time has the company been withdrawing its offer, take advantage of the war clause in the agreement.

Mankiewicz, Phipps Critical Auto Accident

Hollywood, Sept. 12.
Herman J. Mankiewicz and Thomas Phipps, film writers, are in a critical condition in a hospital at Albuquerque, N. M.

They were injured in an auto accident on Sunday (10) near Grants, N. M.

L. A. TON Y.
Pauline Agner
L. A. TON Y.
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N. Y. TO L. A.
Eric von
L. A. TON Y.
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WB denies music publishers' solid front..... Page 35
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No Impairment

Continued from page 1.

planned. Statements following feeding out of some 500 20th-Fox workers and elimination of 370 backlot employees at Westerns earlier in week. Other plants have effected similar prunings. Warners, however, expect to call back at least 250 of those dropped within the next few days.

Warner stated his company not only would keep its promises as to number and standard of films, but would add five features to its list as the season progressed. He estimated loss of foreign market would take 25% of Burbank outfit's income. This loss, he said, would be more than compensated for by making of new pictures entertainment to replace the domestic market as well as the theatre business in neutral countries. He declared his company would tighten up on unnecessary expenditures, and that at least part of this economy program would be held in abeyance so that its budget factor could be used for production if needed. Every effort would be indicated, to wipe out lost motion and to prevent waste of any kind in all the preparation of stories.

Warners will make no propaganda pictures such as "Confessions of a Nazi Spy," he declared, insisting it will adhere strictly to a 100% neutral plan during present emergency. "Underground," which would have dealt with internal German movements, has been shelved. He added that as a result of telephone confab last week with Harry M. Warner in New York, just home from Europe, and other eastern executives, he is convinced both British and French theatres shortly would be ready to accept the new program reached the Coast for further studio holidays.

Full Speed at Col.
Cohn announced he had instructed all Columbia producers, directors and writers that full speed ahead is that company's current slogan.

There will be no deviation from our regular production program, he continued, with the sole exception of the postponement of "Arizona" for 60 days. We are not pulling in our horns. As a result, we will see on Columbia picture this year than at any time in the organization's history.

As evidence of his faith in the future of the film industry, he cited the fact he is starting the new Hawks production, "My Girl Friday," a heavy-budget feature, on Thursday of this week.

Many Intensive Huddles On Film Economy in N.Y.

Herman Wobber, general manager, and Walter Hutchinson, in charge of 20th-Fox foreign department, are expected to attend the New York this morning after a series of conferences with Joseph M. Schenck and Darryl F. Zanuck. Wobber and Hutchinson played the Coast last Tuesday (5).

Situation is being discussed and analyzed at the Low office. Al Lichtman, vice president, arrived in New York, Monday (11), and will remain for talks with Nicholas M. Schenck.

Y. Friedman, head of Paramount production, remained east through last week and conferred

Bring Production Costs Down

Though the sentiment may not be as strong in production, on one point virtually everyone in distribution and theatre operation are agreed upon. This is that the studios should bring costs down. The feeling is that even if the war is a way, Hollywood should be making pictures at less money without interfering with quality, and that perhaps it may be a good thing if war results in finally getting down to the shearing of costs.

At the same time, both distributors and exhibitors are in accord that the studios cannot sacrifice the standards of production now maintained. They cannot afford to make bad pictures because then the distributors won't be able to sell them. During the past week, the studios have been making terms.

The general opinion—and hope—is that there will be a business boom in this country and that theatre grosses will jump as occurred in the last year after the war. The studios are making pictures at less money, but the grosses continued through America's participation in the hostilities.

Distributor sources are also of the opinion that a boom is on the way, suggested by the action of the stock market and the demands that war make upon certain commodities.

Higher Rentals?
Meantime, the question of whether higher rentals must be obtained from all accounts in the future, together with efforts made toward getting the maximum out of pictures, including playing time, is being mullied. So far as can be learned, no action has been taken. The studios are already in existence, have been undertaken, although the natural trend is expected to be to get as much out of product from now on as possible, to make up for the slack in foreign receipts.

While it is admitted by some operators that the distributors have every excuse now to ask for higher rentals, they are quick to point out that, if the theatres don't get the business they will have to cut the same as the distributors, thus making income less.

On the other hand, should there be a big upturn at the b.o., then the theatres can afford to pay more for the pictures, automatically turning more on percentage dates, and also will be able to extend playing time.

During the past year or so, the studios started swerving more to the profit side. The foreign market, however, has been a disappointment with the entire world in mind. This trend has developed and is expected to be carried out on a much broader scale in future due to the gradual closing of the foreign market. The foreign market, however, is a belief is that if pictures were made much more with American audiences in mind, forgetting about the rest of the world, they might be able to reach the U. S. and possibly Canada to make the foreign fields relatively unimportant.

Par, Like WB, Offering Exhibs Many New Selling Concessions; Other Distrib. May Follow

With Barney Balaban, president of Paramount, and his chief, Walter W. Hicks, Jr., foreign department manager, latter has just returned from New York, where he has completed a list of future requirements. Freeman left for the Coast on Friday (8). Agnew is conducting a meeting of Paramount sales division and district managers in Chicago (11).

At Universal, which always has been strongly interested in the British market, the London-Birmingham deal, together with the company's top executives for meetings in London, is being handled by the chairman, included Cliff Wood, studio chief, Matty Fox, vice-president, William Scully, sales manager, and Joseph H. Seidelman, foreign sales manager. Work went back west Monday night (11); Fox follows on Tuesday (15).

Harry M. Warner, president of Warner Bros., returned to New York from England soon before war was declared. Through the past week he has been at numerous meetings with the Warner home office thoroughly acquainting himself with the domestic and foreign sales situation, thus preparing himself for meetings at the Burbank studios. He left for the Coast on Monday (11).

After a brief New York visit Harry Cohn, president of Columbia Pictures, returned to the Coast, but, too, just got back from Europe.

SAILINGS
Sept. 13 (Los Angeles to Sydney), Charles Munro (Montevideo).

Sept. 12 (London to New York), Ben Gote, Jack Durant, Thornton Heath, June Clyde, Richard Freedman, Gus Sheldon, Loraine Fletcher, Billie and Betty Ryan, Mrs. Harris, The Women's cast (Washington).

Sept. 11 (London to New York), Cy Wood, Joe Henabery, Joe Hanley (President Harding).

Sept. 10 (Rio de Janeiro to New York), Phil Reisman (Brazil).

ARRIVALS
(At the Port of New York)

Mrs. Eric von Stroheim, Vladimir Golchman, Don Cameron, Edmund

Boylan.

(Continued on page 36)

THE COLLAPSING WAREHOUSE

N. Y. REALIGNING SALES SETUPS

Foreign Revenue's Decline Is the Main Problem Right Now—But Not as Pessimistic as First Thought, and Expected to Improve

EASE CLOSING EDICT

Tightening of purse-strings and lengthening of executive working hours were the first reactions within the film industry to disquieting official and confidential reports from European countries that drastic regulations governing civilian life in warring and neutral nations will seriously curtail foreign film rentals.

Over the past week representatives of the American companies were able for the first time in 10 days to push through brief cable reports, which, on the whole, presented the European picture in somewhat more optimistic light than the first messages. It is stated that film houses in London and other principal cities are keeping with the martial edict for complete blackouts of London and other principal cities as protection against air-raids, are reopening during afternoons and early evening hours. Theatres situated adjacent to

(Continued on page 16)

Freeman Advocates 'Common Sense' Stance On-Par's Economies

Hollywood, Sept. 12.—Frank Freeman, Paramount president, at a meeting of studio executive producers and department heads yesterday (Mon.) declared there would be no deviation from the announced 1939-40 program of the company. At the same time, he held in his office immediately upon his return from the east, he said the company attitude during the war emergency would be based on common sense, with elimination of waste as its initial aim.

Freeman stated that he had informed a meeting of Par division and district sales heads of this plan in Chicago on Saturday (22). He said that the production program planned months ago is far ahead of schedule at the present time and that it is both unnecessary and impractical to attempt revision because of the European war.

Par has completed, he said, 28 features, with six now before the camera and 17 scheduled for production within the next few months. Planning and budgeting of these films, he disclosed, had been planned with the possibility of European trouble in mind. None will be dropped nor will budget revisions be made, he said.

It is understood that no plans to call off preliminary work on the new studio site this fall have been made.

Adolph Zukor discussed the foreign situation at the chintest and Wm. Fox, and Metro-Goldwyn of his whole-hearted cooperation in the campaign to eliminate waste.

Nick Schenck's Statement On Production Quality

Nicholas M. Schenck, president of Loew's, Inc., and Metro-Goldwyn Mayer Pictures, yesterday (Tues.) issued the following statement in N. Y. "In the present world conditions, speculation in the industry and in financial circles regarding the position of the motion picture business in the present world crisis. Many in the industry have expressed a

An industry that is resourceful enough to divide the waters of the Red Sea, create its own earthquakes and hurricanes and send British soldiers marching to war behind the theme song of 'Heigh Ho!' from 'Snow White', an animal cartoon, should approach its own commercial problems with confidence and determination. Current puzzle for picture makers is how to compress a lavish production budget within the limitations of an income that is shrinking rapidly as the European war disorganizes civilian life among battling and neutral nations.

First suggestion, of course, is that studios immediately curtail expenditures until output balances income. It isn't quite so easy as that. Production expenditures cannot be regulated with the ease of running water. Even if every Hollywood plant were shuttered (which is what happened last week to film theatres in England), overhead and commitment expense would keep right on.

Economy, of course, is the first demand in a situation such as the film industry now faces. With the British and French markets negligible sources in income, at least until there is semblance of order in untroubled conditions, ordinary business prudence prompts every management to reduce output to the utmost. Probable loss of considerable income from Britain and France (complicated further by a hazardous course in the value of foreign exchange), looms to be so great, however, that no matter how drastic the expenditure cutting, no matter how cleverly the studios slip under commitments, such eliminations of themselves will be insufficient to meet the problem.

The alternative, of course, is for the American film companies to explore the domestic market and ascertain by what means and methods the gross boxoffice income of American theatres might be lifted. Such a course would be attacking the problem in a realistic way, dealing with known factors, far removed from the confusion of events in distant lands.

Waste in American distribution is an annual toll on industry resources amounting to such a great sum that, if present unscientific methods were abolished, the result would be a healthier and more profitable industry.

Griffis Due Back in U.S.

Stanton Griffis, chairman of Paramount's board, sailed for New York Saturday (9) from France, according to word received at the home office. Griffis' whereabouts was not known for several days immediately before British-French declaration of war.

He had been honeymooning abroad.

It is feared that there would be a lowering in the quality of pictures and reduced expenditures for production. "I personally have refrained from forming any snap judgment, but have chosen to await developments so that I could see our way ahead more clearly. At this moment it is foolish for anyone to think that our industry—or any other—will be relaxed. I am confident that the production of lower quality pictures for the season that the producing companies are themselves large exhibitors and have three to four times as much capital invested in entertainment production. If we are to operate our theatres successfully, we must have outstanding pictures and plenty of them."

"Furthermore, I believe that the closing theatres in England and France will gradually be relaxed as conditions permit, so as to make possible the furnishing of needed entertainment to the civilian population of the warring countries. However, should our foreign losses exceed our domestic earnings, we will at that time consider ways and means of meeting the emergency."

20TH-FOX'S 176 PAYROLL SLICE

Hollywood, Sept. 12.—War retrenchment and the resultant loss of foreign markets cost 350 20th-Fox employees their jobs up to last night (Monday). Slashes in the 20th-Fox payroll have been paid off \$17,000 a week of the \$45,000 it is said to be losing because of the conflict abroad.

Non-productive departments have been slashed to a minimum. Where two crews have been operating, only one is being retained. Salary cuts have also been reported in various departments. Trimmings have gone to 50% in such departments as readers, music, studio-imping, stock players, and costume designers who were let go, however, have been restored. A number of better-operators have been laid off, some temporarily, until assignments are set. Six or eight are out already and others are going to be laid off. The Santa Monica hotel is available for them.

It is likely that higher bracket personnel may also feel the purge.

"SNEAKING 'WIND'"

Hollywood, Sept. 12.—Mekko pulled out of town for a sneak preview Saturday (9) with "Come With Wind."

Picture ran 220 minutes.

It may be that steps towards reorganization of domestic distribution and exhibition will be a natural sequence in the readjustments demanded by the European War. The profligate gesture of current theatre bookings, wherein film attractions are treated with mediocrity, or dually with a second outstanding success, will be curbed under economic stress of the coming months. Who will do the curbing, and how, remains to be seen.

The fact is, that events are shaping themselves towards an opportunity for major film companies to bring about cooperation between themselves and thousands of independent theatre operators. The problem of cutting production expense to the measure of restricted world income is not one solely for producers to worry about. It is just as much the concern of the independent theatre man as the chain manager. Hollywood may seem far away from some rural film house, or an operation tucked away in a suburban section, but the full impact of decision reached in Hollywood bounces against all theatres everywhere.

It would seem a reasonable and constructive suggestion that the major film companies should undertake immediately to place before their exhibitor customers a clear, concise and accurate statement of conditions which have to be met by a unified industry. Failure to inform, and a continuance of the attitude that perhaps the customer isn't interested in anything but film grosses in key cities, may crystallize resistance against reasonable remediable steps. There's a job of intelligent informing and analyzing to be performed by major companies, if the cooperation they so sorely need is to be won over to their side.

The anti-trust suits and the collapse of the well intentioned, but unfortunate, proposed trade practice code find the industry in a discordant mood, at the very moment when common purpose and universal understanding of great problems are crying for attention. The hour has arrived for plain speaking, in the form of a series of trade announcements from industry leaders. Those who will take advantage of the moment to check false rumors and propaganda will perform a lasting industry service.

Wertheimer, Hempstead, Others Out at 20th-Fox

Hollywood, Sept. 12.—Lew Wertheimer has resigned as associate producer in the Sol Wurtzel unit at 20th-Fox, after two years on the lot. David Hempstead is another producer out in the retrenchment abroad.

Other departures over the weekend were Aidan Roark, staff writer; "Paul" Lester, camera technician; and Sam Ledner, assistant director.

Arthur Loew West for 2d Time; Chatain Stricken

Arthur Loew, head of Metro's foreign department, has gone to the West Coast again, his second trip in about two weeks. Both visits are to look after Louis 'Lilli' Chatain, director in the French Metro organization, who was taken seriously ill suddenly while enroute to the Coast. Chatain had gone to Hollywood to house-paint with Cary Grant but had to be rushed to a Santa Monica hospital on arrival.

Chatain, greatly improved, is recuperating well enough to be brought back to N. Y. Loew will come east with him when he returns in a few days. Loew is being on French M-G directorate, Chatain is head of a Paris advertising organization.

White west, Loew will consult with studio executives and advise on the European film situation.

\$75,000 WEEKLY HOLLYWOOD CLIP

Invoke Drastic Measures to Offset \$80,000,000 Foreign Loss—Lop Off Excess, But Must Strive to Maintain Production Quality

ALL DEPTS. HIT

Hollywood, Sept. 12.—Hollywood had a compound problem to solve. It is the toughest since the 1933 bank holiday, when studios asked employees to take a 50% cut and created a turmoil within the ranks of the industry that ended with a paralytic contentment, leading away from the Academy of Motion Picture Arts and Sciences and recognition of a variety of abuses in the former Academy members sought haven for their mutual protection.

Hollywood is not going to try the same measure again, at least not for the time being, with the European war on, and the possibility that the English market will either be wiped out so far as coin coming through is concerned, or greatly reduced from a consumption standpoint.

Film-makers know that they must continue to make good pictures, and that quality of product cannot be sacrificed, with result that there has been an unanimous pruning going on with payrolls and other excess baggage, which will currently save the combined Hollywood production forces about \$750,000 a week. Studios are insistent that they do not intend cutting salaries and wages, but are going to eliminate all unnecessary—waste from every angle. Under no circumstances do they want to diminish the number of pictures scheduled for the current season unless the story material may be of such value that it will continue coming through to America, but are inclined to reduce it this time.

There is said to be around \$90,000,000 a year revenue to American companies from the foreign market, the bulk of it from the British Empire. They feel that in time a good portion of this will continue coming through to America, but are inclined to reduce it this time.

(Continued on page 16)

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Jas. Roosevelt Calls Studio Survey Full-Time Job; Favors Academy Back

**J. Robert Bren and Gladys Atwater
signed to Paramount writing pacts.**

Bioff turns Down Offer to Negotiate For 12,000 IATSE Workers in Hollywood; Reported Wanting 15% Wage Hike

Hollywood, Sept. 12. — Although late last week it was thought he might be a mediator for 12,000 members of International Alliance of Theatrical Stage Employees local, Bioff's Monday night (10) turned down the request to become their liaison officer. Bioff's acceptance would have marked his return to the film industry for the first time since he resigned in 1937 as personal rep of George Brown, IATSE prez.

Expressing his thanks for the local's "vote of confidence," in a letter, Bioff's bid of the offer was one of conjecture in film circles. On Friday (8), Bioff indicated that he would assume chairmanship of negotiations and would immediately demand a 15% salary increase for workers. Uncertainty exists whether the fact that other AFL locals failed to agree on a united front for the election, whether Bioff and the officials felt it was inadvisable presently for him to step back into the picture.

Bioff's action is believed to mean that the locals will handle their own negotiations, which have been protracted for a number of weeks. Chiefs in the United Studio Technicians Guild state that his refusal was the result of rank and file membership objections.

An effort is being made here to line up a united front for the election of a Federation of Labor study crafts for the voting of 12,000 film industry technical workers. The National Labor Relations Board. Some difficulty was experienced, however, when an AFL representative first demanded a guarantee from the IATSE that jurisdiction of other workers would not be raised by the IA if it defeats the United Studio Technicians Guild in election, now set for Wednesday.

United Studio Technicians, CIO, have appealed to the NLRB for equal rights in studio electing, claiming that the IA has the right to vote of the lots while they are being discriminated against. Last week, 12,000 employees eligible to vote was posted in studios today (Tuesday).

Sub-committee composed of Pat Borenstein, of Screen Actors Guild; Ben Martinez, of Studio Plasterers; J. W. Gillette, of American Federation of Musicians; and Joseph Cambiano, of Studio Carpenters, adopted a resolution asking that the rank and file members of the other unions. Committee members stated there was some suspicion in mind of the workers that the IA might decide to raid the other crafts if it was victorious in coming election. Meetings have been called for this week to iron out situation in an effort to get all the unions to sign the line for the IATSE when casting of ballots starts.

Bold ON ASC Movie

Frank Stickling, IA International representative, told a mass meeting of International Photographers Local Council IATSE will be a matter to the American Society of Cinematographers without consultation Local 658, and unless 658 membership approves. No action on ASC charter application is expected until the studio elects a new president, that charter either will be granted or plans worked out for a merger of 658 and Local 658.

The IATSE is preparing changes against between 200 and 300 members who are active and affiliated with the United Studio Technicians Guild. Ten have already been expelled, including Jeff Kilbe, autonomy leader, and the IATSE, chairman of USTG. Members are being charged with not joining the IA, latter organization claiming that the USTG is a bying wedge launched by the CIO in an effort to break the AFL closed shop agreements in the film industry.

Los Angeles regional chapter of Radio Writers Guild of the Authors League of America has mixed prospect of American Federation of Radio Writers on settlement of jurisdictional dispute between the two groups. The AFRA offers to break the all radio staff writers and release all freelance air scripters to RWAG. Lat-

GARLAND-ROONEY SET TO TOP 'GOOD NEWS'

Hollywood, Sept. 12. — Judy Garland and Mickey Rooney have been handed top roles in Metro's 'Good News,' slated to go before the cameras shortly. Mopet pair are just back from a p. tour which included a joint one-week date with the 'Wizard of Oz' at the Capitol, N. Y.

SAG-AGENTS IN ACCORD ON PAR'S 'CITIZEN' LICENSES

Hollywood, Sept. 12. — Complete accord has been reached in licensing of agents by the Screen Actors Guild. Agreement provides for issuance of licenses only to members of the Actors' Management Guild. Attorneys have completed a draft of contract for submission to the membership of both groups within 10 days.

MORE UNION BEEFS ON PAR'S 'CITIZEN'

Philadelphia, Sept. 12. — Two Philadelphia unions joined in the boycott of 'Citizen Kane' (Par), in line with action taken by labor organizations in other sections of the country. The CIO's United Office & Professional Workers and the Insurance Guild passed resolutions at meetings on Monday (11) urging all trade unionists to stay away from the picture when it opens here. They also asked members to send protests. Warner Bros. theatres asking that the film be boycotted.

The American Federation of Teachers is expected to join the fight at its next meeting.

Columbus' Boycott

Columbus, Sept. 12. — Local theatre managers have been advised by the Columbus League of Women Shoppers that any house playing 'Our Leading Citizen' will be subjected to boycotts. Group is affiliated with national female organization interested in labor problems. League contends the Bob Burns play is anti-labor. RWAG asserts they have cooperation of local labor unions.

Can't Scare Counties

C. B. DeMille's 'Northwest Mounted Police' for Paramount is continuing in the preparation stage unaffected by uncertainty about Original budget stands. Screenplay is now being shipped into the States for a start around the year.

ter organization insisted it be given control over all air scripters, stating organization was a bargaining representative should an appeal to the NLRB become necessary in negotiating agreements.

RWG agreed to signing of contract between AFRA and Station KNX, with understanding that writers would be excepted until such time as amiable agreement was reached on writer jurisdiction.

Walter P. Sprechels arrives here this week to assume duties as Los Angeles regional director for National Labor Relations Board. He succeeds Dr. Towne Nylander, who resigned July 18.

Dr. Hugo Riesenfeld, Pioneer in e u x e Presentations, Dies at 60

Dr. Hugo Riesenfeld, who showed the way in the musical scoring of picture long before the advent of sound, died Monday (10) in Los Angeles. He was 60.

It was during his tenure from 1917-25 as director of Paramount's Rialto, Rialto and Criterion theatres in Los Angeles where he succeeded S. L. (Rocky) Rothafel, that Riesenfeld demonstrated the entertainment value of the possibilities of intelligent musical accompaniment to films. He painstakingly selected music to fit the film's story and each scene, making the pit orchestra and 'screen blend. Prior to this, musical accompaniment to pictures was almost wholly a haphazard affair.

Riesenfeld's showmanship asserted itself also in his careful selection of short subjects played at his theatres. In order to play better product in this class, Riesenfeld for a time handed out a gold medal yearly to the producer of what he considered the season's best picture.

He also was among the first of theatre managers to hold over a picture. Some of the long runs he was identified with were 'Covered Wagon,' 'Humorous,' 'Vanishing Lady,' 'Stagefright,' 'Ten Commandments,' 'Beau Geste,' 'Sorrowful,' 'The Iron Horse,' etc.

He prepared the musical scores for all of them. Riesenfeld terminated his association with the Rialto, Rialto and Criterion theatres when Public Theatre in this class, Riesenfeld's management of the Paramount houses in 1925. He returned for a brief period to the Rialto, Rialto and Criterion theatres on Broadway for B. S. Moss. In 1927-28 he was general manager of the Rialto, Rialto and Criterion theatres in Hollywood. Since then he's been freelancing on the Coast, scoring films and directing.

He came to this country from Vienna, his first important post on this side being concert master at the Manhattan opera house, N. Y., 1907-11. Three years as an orchestra leader in the Rialto, Rialto and Criterion followed and in 1915 he became concert master and conductor for the Rialto, Rialto and Criterion theatres. He composed the music for his own right, he scored several classical and popular shows. One of his most famous works, 'The Iron Horse,' produced in 1921 on Broadway. His widow and a daughter, Janet, dancer and author, survive.

Bobby Vernon's Will

Hollywood, Sept. 12. — Although his bequests amounted to \$400,000, the estate of Bobby Vernon's will showed only \$1,500 left by alien film comedian. The odd \$1,500 dollars represented bequest of one dollar each to three friends. His mother was willed \$2,500.

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License Commissioner and Talent Guilds Mix N. Y. 'Central Casting Co.'

Grandiose plans for a privately-owned studio of films is now being set up in New York, with talent to pay weekly dues and the producers the commission. The plan is to be carried out by refusal of an inspector from Commissioner Paul Moss' office to recommend a license.

Equity, Screen Actors Guild and the American Federation of Radio Artists are to be asked to endorse the plan. The plan is to be carried out by refusal of an inspector from Commissioner Paul Moss' office to recommend a license.

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Gomez's plan, as submitted in a let-

Film Cos. Fight Nov. 1 Trial Date Of U. S. Trust Suit, Inerratories Too Tough; Other Exhib Complain

FONDA, TOPLINED FOR 'GRAPES,' FORD DIRECTS

Hollywood, Sept. 12. — Henry Fonda draws the lead role and John Ford directs 20th-Fox's production of 'Grapes of Wrath.' Spencer Tracy had been reported in line for the role.

Darryl Zanuck plans camera start by end of September.

'ONE BIG UNION' TO BE TRIED PARTLY

Application of the 'one big union' idea may be started by the Associated Actors & Artists of America within the next couple of weeks in certain territories. Plan would be to adopt the single membership card for performers in all branches of the motion picture industry. The four major production centers—New York, Chicago, Los Angeles and San Francisco—would be the first to rarely limit each card to its own locality, however.

So far, that is virtually the only definite proposal advanced by the Four A's leaders, who have been more or less considering the 'one big union' idea for the last year or more and have been studying the subject intensively since last week's settlement of jurisdictional row with the International Alliance of Theatrical Stage Employees.

Only recently taken by the Four A's in the direction of consolidation of the various affiliates was a resolution passed by the board to speed up such action. However, as most of the various union heads have been far from united in supporting any practical plan for unifying the affiliates into a central body and co-ordinating their activities, the resolution was regarded merely as a gesture.

Still, the Four A's has made a definite pledge to its members, as well as to its newly ally, the IATSE, to separate a 'one big union' setup, something must be done soon. In bership is known to be overwhelming in favor of the single membership card and the elimination of duplication of dues.

Further attempts on the part of the major film companies to balk a preferential date of Nov. 1, 1939, given the Government, in its anti-trust action against them, were made. The companies are now all except United Artists filed affidavits requesting that no determination of the Government's action be made, until there is some decision concerning the IATSE's jurisdiction over the IATSE's.

All majors were represented by John F. Caskey, who stated that while a date of Oct. 7 had been allowed the companies to answer, the numerous questions required a satisfactory answer of production, exhibition and distribution in every city in the U. S., and would require a minimum of a year.

On the basis of his clients, Caskey stated that no decision of the preference motion be made until the court has ruled on the interrogatories, or until some settlement as to time is made between the U. S. and the film companies.

Columbia application was more forceful. In that it asked that, as result of the interrogatories, the Government's motion be completely denied.

Columbia claims that many of the questions asked by the Government are irrelevant and a preference of accounts to examine and break down all of its corporate records. All this extensive preparation would interfere with an orderly preparation for trial.

To move the questions would take at least a year, Columbia insists, and adds that they have endeavored to determine the matters are affiliated and which are not, without having a great deal of success. Columbia also claims that, since it never discriminated against one type theatre or another, it is not required to go through its books and sort them out.

As a last point, Columbia points out that it has 450 theatres, or 12,000,000 different situations. The conclusion is a request that the petition for a preference be denied.

It was learned that federal judge John C. Knox, in whose hands the application rests, is still trying to get a 'one big union' setup, as those close to him report he feels that the Government request for an early trial is justified.

Williams OK's Oct. 7

Washington, Sept. 12. — More time has been allowed major film companies required to reply to subpoenas for the production of interrogatories, raising the prospect of further delay in bringing the principal anti-trust suit to trial.

After conferences with counsel for the defendants, Paul Williams, head of the Justice Department, said answers will not be due until around Oct. 7. General understanding was that the subpoenas were given the day from the time they were technically served, which in most instances was around Sept. 10.

Mass of clerical work involved in compiling the data sought by the subpoena was cited by the D. J. whose sleuths worked two years to get data which would justify the bill against the exhibitors. Williams is not willing, official sources indicated, to let the defendants use the subpoena to get a head start in preparing. Opening of hostilities before the end of the year remains the Government's objective.

U. S. Ends BAC Arguments

Chicago, Sept. 12. — Government last week wound up its side of the arguments in the case of the exhibitors' motion picture major film distributors on alleged contempt of the consent decree entered into by the exhibitors and the Federal Bureau of Investigation read off some figures and tabulations showing that the exhibitors had violated the Board of Education, which (Continued on page 14)

Product Shortage in Aussie, Result Of War, May Scrap U.S. Film Curb

Probable shortage of picture product in Australia because of the European war may exact the New South Wales government, regulating the requiring local exhibits to show at least 15% British pictures. "Thus, the 25% reduction against American film would be inoperative, according to Dan Carroll, Australian exhibitor and circuit operator, who is in New York last week on his way to Sydney. He sails today (Wednesday) for Australia from Los Angeles.

Admitting there would be a dislocation of distribution and theatre business for a time because of the struggle in Europe, Carroll indicated the war would be an upset in the contribution for U. S. companies in Australia eventually. He envisioned the gradual elimination of British pictures for Anzac distribution and a product shortage.

Products received by Carroll from Australia showed that attendance in cinemas Down Under had not suffered since war was declared. Economic stability was assured during the period of war, in his opinion. The British government has brought for the duration of the war all principal products of Australia (New Zealand), he said. "This, he believes, assures the dominions an economic upsurge."

Carroll was in London until a short time before war was declared, arriving in N. Y. last week.

WB, M-G CLOSE LONDON PROD.

London, Sept. 12.
Warners and Metro have closed down production here.

Also, both-Fox is reportedly trying to get out of its production contract with Gainsborough.

WAR IS ALL SHERMAN SAID ON STUDIO P.A.'S

Hollywood, Sept. 12.
Prevalence of war news in the headlines has shut off the radio live avenue of plugs and plants by studio press agency. Mags also are being tight against film blarney and picture weeklies, heretofore a soft touch for double-tracks on impromptu releases. They have declared what amounts to a virtual embargo against anything that doesn't smack of the war and its effects in this country.

Wire services have even a decided distaste in film news and flacks making the best progress are those who color their releases with the tint of Mars. It's a matter of ingenuity in sneaking in the war and the old standby routines of cracking their jokes in a modulated as the film of the piece closes in the last war.

Mrs. Von Stroheim West, Flamer Offers to Enlist

Mrs. Eric von Stroheim, who arrived in New York from France last week, has gone to Hollywood and she'll remain there for the duration of the war.

Her husband stayed in France, but his plans are uncertain. Although a French medical doctor, he has volunteered for service in the French army, but was told he was not 'enlisted' for it. For the time being, he is trying to carry on his film producing activities.

Montreal Unit, Red Cross in War Tieup

Montreal, Sept. 12.
Montreal Repertory Theatre has become officially affiliated with the Red Cross and will cooperate as a unit of that organization for the duration of the war.

The theatre will proceed to regular schedule and all profits will be turned over to the Red Cross. Outfit also plans to organize concerts and benefit productions. Unit playing and subscribing members will do regular Red Cross work, and will be operating from MTR headquarters.

British Troupe to Open Canada Tour in Montreal

Montreal, Sept. 12.
Maurice Colborne-Barry Jones company will arrive in Montreal for a two-week tour in Canada for five months this fall. Cast of 36 is coming across.

Amateurs in the company are the Countess Poulet, wife of the eighth Earl of Poulet, professionally known as Ordel Ross.

LONDON STAGE PLANS STILL UP IN THE AIR

London, Sept. 12.
West End stage and cinema re-openings are still doubtful, while 20 provincial vaude spots have been reopened. "The Little Dog Laughed," "Crazy" gang show, which opened recently at the Hippodrome in Brighton, London suburb, has returned there for a protracted run preparatory to its new doubtful London run at the Palladium. Most of cast stays intact, including the Americans, some of whom have decided not to sail for home.

The only London stage spots that plan to reopen are the Hippodrome and Golden's Green, for which four West End shows are negotiating.

Reopenings are predicated on salary adjustments to conform to current conditions.

Meeting of vaudeville moguls yesterday (Monday) resulted in the agreement to cancel all existing contracts and to play booked acts on 50% of the gross. "In the same arrangement, employed here during the World War."

Confab was attended by Variety Artistic Federation officials, who have the matter under advisement.

CANADA INTO THE WAR A BLOW FOR DETROIT

Detroit, Sept. 12.
Detroit amusement spots quit taking theatre and nifties, figure to take it in the neck now that Canada has declared war on Germany. In support of the mother country, it's likely that Canada will do as she did in 1914, when all borders were closed and special permits were issued to persons actually needing to enter Canada and return. Whether these permits will allow frequent, and unnecessary excursions into the U. S. is another matter.

While it undoubtedly will be okay for Canadian citizens to cross into Detroit for work, it's a matter of conjecture if authorities will permit frequent trips into Detroit to attend amusement spots weekly get droves of Canadian spots who cross the river for a flicker or a sip. Curtailing of this biz in any degree will mean considerable loss of revenue to Detroit.

Furthermore, the current discount rate put on Canadian money, because of a strong release of the dollar valuation, is another British pound getting Canadians to cross the river for entertainment and return. The pound has been fluctuating from 5-15% hard to take from the Canadian point of view, so most of them undoubtedly spend their shekels in Windsor and get equal return.

Business fluctuations necessarily slates the h.o. jobs here being kept posted hourly on how much to take from Canadian dough is presented at wit's end.

Another 'Beast' Pic Hollywood, Sept. 12.

Producers Pictures is rushing "Hillbilly" to the Berlin 'into production for Oct. 8 release.

During World War, a similar film, "Kaiser's Beast of Berlin," was put out by Warners.

Morros Always Okay On RKO War Film

Hollywood, Sept. 12.
Boris Morros will do a story based on the propaganda war as a second picture for RKO if George J. Schaefer gives the nod to the idea upon arrival here this week.

Morros already has film connections in France gathering background footage for him.

N. S. Wales Election Enhances Prospects Of American Distributors

London, Sept. 12.
Defeat of J. J. Lang leader of the labor party in New South Wales for years, by W. McKell, in the state election held last week, is regarded as highly important to the film business. McKell led an anti-American group in Parliament, while Lang was widely known as opposing American distributors in this country.

Election also picked F. Blair as premier, supplanting B. S. Stevens, resigned.

No additional picture legislation is in the offing, it was stated following the election.

Anti-War Feeling

Continued from page 1.
treatment of war in fictional form in an ordinary feature.

Like the release is RKO's "Women in Love" (Miriam Hopkins and Paul Mun), originally released in April, 1937. Muni quit the Queen of World War ace. RKO also is considering "Lost Squadron" for release.

U. N. Sure of Duo.

Universal, during the past week has screened "All Quiet on the Western Front" and its sequel, "Road to Glory" (The Greening of Young America) and average German citizen is treated sympathetically in the film, there is some question as to the reason could be, in view of current feeling against all things pertaining to Reich.

Colwell recently turned out "Clouds Over Europe," which will definitely not be released, partially because it was released only a short time ago and partially because it did depict business. Col, will, however, opt to release a new German film which is believed to be particularly well-timed, "U-Boat 39."

United Artists has under consideration "Times to Come," with Raymond Massey, which originally unit was to be released. If the fever is decided a good bet to capitalize on, this is expected to be a particularly strong release.

Monogram has resurrected "Navy Secrets," a spy story, but isn't giving much consideration. Metro, Par and Fox Republic either have nothing suitable or won't release anything.

'All Quiet' Clinks

Spokane, Sept. 12.
H. D. McBride reviews "All Quiet on the Western Front" quick, and did better than average business.

Canada Nixes 'All Quiet' But Okays 'Nazi Spy'

Winnipeg, Sept. 12.
Two war movies have been yanked by the Dominion government and booked for an indefinite run in government film vaults. The two are "All Quiet on the Western Front" and "Let Me Forget." Explanation given by local officials is that "All Quiet" pictures are "too graphic" and must not be shown at this time. Also stated celluloid will stay in the vault until war is over.

But "Let Me Forget" is being shown at this time. The picture is a story of a German soldier who is captured by the British and is sent to a prison camp. He escapes and returns to his home in Germany, but finds that his home has been destroyed and his family has been killed.

Cooper's 'Blackout'

Hollywood, Sept. 12.
Jo Swerling has been assigned by Samuel Goldwyn to script "Blackout" for the Gary Cooper picture.

Film will deal with air raids in present war, and is set to follow "Raffles."

American Labs to Do All Foreign Market Printing; See Big Increase

France Requisitions Joinville Film Studios

Paris, Sept. 12.
Motion picture studios at Joinville, near Paris, have been requisitioned by the government. No explanation was given for the action, but several are advanced unofficially.

One is that France wants the studios for its own propaganda pictures.

Another is that the studios are being requisitioned for the production of English laboratories.

With foreign requirements to be taken care of in American laboratories, it is likely that the present output of these labs, handling black and white prints, will increase 50 to 75%, which will necessitate a large increase in the number of workers.

Technicolor has had to cancel all of its process-printing for the entire European market in London during the past two years, in the labs of its London suburb, may shift the work to the Hollywood plant. Latter no doubt will be a big market for the American company.

The Hollywood plant is running close to capacity this year, turning out color prints for the domestic market. It is likely that in taking over the foreign supply Technicolor will speed up its schedule for future work that has been set for production during the next few months.

It is also likely, until Technicolor can get operating at full capacity in England, that the studios in London, but should manpower shortage occur, it could do nothing else but wait.

The British Film Producing Association is discussing the feasibility of crapping the quota on war work.

British producers, led by Maurice Elton, are opposing the move and have called a meeting of the association, backed by George Elvin, representing the studio technicians, to lodge a protest with the Board of Trade.

American company heads in London also went to the government, pointing out that there is a quota on the number of technicians in London, they were prepared to live up to it as far as was physically possible.

But the way it is now worded, the call to colors of a number of studio technicians, writers and players would mean an operation that would negligibly small percentage of workmen on the picture of the quota.

EXCHANGE RATE BAR TO PIX PICKUP IN MEXICO

Hollywood, Sept. 12.
Cash registers will have to jingle oftener and louder in Mexico to offset lowering of rate of exchange.

Standing around six to one, declared S. L. Seidelman, general manager of United Artists, here on a visit.

Mexico is building more theatres, some seating up to 5,000, but, says Seidelman, although general business situation is good, they will not open until the exchange rate is bettered. Equipment from the United States is almost prohibitive in cost under present conditions.

Per the guarded normal at \$3.60 to the American dollar, is now six to one.

NO GAG NOW B'klyn Gag-Writer Remembers Men's Canadian; Conscripted

According to reports from London, Eddie Forman, gag-writer last with the Brooklyn Bros. Vitaphone studio, has been conscripted for the British army.

Forman was an American citizen up until he left the U. S. for England a couple of months ago. When Sax was conscripted to head the production at Teddington, Forman also tried to connect over there, but couldn't get a proper permit.

Remembering that he had been born in Canada, though his parents became U. S. citizens when he was still a child, Forman went to Canada and applied for citizenship there.

This gave him entire title in England. But he didn't expect that at time would also give him immediate entrance into a war.

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Prints of Film Productions for England and the entire world market will be made in America in the future.

With the lack of manpower in England, American film producers there are unable to cope with the output demand, and the film company in England has been asked to take the task of print making in Hollywood and New York laboratories. Currently the major companies make their domestic prints in both New York and Hollywood, and have been sending over dups or foreign negatives to be printed in the market for English laboratories.

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British Approve Certain Theatres Open 'Til 10 P.M.; French 'Anxious' To Reopen Also. 8:30-10 P.M. Curfew

Government is sponsoring.

FI

U.S. Troops Move On Bevills to Give Pic Prem Military Touch

Hollywood, Sept. 12.

Uncle Sam dispatched a company of anti-aircraft artillerymen to Beverly Hills last night (Mon.), but the only real cruising left were regular passenger ships. Sirens didn't scream but sweeping the skies were high powered gun arcs. And they weren't searching for enemy craft. It was Hollywood's way of giving a picture premiere a military touch, to match the mood of the moment. Sam Goldwyn's press aides conveyed the idea and passed along the thought to James Roosevelt and Fred Stone, Goldwyn's press head and recent Washington correspondent. Both have Washington connections, and the resultant process of having motion suited to the word was not slow.

The picture that stirred up all this military hubbub was the new *Real Glory*, which has something to do with war. It was at Bev's Beverly. Not a complete surprise, since Metro is bringing 25 officers of the Naval Reserve to attend premiere of "Thunder Afloat."

STAR QUOTZ TEST BY HUIZ IN AUSSIE

Sydney, Aug. 17.

September will usher in a major dip by Hoyts in the nabes. Under contract to Gordon Glass and Herb Hayward, will run four weeks. It's titled, "Star Quotz," with a pre-selling up to pulling up.

Series of four colored rotogravure postcards of pic stars suitable for framing, thus preventing three ways, will be given to patrons each change of program. A coupon is placed in each card listing a number of titles of pic which the star may or may have appeared in.

The picture, "Star Quotz," will place a cross opposite correct title of pic directly associated with the star. Patrons also asked to write a letter of not more than 100 words giving their idea of a perfect pic program. Use of word "letter" will be played in all ads in place of word "quiz," which, managers say, has a strong tendency to cause people to enter a competition.

After the picture, management hopes to learn just what type of program nabes audiences crave, be it duels, singles with shorts, or duels, plus shorts.

Pix lined up for the '39's include "Confessions Nazi Spy" (WB), "Stagecoach" (UA), "Love Affair" (RKO), "College City" (WB), "Road to Singapore Square" (20th) and "Pygmalion" (GB).

It's the Women Who Pay At Leap Year Showing

Pittsburgh, Sept. 12.

Charles Kurtzman, manager of Penn, pulled a new one in conjunction with "The Women of 1939" not only got a lot of newspaper attention but also did well at the b.o.

Special "special" midnight show to the regular schedule and billed it as "Leap Year Performance." The picture was about women, but the females could pay for tickets at this price drew more than 1,500 customers.

Gag was carried out to the limit and gathered a flock of laughs to boot, and who was up to b.o. for duets were told to turn their backs over to the ladies and special show drew more than 1,500 customers.

As One Burns to Another

La Crosse, Sept. 12.

Hollywood theatre here plugged "Our Leading Citizen" in a newspaper advertisement featuring the pictures of Bob Burns and John C. Burns, local popular men, captioned:

"Speaking as one Burns to another, you must look as the small town lawyer in Paramount's new film, "Our Leading Citizen," is the best picture."

"There is so much showmanship wisdom in a few remarks on night baseball, as played by the Brooklyn Dodgers, and attributed to Larry MacPhail, the club president, that it is repeated here for the inspection of those managers, who believed the cure of boxoffice ennui was to be found in the introduction of double features."

MacPhail is credited with having introduced arc-light baseball into the major leagues, over strenuous opposition and objection of some other club owners. Doubtless, the success of his idea was not far from the fact, he brought his experience to Brooklyn two years ago. Seven games were on the first season's night schedule, the attendance was 100,000 during the current season, the boxoffice has clicked 200,000 admissions for the same number of games. When asked if he intended to expand on night baseball next year, MacPhail said:

"No. If you play more than one night game every two weeks during June, July and August, you overdo it. You realize that the fans won't come out on these great numbers. It's like giving fans too many double-headers on Sundays and weekdays. When you do, they won't come out for the single games. You've got to be careful. You can't change the sport and get away with it."

Thereupon he told of what happened in a minor league town where night games turned a losing club into a big financial winner—for a short time. Believing that the success of his idea was not far from the fact, the management doubled the night schedule. Within a month the attendance had dropped to former disappointing figures, the picture business was on the edge of a showmanship idea was dulled by too frequent use.

ANALOGY IS OBVIOUS

Scarcely necessary to draw any diagrams for theatre operators to grasp the analogy of MacPhail's remarks, and how applicable they are to the experiences of thousands of theatre men who find themselves unable to break a dual policy, once it has been established. Put to exhibitor vote, as a circuit man said

the other day, dual would be swept from the screens of theatres, or used only with discreet moderation.

For the nominal admission price which prevails in film houses, American public finds its greatest entertainment and intellectual bargain. Productions that represent millions in investment are unreluctant for individual exhibitors to show. The low price, and the attractiveness of films as a source of clean and wholesome family entertainment are, perhaps, the two strongest arguments for the use of films. It was so from the beginning of exhibition.

It is a late date to expose the menace of universal double-billing, especially for the fact that the same great stretches of the American landscape into which the policy has not yet shown its horns. Through the outbreak and central, the single bill policy maintains. An executive of one of the larger chains, returning to New York from a wide tour of houses, declared that in his opinion theatre business was better in the single bill territory. Strangely, he declared, there was less fluctuation of receipts day by day than in sections where duals are shown.

Film production has been geared down to dual exhibition policy, and one of the problems of the exhibitors who cling to single features is the yearly negotiation of selective contracts which permit elimination of certain weaker boxoffice attractions, unneeded to the requirements of the solo policy. For these operators, however, would willingly forego the additional task of careful film booking for the ease of duals.

No single group of theatres can break the bonds of duals, once they have fastened themselves into a competitive position. The venue for the unit force is not far away, in the judgment of many experienced film men. World conditions may force production to higher levels of screen values. A return to single features, even where there is unanimity of exhibitor desire and effort, will be accomplished only through the aid of the exhibitor.

The end, it attained, will justify the battle, many theatrical men believe. The family patronage, alienated by the selection because of the lengthy dual, will welcome the change.

WB'S MATERNITY TIE FOR 'CHILD' PREMIERE

St. Louis, Sept. 12.

Warner's hit on a novel take to determine the choice of a city for world premiere of "A Child Is Born," Town which raises the most coin for establishment and maintenance of a charity maternity ward in a hospital gets the dual. A list of 15 cities has been heard from.

Studio also will help along the donating picture's principle into the town for personals. These include Geraldine Fitzgerald, Jeffrey Lynn, Gladys George, Spike Brinning, Nanette Fabares and Hobart Cavanaugh.

Nabe Theatre Balloys New Year's Product

Winnipeg, Sept. 12.

Leno Turaldo, manager of the nabe Uptown, is going after the fall nabe patronage and making an effort to drag in the outside customers with his campaign titled "Fall Festival Hit Parade."

Wide plugging, via special window displays, posters, newspaper space and radio, has been going on since to his string of front line hits into to bow in September 14 with "Juno."

Policy of throwing advertising funds behind the nabe houses is being followed by the theatre, the larger proportion of the budget being expended on the downtown houses, nabes and the "cray" from the table. Uptown is top nabe house of the Western Theatre chain.

Par Relinquishes Det. Madison; Now Balaban's

With Paramount unable to get together for the longest time, the renewal of the sublease covering the Madison, Detroit, downtown first run in that city, the theatre is reported being taken over by the Harry Balaban circuit. Harry and Elmer Balaban, Chicago, are in 11 theatres in Illinois and Detroit, having but one (the Adams) in the Madison.

When the Par lease on the Madison, Detroit, ran out last July, the house closed down. It is still dark. Par had the theatre for more than 10 years under a sublease from the John Kinsley interests.

F&M Tells St. L. Public About New Season Films

St. Louis, Sept. 12.

That Fanchon & Marco interests here have not linked contracts for 1939-40 season, but are still dickering was made public last week in a newspaper advertisement which was the first of a series of ads, seven inches deep, one col. wide and black bordered admiss that the greeting was "Hello New Year's Season." The ad was a list of new season films, arranged in two columns, and the list of new season films, arranged in two columns, and the list of new season films, arranged in two columns.

Portion of the ad reads: "We're now working with eight of the 10 major film producers, arranged in two columns, and the list of new season films, arranged in two columns, and the list of new season films, arranged in two columns." The ad was a list of new season films, arranged in two columns, and the list of new season films, arranged in two columns.

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Married for 81 Years, Win Trip to New York

Mr. and Mrs. William Kelley of Billings, Mont., claim to be the longest married couple in the world. Walter Kearns' "Eternally Yours" (UA) search for the longest married couple in the world.

Kearns is 109 and 105 years old respectively, and have been married 81 years. Couple claim precedence over Mr. and Mrs. George Gobens of Lucas, Iowa, who recently celebrated their 77th wedding anniversary and were selected by the National Convention of the American People's Party as the longest married pair. A search of the records in Louisiana, where the Gobens were married, and the Gobens were married, is now being conducted in these charges of the competition.

The award offered by Walter Kearns for the longest married couple is a 10-day visit in New York, where they will be his guests.

'Smile Week' in Dallas

Newest twinkling in Dallas, Sept. 12, is "Smile Week" now being observed in all its nabes. The city is celebrating the occasion with a smile from every employee he passes from b.o. to seat gets admittance ticket back.

FILM'S 50TH ANNIVERSARY TIE WITH N.Y. FAIR

St. Louis, Sept. 12.

Efforts will be made this week to tie the Motion Picture week at the New York World's Fair, beginning Oct. 2, with the film industry's 50th anniversary. Industry officials believe some industry cooperation of this sort will be necessary to make the event click and also to pull over the proposed talent hall, scheduled as a highlight of Picture Week.

If Golden Jubilee is to be a success, the full approval of eight major companies is given, a talent hall, and the industry top executives will be staged. Under such a setup, 20 would be chosen for Hollywood talent.

Thus far, industry approval has not been given the idea, but it has been brought to the attention of the Hays office.

Radio War Bulletins From Theatre Stages

Rochester, N. Y., Sept. 12.

Rockwell Kent, who is tying in with war interest to promote shows, Charles Freeman, manager of the Rochester Theatre, has announced a series of announcements that President's address would be heard through the theatre on the stage. The five theatres in the Cornerford-RKO-Paramount setup. Result was a series of announcements that President's address would be heard through the theatre on the stage. The five theatres in the Cornerford-RKO-Paramount setup. Result was a series of announcements that President's address would be heard through the theatre on the stage.

Reaction was regarded as strongly favorable promotion. The theatre, manager RKO Temple, built wall of sandbags on sidewalk in front of theatre and added some sandbags on the stage. Equipment, machine guns, gas masks and cannon for an eye-catching effect, and the theatre was ready to draw attention. Display linked to film, "The Warning."

Looks Like Judy's Double Gets Trip to World's Fair

Providence, Sept. 12.

Loew's State garnered plenty of publicity for "The Women and Eve" when Mayor John F. Collins invited the product and M-G-A a swell building for the Saturday night during awarding of World Fair trip to the actress.

Motorcade of 10 Crosby cars of tomorrow, contest winners from two England cities, and two bands paraded through downtown streets prior to 15-minute broadcast in front of theatre.

Public Hot for War Reels as Over-Sea Planes Rush Views

American newreels' coverage on the European war has some exhibitors treating the public with the latest newreels. Biggest audience response is reported in neighborhood

The reels thus far have taken advantage of transatlantic clipper plane service to bring the war news in three or four days after what happened abroad, and censorship in all three wing countries has delayed the reels considerably.

Build of battlefront coverage from now on will be fairly well standardized because much of it has to come from government signal corps or film propaganda units. This means that each U. S. reel will receive its material at about the same time in this country.

ANNA NEAGLE GIVEN SOUTHERN HOSPITALITY

Atlanta, Sept. 12.

Lucas & Jenkins pitched in strong with RKO-Radio in cashing in on personal appearance of Anna Neagle and Herbert Wilcox on chain's Fox. Neagle, British actress, landed in British actress arrived at 9:30 that morning and was put through strenuous schedule including welcome from mayor at station, breakfast with L. & J. and RKO officials, Rotary club luncheon, and a series of interviews with 30 Southern spots, radio broadcasts, cocktail party, interview with local pic managers, banquet assembling 300, presentation to club leaders, World War Nurses, VFW, and American Legion, and a series of interviews with her personal. It was quite a day for Miss Neagle.

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Film Players Appear At WB Seattle House

Seattle, Sept. 12.

Flock of coming starlets put in personal this week at official welcome party at the Warner Bros. Palomar. This was to debut Warner Bros.' films at the Sterling Chain in Seattle. The party was a success. Warner's took this means to extend good will to John Darr, head of the chain, and also to introduce possible future guests. The film colony list included Gladys Dickson, Rosella Hightower, and a series of interviews with 30 Southern spots, radio broadcasts, cocktail party, interview with local pic managers, banquet assembling 300, presentation to club leaders, World War Nurses, VFW, and American Legion, and a series of interviews with her personal. It was quite a day for Miss Neagle.

Gang was met at the depot, paraded in the caravan about downtown, housed at the ace hotel, greeted by Mayor Langlie and other officials, and a series of interviews with 30 Southern spots, radio broadcasts, cocktail party, interview with local pic managers, banquet assembling 300, presentation to club leaders, World War Nurses, VFW, and American Legion, and a series of interviews with her personal. It was quite a day for Miss Neagle.

Jack Sampson, head of adv. dept. for Seattle, urged newspaper space 300% for "Old Maid." Marty Weiser here from studio to help on campaign, and a series of interviews with 30 Southern spots, radio broadcasts, cocktail party, interview with local pic managers, banquet assembling 300, presentation to club leaders, World War Nurses, VFW, and American Legion, and a series of interviews with her personal. It was quite a day for Miss Neagle.

Newspaper Tieup for 'Oz'

Kenosha, Sept. 12.

Thomas Reilly, manager of the Kenosha Evening News, is planning a tieup with Kenosha Evening News as an exploitation stunt for "The Wizard of Oz."

Newspaper reproduced two drawings from the picture and the story started out from the coloring job on them were given copies of Frank Baum's book. Five such books were awarded to the next best entries submitted in the contest.

'Geste Vaude Solid \$43,000, Chi; Tomorrow-Flesh Snug \$26,000, Boy' 2d \$9,000, Mrgs. Hide Aspirin

Chicago, Sept. 12. Maybe it's the way, maybe it's the who, maybe it's the product. But whatever the reason, there is no doubt about the heightened activity at all boxoffices during the past couple of months. Upward is solid five currently, and the boys are breaking out the bags and stowing the aspirin back on the shelf.

Two pix are battling it out for the business this week, with the Chicago seating capacity proving the winning factor in giving 'Beau Geste' the edge in the current money wrangle. But it's only seating capacity limitation that is holding back the figure of 'Tomorrow Comes at the Palace.' The temple of the fave and are hanging on the rafters for a peek at some more Dunsen love-making.

Hold-overs in the 'Golden Boy' the Garrick, moving over from the Chicago, with 'Wizard of Oz' continuing at the third week in the United Artists. 'Star Maker' is doing extra long time in the Apollo.

State-Lake is having a tough week of late, with outdoor complex out of the way and auto parties booming again. Currently it's not too forte, but 'Golden Boy' is doing extra long time at 'Treasure Island' figures to give the boys a good run.

Estimates for This Week
 'Star Maker' (P.A.) (1,200; 35-55-75) \$43,000
 'Tomorrow Comes' (U) (1,200; 35-55-75) \$26,000
 'Golden Boy' (U) (1,200; 35-55-75) \$9,000
 'Mrgs. Hide Aspirin' (U) (1,200; 35-55-75) \$2,000

Chicago (B&K) (4,000; 35-55-75) 'Beau Geste' (P.A.) and stage show. Lawrence, Wash. (U) (1,200; 35-55-75) 'Golden Boy' (U) and stage show. Last week, 'Beau Geste' (P.A.) and stage show. Last week, 'Beau Geste' (P.A.) and stage show.

Garrett (B&K) (900; 35-55-75) 'Golden Boy' (U) and stage show. Last week, 'Beau Geste' (P.A.) and stage show. Last week, 'Beau Geste' (P.A.) and stage show.

Oriental (Jones) (3,200; 25-40-) 'Golden Boy' (U) and stage show. Last week, 'Beau Geste' (P.A.) and stage show. Last week, 'Beau Geste' (P.A.) and stage show.

Palms-Sale (United Detroit) (3,000; 30-40-50) 'Golden Boy' (U) and stage show. Last week, 'Beau Geste' (P.A.) and stage show. Last week, 'Beau Geste' (P.A.) and stage show.

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First Runs on Broadway

(Subject to Change)

Week of Sept. 11
 Astor-Goodbye Mr. Chips' (M-G) (18k)
 Capitol-Blackmail' (M-G).
 Criterion-Payment Deferred' (M-G) (25k)
 Globe-Parents on Trial' (Col) (16k).

Music Hall-'Golden Boy' (Col) (24 wk.)
 Paramount-'Star Maker' (Par) (3d wk.)
 Rialto-'The Day the Bookies' (Rialto) (1st wk.)
 Rivoli-'The Real Glory' (UA). (Resealed in Current Issue)
 Strand-'The Rains Came' (WB) (2d wk.)
 Strand-'Old Maid' (WB) (5th wk.)

Week of Sept. 11
 Astor-Goodbye Mr. Chips' (M-G) (18k wk.)
 Capitol-'The Women' (M-G) (21k).
 Criterion-'The Women' (M-G) (21k).
 Globe-'The Women' (M-G) (21k).
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Bway Firm: 'Golden Boy' \$8-K \$90,000, 'Old Maid' on 2 Weeks, \$214,700, Holds, 'Romantics' 20K, Crosby-Clinton 40K 2d

Kids flocked back to town during the week and up to Monday (11), when they trudged back to school, they caught up on their Broadway romping. The week was powerfully strong everywhere. 'Golden Boy' (Col) (24 wk.) and the general tenor of business is very firm. 'Tomorrow' (Thurs) and Friday (15) the first of the Jewish holidays are also expected to mean added business. They always do.

Regardless of the showings made elsewhere by newer shows, the most remarkable phenomenon of Broadway since the olden golden days is 'The Old Maid,' now in its fifth week at the Strand. Ozzie Nelson (2d wk.) with it on what is his second stand there, having replaced Horst Heidt after the initial three weeks. 'Old Maid' figures are as follows for the week ending Sept. 11: \$151,524; 2d week, \$150,340; 3d week, \$148,000; 4th week, \$146,000; 5th week, \$144,000; 6th week, \$142,000; 7th week, \$140,000; 8th week, \$138,000; 9th week, \$136,000; 10th week, \$134,000; 11th week, \$132,000; 12th week, \$130,000; 13th week, \$128,000; 14th week, \$126,000; 15th week, \$124,000; 16th week, \$122,000; 17th week, \$120,000; 18th week, \$118,000; 19th week, \$116,000; 20th week, \$114,000; 21st week, \$112,000; 22nd week, \$110,000; 23rd week, \$108,000; 24th week, \$106,000; 25th week, \$104,000; 26th week, \$102,000; 27th week, \$100,000; 28th week, \$98,000; 29th week, \$96,000; 30th week, \$94,000; 31st week, \$92,000; 32nd week, \$90,000; 33rd week, \$88,000; 34th week, \$86,000; 35th week, \$84,000; 36th week, \$82,000; 37th week, \$80,000; 38th week, \$78,000; 39th week, \$76,000; 40th week, \$74,000; 41st week, \$72,000; 42nd week, \$70,000; 43rd week, \$68,000; 44th week, \$66,000; 45th week, \$64,000; 46th week, \$62,000; 47th week, \$60,000; 48th week, \$58,000; 49th week, \$56,000; 50th week, \$54,000; 51st week, \$52,000; 52nd week, \$50,000; 53rd week, \$48,000; 54th week, \$46,000; 55th week, \$44,000; 56th week, \$42,000; 57th week, \$40,000; 58th week, \$38,000; 59th week, \$36,000; 60th week, \$34,000; 61st week, \$32,000; 62nd week, \$30,000; 63rd week, \$28,000; 64th week, \$26,000; 65th week, \$24,000; 66th week, \$22,000; 67th week, \$20,000; 68th week, \$18,000; 69th week, \$16,000; 70th week, \$14,000; 71st week, \$12,000; 72nd week, \$10,000; 73rd week, \$8,000; 74th week, \$6,000; 75th week, \$4,000; 76th week, \$2,000; 77th week, \$1,000; 78th week, \$500; 79th week, \$250; 80th week, \$125; 81st week, \$62.50; 82nd week, \$31.25; 83rd week, \$15.62; 84th week, \$7.81; 85th week, \$3.91; 86th week, \$1.95; 87th week, \$97.50; 88th week, \$48.75; 89th week, \$24.38; 90th week, \$12.19; 91st week, \$6.09; 92nd week, \$3.05; 93rd week, \$1.52; 94th week, \$0.76; 95th week, \$0.38; 96th week, \$0.19; 97th week, \$0.09; 98th week, \$0.04; 99th week, \$0.02; 100th week, \$0.01.

Two new pictures, 'Rains Came' and 'Golden Boy' are both very sturdy, the former the best. 'Rains Came' (WB) (2d wk.) is doing well, the latter's lead is the town's leader to \$70,000 or over. 'Rains Came' reviews are holding it steady from a first week of \$40,000 at the Music Hall, but is doing very well on a bit of a run.

'Old Maid' (Col) is taking a hold back at \$30,000 or less and does not hold at the Capitol. Another week of a mild run, but doing rather fairly at the Criterion. 'Romantics' (WB) (2d wk.) is doing well, the latter's lead is the town's leader to \$70,000 or over. 'Romantics' reviews are holding it steady from a first week of \$40,000 at the Music Hall, but is doing very well on a bit of a run.

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Philly Faint; Bette 2d \$16,000, 'Blackmail' 7G, 'Pup,' 'Name' Sad

11416, 42,000.

Davis-Hopkins Plump 21G, Frisco; 'Name,' 2d, \$12,500, Others So-S

San Francisco, Sept. 12. "Old Maid" is the box's romper currently, clinching \$11,000 for the Fox theatre, which is terrific. Aided by a similar appearance on the Warner studios, "The Old Maid" opened to smash biz. The stars did a number of local appearances on opening day. They grabbed some free publicity in the daily papers, and a spot for interviews over KGO, local NBC blue outlet. Warners are sending a number of their stars to the coast cities in connection with a show downing of "Old Maid".

Newcomers on the street, "Sherlock Holmes" at the Paramount, and "Blackmail" at the Warfield, are playing to so-so business. All of the houses have had a good pickup up a few extra dollars this week on Admission Day, a State holiday.

Estimates for This Week
Fox (F-WC) (5,000; 30-40)—"Old Maid" (WB) and "Night World" (WB). Opposite is rather mild this week, one of the most gratifying the Fox has had for some time. Although notices from the crits were lukewarm, particularly about "Old Maid" in a big way. Looks set for a \$10,000 week. Last week, "Geste" (Par) and "Night World" (Par) nabbed the same.

Paramount (F-WC) (2,850; 35-55)—Name Only (RKO) and vaude (3d wk). In the velvet at \$4,000. "Glamour" (WB) and "Night World" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Orpheum (F-WC) (2,400; 30-35-40)—"Golden Boy" and "Prison Gates" (WB) (2d wk). Run of the Orpheum is being out to two weeks, which is disappointing for a show downing. The final stint will be around \$8,000. Last week, \$10,500, which was a very good showing.

Paramount (F-WC) (2,400; 30-40)—"Sherlock Holmes" (WB) and "Blackmail" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Strand (F-WC) (1,470; 30-40)—"Geste" (Par) and "Night World" (Par). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Warfield (F-WC) (2,850; 30-40)—"Golden Boy" and "Prison Gates" (WB) (2d wk). Run of the Orpheum is being out to two weeks, which is disappointing for a show downing. The final stint will be around \$8,000. Last week, \$10,500, which was a very good showing.

Women's Sock 12G, 'Geste' \$8,000, Denver

Denver, Sept. 12. "Women" and "Spelbinder" are proving a great combo at the Orpheum, packing them in daily to a total of \$12,500 and holding.

"Beau Geste" at the Orpheum, featuring standees and will have a total of two to two and a half.

Estimates for This Week
Aladdin (F-WC) (1,400; 25-40)—"Name Only" (RKO) and "Miracles Sale" (WB) (2d wk). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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Key City Grosses

Estimated Total Gross
First week \$1,567,000
Second week \$1,567,000
Total, chiefly first runs, including N.Y.
Gross Gross Same Week
Last Year \$1,664,500
(Based on 26 cities, 160 theatres)

Maid 16G, Cincy, 'Boy' Slow \$9,000; 'War Boom Starts

Cincinnati, Sept. 12. No squawk from exhibs, despite heat spell over the weekend, which set local record for a record. Foreign war already is echoing boom business. A number of manufacturing center, principally of machinery, City is suddenly swinging into high gear. Theaters are night spots and suburban cafes are all out of the keys from the boom for main-line pie parlors and good maid.

"Old Maid" at the Albee is the week's top-tugger for a bit mark. "Boy" is a disappointment. "War Boom Starts" is a disappointment. "War Boom Starts" is a disappointment.

Albee (RKOs) (3,300; 35-42)—"Old Maid" (WB). Great. \$18,000. "War Boom Starts" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Capitol (RKOs) (3,000; 35-42)—"Old Maid" (WB). Great. \$18,000. "War Boom Starts" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Family (RKOs) (1,000; 15-25)—"Renegade Trail" (Par) and "Million Dances" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Midland (RKOs) (1,000; 15-25)—"Renegade Trail" (Par) and "Million Dances" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

Orpheum (RKOs) (2,850; 35-55)—"Golden Boy" and "Prison Gates" (WB) (2d wk). Run of the Orpheum is being out to two weeks, which is disappointing for a show downing. The final stint will be around \$8,000. Last week, \$10,500, which was a very good showing.

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'Feathers' \$3,900 Best In Dull Okla. City

Okla. City, Sept. 12. Nothing special on the boards in the way of big grosses for the week. "Feathers" at the Criterion looks like a leader, but with only \$3,900.

Estimates for This Week
Criterion (Stan) (1,500; 25-35-40)—"Feathers" (UA). \$3,900. Last week, \$3,900. Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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Women's Sock 12G, 'Geste' \$8,000, Denver

Denver, Sept. 12. "Women" and "Spelbinder" are proving a great combo at the Orpheum, packing them in daily to a total of \$12,500 and holding.

"Beau Geste" at the Orpheum, featuring standees and will have a total of two to two and a half.

Estimates for This Week
Aladdin (F-WC) (1,400; 25-40)—"Name Only" (RKO) and "Miracles Sale" (WB) (2d wk). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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Heat Beats L.A.; 'Geste' Terrific

Los Angeles, Sept. 12. Past week was the hottest the year, with a temperature of 95 on Sept. 12, driving thousands to the beaches.

"Beau Geste" is piling up big take at the Orpheum, and "Night World" is doing better than \$20,000 gross, and is doing better than \$20,000 gross, and is doing better than \$20,000 gross.

Orpheum (WB) (1,000; 15-25)—"Beau Geste" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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Women's Sock 12G, 'Geste' \$8,000, Denver

Denver, Sept. 12. "Women" and "Spelbinder" are proving a great combo at the Orpheum, packing them in daily to a total of \$12,500 and holding.

"Beau Geste" at the Orpheum, featuring standees and will have a total of two to two and a half.

Estimates for This Week
Aladdin (F-WC) (1,400; 25-40)—"Name Only" (RKO) and "Miracles Sale" (WB) (2d wk). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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'Boy' Combo Wobbly at \$13,400

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'Mask' \$33,500, HUB SPOTS

Boston, Sept. 12. "Man in Iron Mask" is most potent picture in the city. "Name Only" holds over for three days. Looks to attract \$7,000. Last week, \$7,000. Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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Women's Sock 12G, 'Geste' \$8,000, Denver

Denver, Sept. 12. "Women" and "Spelbinder" are proving a great combo at the Orpheum, packing them in daily to a total of \$12,500 and holding.

Broadway Grosses

Estimated Total Gross
First week \$23,340
Second week \$23,340
Total Gross Same Week
Last Year \$24,740
(Based on 12 theatres)

'Blackmail' Vaude \$16,500, D.C. Slow; 'Only 2 New Pix

Washington, Sept. 12. With only twelve new shows in town and neither in the big dough, total b.o. looks slightly down this week.

"Blackmail" at Capitol and "Dust Be My Destiny" at Earle are putting two big vaude spots away out in front and running neck and neck.

Rest of the holdovers is "Wizard of Oz" which built over estimate last week and is holding beautifully. In "Name Only" is giving strong return.

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Estimates for This Week
Capitol (RKOs) (3,000; 35-42)—"Blackmail" (M-G) and vaude. No name flesh leaves it all up to the picture. Opposite is helping average \$16,500. Last week, \$16,500.

Orpheum (WB) (1,000; 15-25)—"Beau Geste" (WB). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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"Beau Geste" at the Orpheum, featuring standees and will have a total of two to two and a half.

Estimates for This Week
Aladdin (F-WC) (1,400; 25-40)—"Name Only" (RKO) and "Miracles Sale" (WB) (2d wk). Opposite is rather mild this week. The gate has the only show downing of the week from the out-of-towners. Second week week.

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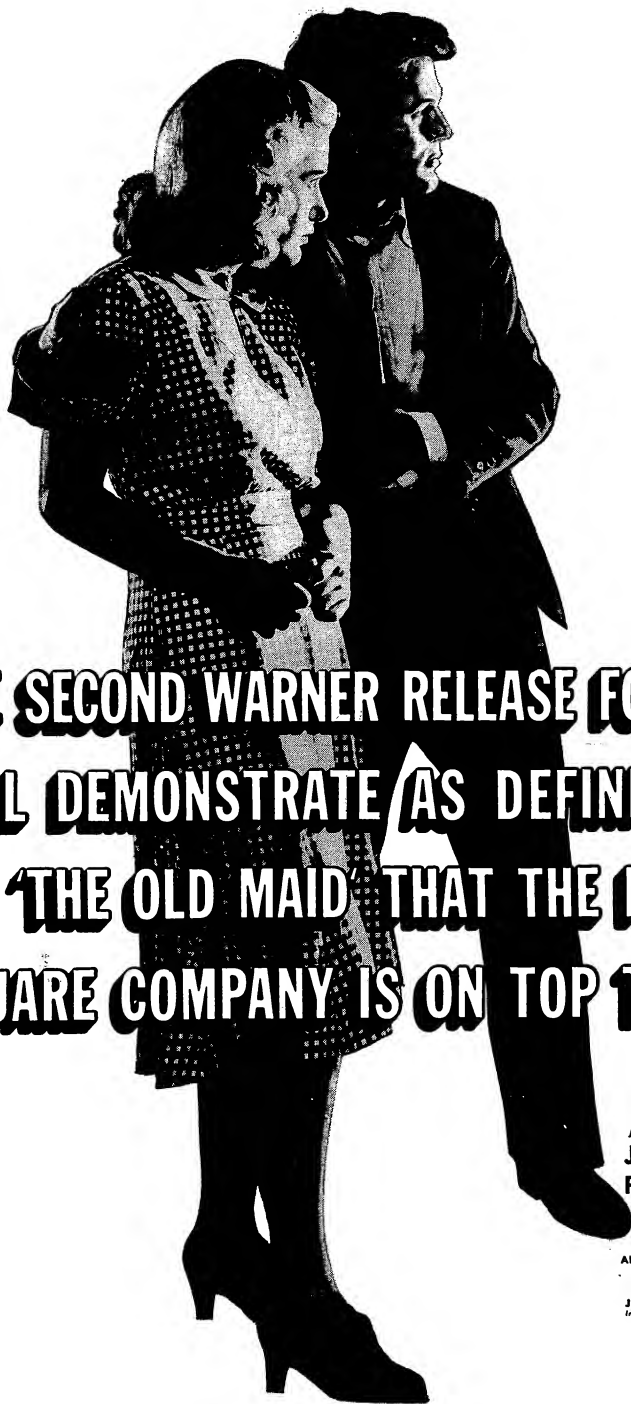
'Boy' Combo Wobbly at \$13,400

Los Angeles, Sept. 12. Past week was the hottest the year, with a temperature of 95 on Sept. 12, driving thousands to the beaches.

"Beau Geste" is piling up big take at the Orpheum, and "Night World" is doing better than \$20,000 gross, and is doing better than \$20,000 gross, and is doing better than \$20,000 gross.

Orpheum (WB) (1,000; 15-25)—"Beau Geste

sty trip | Marjorie Weaver draw.
lead.



**THE SECOND WARNER RELEASE FOR '39-'40
WILL DEMONSTRATE AS DEFINITELY AS
DID 'THE OLD MAID' THAT THE FAIR AND
SQUARE COMPANY IS ON TOP TO STAY!**

Keep On Your Toes With
JOHN GARFIELD
and
PRISCILLA LANE
"DUST BE
MY DESTINY"

Alan Hale • Frank McHugh • Billy Halop
Directed by Lewis Soller
Screen Play by Robert Rausch • From a Novel
by Jerome Kervin • A First National Picture
JACK L. WARNER • HAL B. WALLIS
In Charge of Production Executive Producer
LOUIS F. EDELMAN
Associate Producer

2nd Passes Divvy on Common Due To European War; Col., Pathe Profits

Because of present uncertainty of outcome from foreign markets, 20th-Fox directors last Thursday (7) decided it would not be wise to decide any dividend on the common stock at this time. Directors are expected to use usual quarterly dividend on the preferred, payable Sept. 30 on stock on record, Sept. 18. Company already has paid \$1 on the common this past year.

Col.'s \$2,646 Net. Columbia Pictures net profit, reported last Thursday (7), was only \$2,646 for the company's fiscal year ending July 1, as compared with \$183,392 for comparable 12 months ending June 25, 1938. Company received gross income from rentals and sales of films and accessories at \$1,613,754 which was approximately \$700,000 below the net ending in June, 1938, when they were listed as \$28,101,699.

Despite company economies in several divisions and saving of \$282,000 in cash dividends on the common, only stock dividends were given in 12-month period ending last July 1, this difference never was over 100,000 stock dividends. Columbia also paid out \$81,979 for interest on 4 1/2% sinking fund debentures for the past year, compared with approximately \$2,000 paid in the preceding 12 months. The actual loss combined its miscellaneous dividends, including profit and loss on foreign exchange, interest on loans, etc., was \$20,000 to \$21,753 in the past fiscal year. Columbia showed earned surplus on July 1 of this year \$374,639 as compared with \$286,600 earned surplus on June 25, 1938. In listing \$254,347 for contingencies, the company noted that only stock dividend provision for possible losses which may arise as result of present disturbed world conditions.

Pathe's \$53,310 Net. Pathe Film Corp. and subid company recently last week reported profit of \$53,310 for six months ending June 30 last, indicating that the company will wind up the present year with a profit of \$70,000. Company actually showed a loss from its film developing, rentals and printing sales of \$7,987, but showed a profit after including dividends of \$70,585, virtually all coming from Du Pont Film Mfg. Co. Pathe has a 50% share of common stock in that company.

Operating income totaled \$17,477, but cost of sales, operating expenses, etc., left Pathe in the red for the first six months of this year.

Pathe made note that Du Pont Film Corp. net rose nearly \$200,000 to \$226,000 for the first six months. Paramount board yesterday afternoon (Tuesday) voted dividends of \$1.50 on first preferred stock and 15c on its second preferred shares. Payable Oct. 15 to holders on record.

Western Electric directors declared a dividend of 75c on common stock on record (Tuesday). Payable Sept. 30 to stock on record Sept. 22.

NETTER GOLDENSON'S D.O.O.F. OF PAR HOUSES

Leon Netter, general manager of the Paramount theatre department, left today (Wed.) for Buffalo, first stop he will make in a comprehensive tour of contact with independent operators in the field concerning policy, present problems, etc., growing out of his new assignment as president of the D.O.O.F. of Par Houses. E. Paul Phillips, Par's reality head, accompanied as far as Buffalo. Netter will make a similar tour in another Par theatre executive, department for Detroit, accompanied by Joseph B. Bowdoin, who controls Goldenison will join up with Netter, probably in Montreal, and together they will make a tour of the partnership-operating points. They will fly most of the time.

COL. FILING MORE STOCK

Washington, Sept. 12. Application for registration of Columbia Pictures Corp. stock was filed with the Securities & Exchange Commission Friday (8). The company is to be listed on the New York Curb, comprises 2,627 shares of no-par common, to be registered here issued.

Foulk, Legit Stager, In WB Megging Dickster

Robert Foulk, of the George Albee production office, is dickstering WB with conspiracy for a picture directing assignment. Understood he would be using in an assistant capacity on "The Woman Behind," which the studio is planning to shoot this summer at the Wharf theatre, Provincetown, Mass. Warners own the screen rights to the play and are believed planning it as a Bette Davis vehicle. Actress attended the tryout.

Before going to the Coast, Foulk must direct the road company of "What a Life," which the Paramount Theatre Corp. is reading. It goes into rehearsal today (Wednesday). He also is dickstering for a production of his own play, "Trumpet in the Dust," which he adapted from Gene Fowler's novel.

Wanger's Libel Suit vs. N.Y. News-Sullivan Must Go to a Trial

Supreme court justice Felix Frankfurter in N.Y. yesterday (Tuesday) denied an application by the News Syndicate, Inc., and Ed Sullivan to dismiss the \$10,000 claim of Walter Wanger and Walter Wanger Productions, Inc., against them. The judge also denied a request to strike portions of the complaint as irrelevant. Wanger claims libel in an article by Sullivan in the N.Y. Daily News, published in the spring of 1938. In denying the application, the judge stated that it was up to a jury to determine whether libel had been committed. The case will go to a fair combat on Wanger's pictures.

WB Players Coast Tour For General Good Will

Hollywood, Sept. 12. Warners is routing a group of players into Coast towns for personal in theatres which have come in for criticism for their picture, include San Francisco, Seattle, Everett, Olympia, Portland, Salem, Reno, Oakland and back to Frisco for Los Angeles Day celebration at the World's Fair. Output returns.

Players making the trek are Ray L. Hamilton, Regan, John Payne, and others. The tour is headed by James Stephenson, William Lundgren, Jane Gilbert, Rosalie Towne, Celia A. Rocco, Jean Parker and Dennis Morgan.

Nagle's 'Nurse' Row. Anna Neagle making appearances at six special previews of 'Nurse Edith Cavell' which RKO is staging in many key cities. She goes first to Washington, followed by Atlanta, New Orleans, Dallas, Chicago and Cleveland. She sails for London Sept. 26.

LeMaire Leaves RKO

Hollywood, Sept. 12. Rufus LeMaire has resigned his post as RKO talent chief and leaves to pursue a career in the theatre at the end of the week. LeMaire was responsible for the assembling unit and purchase of the "Bachelor Mother" story, RKO's current biggest money picture. He came to RKO from Universal 18 months ago.

PREZ HAS CALLER

Hollywood, Sept. 12. Robert Siskel, a caller to the President at Metro under production wing of Edgar Selwyn, Marsha Hunt draws femme lead.

ARRESTED BY G-MEN ON GETE BONDS THEFT

The Federal Bureau of Investigation in New York on Friday (8) arrested Chester G. Bollenebach, charged with conspiracy to defraud the National Student Properties Act. The defendant was arraigned before U.S. Commissioner. The arrest was in connection with a charge of \$200,000 of the General Theatres Equipment Corp., which had been deposited in the hands of Bollenebach in connection with the company's reorganization. It occurred in 1935, and the case was shortly thereafter sold in N.Y.

George Turley, N. Y. attorney, was also arrested on the charge of having advised Bollenebach how to dispose of the bonds.

US 39-WK. NET PROFIT \$989,995

Consolidated profit of Universal Pictures for the year ending July 29 last, totaled \$989,995, after all charges but before profits, according to the company. The other was Garson Kahn, who was signed by Samuel Goldwyn and has since transferred to RKO.

Earnings were cited in the letter book not read at August 10. He had inquired as to the probable effect that hostilities in Europe might have on business. Cowdin wrote stockholders that it was too early to gauge with any degree of accuracy what the situation in Europe might be, but that company directors decided it best to submit to stockholders a statement of the company's financial position and other basic operations. Cowdin said that final figures were not ready until August 10, but that it appears the company operated at a profit.

Improvement in quality as well as continuation of economies and cost controls at the studio has strengthened U. S. according to the company. It made the company ready to meet any emergency arising from the European situation. Cowdin also wrote stockholders that there was no indication of any reaction in picture business in this country because of the war. He also explained that 65-70% of theatres now are operating in Great Britain and about 50% in France. Cowdin also held out hope of getting additional business from the European countries, and such large markets as in Canada, Latin America and British dominions.

Nate Blumberg, president of Universal, and Cliff Work, head of U. S. studios, both in last Friday (8) from the Coast, huddled over the weekend with Cowdin and Joseph H. Loew, president of the company, for foreign affairs. All four spoke at a luncheon Monday (11) at the Rainbow Room in New York City, publishers and editors.

Blumberg said that Universal would announce \$1 of amount for "this year." There will be no layoffs in the home office, he said. There will be no cuts in salaries. Universal has been having a dress rehearsal for this crisis for the past year and a half, and now that the curtain is up, we are fully prepared for any emergency.

No War Hitters at U.

Hollywood, Sept. 12. Keeping to its schedule of 61 feature, despite unsettled foreign market, Universal is producing five moving out for general screening within the month. The production calendar includes seven Johnny Mack Brown westerns, six Richard Arlen-Andy Longford "The Three Furies" Productions features. In process of editing and readying for early distribution are "Loving Kind," "Man From Montreal," "Lovers, Kids" and "Call a Messenger."

Currently shooting are "Little Accident," "Green Hornet," "Tower of London," "The Girl in the Red Velvet," "Again," "Green Hell," the latter four by Hugh Heflin.

owns the McKivvers property, discussed the lease problem of that situation, and Johnny Jones, of Jones, Inc., a producer, came to the court to correct certain statements previously made in testimony.

Defendant's attorney immediately swung into action and entered motions to strike certain testimony and also general motion to dismiss the entire case, maintaining that the Government had delivered no real evidence of proof and that the case is now being heard by a Master in Chancery who is figured to have no report on the testimony within two weeks.

Meanwhile the case of the indie theatre owners against Balaban Katz and the eight major distributors on restraint of trade is in a state of suspension, with the plaintiff making no effort to speed up activities. Indicated that the exhibitors in the case are waiting for the outcome of the Government suit before making any further moves.

Should the Government, its case, the exhibitors feel that their own case would be made of immediate value, but the exhibitors feel that the case against the distributors and exhibitors to continuing the case against the distributors and B.K.K. with the ruling on film row, the case even a court victory in the case would not attain the real goal of the exhibitors in the elimination of double features.

Schines Ask Dismissal

Chicago, N. Y., Sept. 12. Assistant federal district attorney Joseph J. Dorn of Buffalo says that he has been served with a writ of motion by counsel for the Schine interests asking dismissal of the suit brought by the United States against the Schine interests. The motion is returnable Sept. 18 and asks dismissal of the suit on the grounds that there is insufficient cause for action and on the contention the theatre group is not engaged in interstate commerce. In its complaint, the Federal Government asks dismissal of the suit, 200-theatre organization, charging monopolistic practices against Schine Circuit Theatres, Inc., and its headquarters in this city, and against its six affiliates.

William S. McKay, Schine chief counsel, is in charge of the defense of the suit, and his associates are Sol A. Lasker and J. Edgar Hoover, who are in New York City. He is also being assisted by Howard Antevy, head of the home office legal department.

Momand's New Suit Vs. Majors and Griffith

Oklahoma City, Sept. 12. Naming the distributors of the Griffith Amus. Co. as defendants, Oklahoma Theatres, Inc., operators of the Odeon in Kansas, Okla., owned by A. B. Momand, has filed a petition in U. S. district court here to enjoin the Odeon and its distributors to contract with the plaintiff for second-run and subsequent run pictures in the district at prices charged in districts of similar location and population. Griffith Amus. Co. (competitor of the Odeon), RKO Radio, Vitaphone, Columbia, Universal, 20th Fox, Loew's and Paramount are the named defendants.

The action has been brought "to enjoin the defendant from exercising its rights, privileges and immunities secured to the plaintiff by the Constitution of the United States and to enjoin and restrain acts of the defendants perpetrated for the purpose of interfering with the plaintiff, by concert of acts, an injury to its business and compelling it to contract with the Odeon theatre."

Stating that the Odeon has exclusive rights in the United States, the petition points out that the theatre does not have available product in Oklahoma City, and that the plaintiff, by concert of acts, an injury to its business and compelling it to contract with the Odeon theatre."

After citing willingness to pay "fair price" for films which distributors are required to have in stock, the suit also says that the plaintiff, by concert of acts, an injury to its business and compelling it to contract with the Odeon theatre."

of such films in Shawnee for the unlawful and malicious purpose of injuring and defaming the plaintiff, and aiding and abetting the defendant, Griffith Amus. Co., and interfering with and obstructing its theatre in said city of Shawnee, to the end that this plaintiff will entirely lose its business and be forced to withdraw as a competitor of the said Griffith Co. The petition asks that the court restrain the defendant from defendants from such unlawful discrimination and direct the defendants to contract with the plaintiff for the exhibition of such films selected by the plaintiff of a second and subsequent run which has heretofore been contracted for to be shown in Shawnee. Judge A. P. Murrah has set Sept. 14 as the date upon which the request for the injunction will be heard.

Film Coin's Harvest For S. W. Attorneys

It's harvest time for the legal fraternity in Oklahoma—with the m.p. industry supplying the grain! A series of legal tests in defense of local producers, distributors and circuits attacked in court action now extends the length of Oklahoma's film harvest. Preliminary cases are being heard. In most instances there are many lawyers in the courtroom in Federal court buildings.

Practically all major producers, distributors and nearly all of the various Griffith circuits are defendants in one or more cases pending in the two Federal District Courts here.

Henry Griffing and J. B. Dudley are counsel for the Griffith companies in the A. B. Momand \$4500.00 suit. Local producers, distributors and circuits attacked in court action now extends the length of Oklahoma's film harvest. Preliminary cases are being heard. In most instances there are many lawyers in the courtroom in Federal court buildings.

In the Department of Justice case, District Attorney "Big Boy" L. Johnston is in charge of the defense of the suit, and his associates are Sol A. Lasker and J. Edgar Hoover, who are in New York City. He is also being assisted by Howard Antevy, head of the home office legal department.

Last week New York counsel names made first appearance in the \$4500.00 Momand suits. The same firms are expected to enter into the government case also. List includes: Schwartz & Frohlich (Columbia); Charles D. Frutkin (Universal); Perkins (Vitaphone); Warner Theatres, Warner Bros. (Loew's); Robert W. Perkins (Vitaphone); Warner Theatres, Warner Bros. (Loew's); Dwight, Harris, Koegel & Casey (20th-Fox); Phillips (Nier (Pathe)); Kough (Paramount, Publick) and D. I. Johnston (Educational).

Mpls. Indies Talk Suit Because of Clearance

Minneapolis, Sept. 12. Independent nabe exhibitors here are grumbling over the clearance and distribution of pictures sent to court action to force the issue. They charge that insufficient notice was given to the exhibitors because Minnesota Amus. Co. (Paramount) holds back product to suit its exhibitors. They say that many releases are given extended running time in the loop.

Most of the 25c independent nabe exhibitors are grumbling over the clearance and distribution of pictures sent to court action to force the issue. They charge that insufficient notice was given to the exhibitors because Minnesota Amus. Co. (Paramount) holds back product to suit its exhibitors. They say that many releases are given extended running time in the loop.

Paramount's "HONEYMOON IN BALI" is a HONEY!



Paramount's "HONEYMOON IN BALI"
"All honeymoons are fun, this one is special fun."
—Jimmy Fidler

Paramount's "HONEYMOON IN BALI"
"Boxoffice tonic. An incessant bombardment of delicious fun. Its timeliness, smartness, brightness and its marquee-name strength combine to predict it as a sure thing."
—Hollywood Reporter

Paramount's "HONEYMOON IN BALI"
"Exhibitors can ballyhoo 'Bali' from the housetops. Has everything. Contains all the elements of good celluloid entertainment."
—Joy Emanuel Publications

Paramount's "HONEYMOON IN BALI"
"Get out the banners and wave them for 'Honeymoon in Bali,' the smoothest, most polished-romantic comedy in many a moon. One of the best pictures to come out of Hollywood in a long time."
—D. M., Los Angeles Examiner

Paramount's "HONEYMOON IN BALI"
"Here is a pungent and luscious piece of adult entertainment, headed for praise and coin. The slickest dialog and smoothest story telling heard and seen in many moons and honeymoons."
—Daily Variety

Paramount's "HONEYMOON IN BALI"
"A boxoffice natural in a time when light entertainment is a necessity."
—Showman's Trade Review

Paramount's "HONEYMOON IN BALI"
"A tender love story which makes it a highly acceptable bundle of entertainment to please theatre patrons of all ages."
—Boxoffice

Paramount's "HONEYMOON IN BALI"
"A Bali Ball swell picture. A first class job by all concerned and well worth anybody's money."
—Erskine Johnson, columnist



World Premiere Wed., Sept. 13
—at Rex Theatre, Wheeling, W. V. Grand
pavilion, official screening committee,
and, of course, the little guest of honor,
CAROLYN LEE, herself.

Wheeling Steel Corp. Party in honor of
CAROLYN LEE broadcast from coast to
coast on Tuesday over 122 Mutual
work stations.



Fred MacMURRAY · Madeleine CARROLL · Allan JONES in "HONEYMOON IN BALI"

with AKIM TAMIROFF · Helen Broderick · Osa Massen · Carolyn Lee · Directed by Edward H. Griffith · Screen by the Paramount Staff · Based on Screen Play by Norman Krasna and Nathaniel Bench



TO OUR FRIENDLY CUSTOMERS!

Each year at this time M-G-M takes opportunity to address a heart-to-heart message to its customers.

Your confidence and faith, for which we are so deeply grateful have already been answered in practical terms.

M-G-M answers your loyalty with the most optimistic studio outlook of any past period.

We reaffirm what has been known for years: The Friendly Company policy of fair selling, friendly dealing in all phases of operation.

Our new product is literally the Talk of the Industry.

"THE WOMEN" has established itself in its first engagements as a glorious box-office hit!

"BABES IN ARMS" is already rated in the trade the most sensational attraction which has ever launched a new year.

"NINOTCHKA", "BLACKMAIL", "THUNDER Afloat" won trade acclaim in previews. They are smashing entertainments, each one of them!

They are just the beginning!

We will not side-step our responsibility to bring glamour, magic, spectacle to the screen... the inspiration that lifts the motion picture from the humdrum and keeps public interest alive. Only M-G-M with its willingness to dig deep into its resources does it!

The new season begins auspiciously. Your encouragement spurs us on. Your success is necessary to our success.

To Our Friendly Customers we dedicate ourselves!

Helped Sell 5 Houses to the Schines, Sues: Other Theatre-Exchange Moves

N. Y. supreme court Justice Sidney Bernstein on Thursday (7) dismissed the \$35,000 action of Carl E. Erickson, broker, against Meyer and Louis Schine and the Schine-Enterprise Corp., although the action had been against the Fenwysky Enterprises, Inc. The plaintiff has 10 days to amend his complaint.

Erickson broker claimed he was hired in May, 1937, to sell the Fenwysky's five theatres in Rochester, N. Y., the Monroe, Madison, West End, Liberty and Capitol, for no less than \$100,000. He claims to have secured an offer of \$700,000 from the Schines, which was rejected.

On Jan. 25, 1939, the Schines bought four of the theatres, all except the Capitol, for \$600,000.

The plaintiff claims he was responsible for the sale, since it was through him that the Schines became interested, and he seeks \$35,000 as a commission, or 5% of the \$700,000 price.

Coast Active

Al Bowman and M. Kaplan opened their new Towne, 400-seater, in Bad Gardens, first film house in that suburb.

Charles Corcoran, in association with Principal Theatre, approved plans for 400-seater in Ventura for first run.

Fox-West Coast remodeling its Glendale, in Glendale, to reopen Sept. 15.

John Rennie and A. L. Sanborn open their new house, the El Monte, 400-seater, Sept. 15.

Kenneth Busby, assistant manager at Paramount, tipped to be manager of Mayfair for Southside Theatre. He succeeds Dave Arthur, shifted to the Rivoli, Long Beach.

B. H. Lustig and Herman Simms opened their new Towne 400-seater, in Santa Rosa.

Oscar Finn, operator of Capitol, bought the Times from Peskay & Decker.

Ed Patterson sold his Sierra to Martin Berne, and then bought the Sunset from George Blum.

Affairs of Independent Theatre Owners of Southern California and Arizona will hereafter be handled by an advisory board, authorized by membership at annual meeting here last week. By-laws have been so amended as to eliminate office of president and create the new board to function instead.

Membership also voted to change title of Robert H. Poole, who has been serving as general manager of the association for past few years, to executive director. He is also a member of the advisory board which comprises Albert Galston, retiring presy; Jack Berman, Robert W. Wilson, Jennie Dodge, C. F. Ferry, Al Gore and H. W. Bruen.

Grady to Cleave

Cyril Grody, assistant at Nikon, Pittsburgh, moved here last week to become John Newkirk's first lieutenant.

CASE DALEY

'Case Daley, the one-woman insane asylum, whose acts mutilated and maimed a thousand jitterbugs they've failed. After her they go quietly.

ARCHER WINSTON, New York Post, Aug. 31, 1939.

'Miss Daley, who stops the show, is a combination of the maddest features of Bret Harte's 'The Marx Bros. and Fanny Brice.'

A. S. G., New York Herald Tribune, August 31, 1939.

'The revue is enlivened by Case Daley's dynamic delivery of a number of popular swing songs.'

KATE CAMERON, New York Daily News, August 31, 1939.

'Case Daley, a cut-up with Harpo Marx antics drapes her hair everywhere and puns a thousand jitterbugs into a holler.'

C. P., New York World-Telegram, August 31, 1939.

HELD OVER 3RD WEEK
PARAMOUNT, NEW YORK

Per. Mgt.—FRANK J. KINSSELLA
Dir.—WILLIAM MORRIS AGENCY

Taylor Dopes It Out

St. Ignace, Mont., Sept. 12.
R. R. Taylor, manager of the Park, who is a former paper-banger, gathered up the tools he formerly used and sent them to Adolf Hitler, another former paperbanger.

Insurance Dore Fuehrer may have to go back to it soon.

BUMPER CROPS SEEK AS BO. PANACEA

Best business for theatres in several years looms this fall, according to reports from the midwest and south. Both sections, comprising most of farm belt, claim bumper crops including wheat, corn, cotton, etc.

Farm population and those depending on favorable crops for better biz are figuring on almost a month's because the bumper crop was already has shot the prices of farm commodities skyward.

Besides the inflationary trend in commodities, exhibitors envision further bolster to the boxoffice through improved product. Statistics of this year was that a majority of exhibitors would get 20-25 busy 16-22-getting pictures during a span of about six weeks, dating back to mid-August.

Optimistic Note

Milwaukee, Sept. 12.
Film exhibs here are feeling a bit better, with the announcement that the Wisconsin territory was very definitely in the 'white' on 'Nation's Business' rather than for this month.

Which means biz is better than for the same period last year.

Smiley Burnette Didn't Show for D.C. Personal, Exhib Burns at Republic

William Morris agency is inadvertently in the middle of a dispute between Republic Pictures and a Washington exhib over a fresh booking of Smiley Burnette and a unit for Sunday (30), Monday and Tuesday (31).
Olive, operator of the Atlas, claims that Burnette, without notice, failed to appear for the engagement and, with the house crowded, there would have been no stage show Sunday evening, a last-minute change compounded through the cooperation of other Washington theatres.

Morris office maintains that Burnette was hurriedly called back to the Republic studios when Gene Autry returned from Europe, before expected, and Olive was notified of the fact a week before the engagement. Exhib is said to have refused to release Burnette.

Olive not only has indicated that he will take legal steps under his contract, but will ask Jimmy Granger (Rep sales manager) and Herb Yates (president) about the case.

'Being national secretary of the Allied States Association of Motion Picture Exhibitors' he declared, 'I never expected much more from the Coast in the way of cooperation.'

Burnette, who was needed on Republic lot to begin work on a new film with Autry yesterday (Tuesday), is said to have offered to pay Olive for the advance advertisement.

Iverson's Mono Duties
Duties of Leon Fonkies, resigned treasurer of Monogram, with no successor named to the post, are being taken over by Harry Iverson, controller.

Iverson may handle both treasurer and controller duties in the future.

FEEL KITTEN P. A.'s
Monogram's western unit, after suffering serious attrition of engagements prior to returning to the Coast.

The dates in their order include Alliance, O.; Parkersburg and Mountville, W. Va.; McClelland, N. Y.; New York, N. Y.; Chicago and Gallopis, O.; Martin, Ashland and Cynthiana, Ky., and Ironton, O.

Inside Stuff—Pictures

'The Birth of a Baby,' the picture credited with effecting the change in the N. Y. state censorship appeal set, will receive the consideration of the Court of Appeals in Albany. An appeal to the highest tribunal, from the 3-2 decision of the Appellate Division, was filed by the director of the motion picture division, State Education Department, and the Board of Regents in their refusal to license the film for general theatre exhibition, has been brought by counsel for producer Sam Citron and the American National Welfare Committee, Inc. The case will probably be heard in October.

This is one appeal where the m.p.d. and Regents might conceivably be reversed. 'Birth' has aroused the widest difference of opinion of any picture submitted to the m.p.d. division.

'Birth of a Baby' is reported to have grossed \$750,000 in rentals in spite of the fact it has not played certain states, including New York. Underpinning 'Birth' cost \$250,000 to produce. The backing for the Skirball brothers (William and Jack), who produced, is said to have come from a milk company, although no direct advertising in connection with the film was involved.

Heaviest campaign guns of the Community Chest drive this year will be 14 big-name records, each containing 14 minutes of entertainment and only one minute of plugging for charity. Set up for playsters are Bing Crosby, Joan Crawford, Joe E. Brown, Cecil B. DeMille, Alan Dinehart, Bob Brent, Edward Arnold, Judy Garland, Jeanette MacDonald, Basil Rathbone, James Cagney, Priscilla Lane, Ray Milland, Robert Preston and Humphrey Bogart. Jack Kysner, Carl Tucker, Carl Hoff and Sterling Young are donating the use of their bands. Discs will be distributed nationally.

Selznick-United Artists' 'Intermezzo,' which follows Columbia's 'Golden Boy,' which is slated to start three weeks in September, is the first UA picture to play Radio City Music Hall since 'Winter Chatterbox' in May. Strained relation reported existing between the UA sales department and the Hall is now said to be easing up.

WB Theatre Managers' Powwow on Problems

Warner Bros. held an all-day directors' managers' meeting on sales Monday (9) and yesterday (10) to pony' theatre department had a similar session with its zone managers, in both cases to discuss the present situation, the war mess, etc. Grad Sears, WB sales manager; Carl Laemmle, his assistant; and two division sales mngs., Ben Kalman and Roy Rainer, headed the discussions. Distributors' zone managers who came in were Fred Jack, W. E. Callaway, Rod Lohrenz, Henry (Herb) Wolfe, John, Bob Smelzer and Ed Schiller.

Joe Bernhardt, WB theatre head, presided over yesterday's zone managers' session, those attending from out of town being James Coston, Nat. I. J. Hoffman, Don Jackson, Moe Silver, Ed Schlanger, Harry Kalmine, John Payette and Herb Copelan.

Harry Joe Brown Doesn't Need Salary to Keep Going; Selznick's Suit

Hollywood, Sept. 12.

Denying that Harry Joe Brown requires his salary for necessities of life, affidavits have been filed in Myron Selznick's \$49,954.16 attachment suit against the 20th-Fox producer, asking court to continue in force impounding of \$135.42 tied up in salary at studio. Weekly pay checks of Brown have been attached since July 24, since agency has also tied up \$10,548.02 on deposit at the Bank of America.

Selznick filed action several weeks ago on grounds Brown refused to sign a managerial contract which would have obligated him to a four-year produce pact at 20th-Fox under which he will earn a total of \$49,954.16.

New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

THEATRES

THEATRES

THEATRES

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THEATRES

THEATRES

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THEATRES

BETTE DAVIS
MIRIAM HOPKINS
THE OLD MAID
BRENT

IN PERSON
NELSON
HAROLD HUBBARD
25c
SEAN
8:15 A.M.
LOUIS PRIMA

RADIO MUSIC HALL
HELD OVER
"GOLDEN BOY"
Spectacular Stage Productions

IN PERSON
LARRY CLINTON
"STARMAKER"
25c
SEAN
8:15 A.M.
LOUIS PRIMA

PARAMOUNT
THEATRE
STARTS THURSDAY, SEPT. 14
"THE REAL GLORY"
with GARY COOPER
10:15 P.M.
10:15 P.M.
10:15 P.M.

Capitol
THEATRE
STARTS THURSDAY, SEPT. 14
"THE REAL GLORY"
with GARY COOPER
10:15 P.M.
10:15 P.M.
10:15 P.M.

"THE RAINS CAME" TOPS ALL PREVIOUS HITS IN RECORD ROXY RUN!

- **FRIDAY** opening out-grosses sensational "Jesse James" and "Stanley and Livingstone"!
- **SATURDAY** crowds push receipts to within split hair of all-time record!
- **SUNDAY** biggest in entire history of theater, beating previous records of "Alexander's" and "Jesse James"!
- **MONDAY**, bigger than Friday opening, shows Roxy headed for another record as 5,886-seat house reaches S. R. O. capacity and stops selling tickets!



THE KEYSTONE
OF YOUR FUTURE

CELEBRATION

Agencies Fix Protection

Most of the major agencies in radio are protecting themselves and their clients from liability in the event of war by inserting such waiving in their talent contracts. A few of them have inserted the clause after the Munich incident of last fall. In many instances, as options become due, agencies are asking that talent agree to the inclusion or posting of this rider.

Several agencies are going beyond the war angle to reduce the potential liability of their clients. They are writing in act-of-God, strike, sabotage, plant destruction and all other beyond-the-client's-control clauses. Provision is also being made in the new contracts to allow for cancellation of talent contracts in the event the Government fixes prices to the point that the sponsor's profit is seriously curtailed.

FCC Orders WMCA to Defend

License; Hinges on Decodings

Washington, Sept. 12.—First instance of Federal stick-waving at broadcasters as a result of European war coverage came today (Tuesday) in the form of a citation of WMCA, N. Y., to show cause why its license should not be revoked for violations of the Federal Communications Act.

Complaint formally filed by the Comish grew out of news reports and trade gossip that WMCA picked up, decoded and aired messages by German and British governments to their forces. An investigation ordered by the FCC will result in a hearing to determine if the Communications Act was actually violated.

Action is based on provisions of a 1934 law prohibiting unauthorized publication of intercepted messages. Alleged illegal intercepting of military and naval orders is charged, following scrutiny of WMCA advertisements and stories carried in the station picked up code instructions, had an expert decipher them and used the info as war bulletins.

Another possible headache for WMCA has been the suggestion that the hearing developments in the station did not violate the Communications law, and the claims are exaggerated, other Federal bodies, notably the

Continued on page 28

War Causes President To Cancel Radio Talk To Democratic Women

Washington, Sept. 12.—One effect of the European rift is the cancellation of President Roosevelt's scheduled political talk Saturday (18) to Democratic women. Policy angles must be considered from now on.

Because "national unity" is more important than party morale, the President Thursday (7) called off his microphone appearance, carded by Treasury. Florence Kennedy, assistant WPA administrator, and Mrs. Ellen Woodward, of the Social Security

Remainder of the program will go on with Mrs. Roosevelt as the chief attraction. Others include Josephine Roche, former assistant secretary of Treasury; Florence Kennedy, assistant WPA administrator, and Mrs. Ellen Woodward, of the Social Security

In changing his mind, the President remarked that "a week ago I might consistently have spoken words primarily addressed to our Democratic women. But the events of the past few days make it imperative that every utterance of mine in these days of tension be addressed to all of our citizens."

Kaltenborn to Lecture

Albany, Sept. 12.—H. V. Kaltenborn, speaker for September lecture, one under sponsorship of the City Club here, in audience of Albany High School, Sept. 28.

Columbia commentator spoke before a capacity audience in Chancellor's Hall here last winter and also in nearby Troy. He broadcast before the talks in both cities.

FCC INFORMALLY OK'S NETS' CODE

Gov't Tacitly Agrees to Let Broadcasters Solve Own Coverage Problems, Rather Than Dictate—Neville Miller and Webb's Reps Ask for Consultation in Event Special Rules Are Contemplated

CBS UNHAMPERED

Washington, Sept. 12.—Tacit agreement to let broadcasters attempt to solve war coverage problems through voluntary self-control, rather than government dictation, was reached yesterday (Monday) at a parley between an FCC special committee and industry heads.

With both sides claiming no complaints or criticisms were pondered, costumed reported a general understanding that no official interpretations of radio's obligations will be attempted. The adoption of policies and practices will be left to the discretion of licensees.

Industry contingent, headed by Neville Miller and including spokesmen for three national chains—NBC, CBS and Mutual—urged the commission to consult them if any special rules or proclamations were contemplated. A plea was entered that the Comish take no steps which would punish bulk of industry in the event some individual station commits offenses or exercises poor judgment.

No promises were made, but committments indicated they will first try negotiations if question of misconduct arises. Possible action against WMCA, New York, was implied, however, as regulators brought up an advertisement claiming the station had decoded foreign broadcasts using its listeners low-down not available from other sources.

Chain execs acknowledged their (Continued on page 34)

War May Pare ASCAP Importance

At NAB Confab; May Ask Pledges Up to \$1,750,000 for Music Plan

B. O. Tipoff

On the well-founded grounds that expenditures for entertainment are indexes of community earnings plus desire to spend, sponsors and agencies are urged to examine the Picture Credits printed each week in VARIETY. These appear this week on pages 1-11.

Reports on most cities are prefaced by a lead-off explanation enabling the uninitiated to differentiate between their attendance as the result of community well-being and attendance as the result of exceptionally strong film product.

Chicago, Sept. 12.—European war coverage may develop into an important topic of discussion at the two-day convention of the National Association of Broadcasters, starting Friday (15), at the Edgewater Beach hotel, even though the main issue will be the American Society of Composers, Authors and Publishers. Despite the agreement of the three major networks as released by the NAB in Washington, Monday (yesterday), the indie station operators feel that their own local problems on the subject of war news, or sentiment regulation, should be aired while they are gathered here.

One person that appears to have the broadcasters worried in this connection is Father Charles Coughlin. They want to retain the business that his broadcasts entail and also steer clear of any censorship intanglements, but there is always the possibility that Detroit cleric may do something which will provoke a serious reaction. Because of this situation, the broadcast operators go beyond the web's agreement and adopt further self-regulating measures in the hope of averting any prodding from the direction of Washington.

IRNA CONSIDERS HIRING OWN CHIEF

Chicago, Sept. 12.—Independent Radio Network Affiliates meeting in Chicago this week are considering creating a salaried executive to head the organization, despite the fact that the NAB has its own paid president. The advocates of the idea feel that the employment of such person would help strengthen the conduct of the organization.

It has been found practically impossible to get the station owners allied with this group within the NAB to sit through meetings, or to arrive at definite decisions on various problems which have arisen. The IRNA executive board now feels that the establishment of a paid officer with an office force would bring the IRNA membership under guidance. No particular person has been mentioned for the proposed post by the IRNA in their airing of the subject.

Talks over the ASCAP issue will center around the plan for broadcasting to develop its own reservoir of talent. Late last week, John Kaye, special NAB copyright counsel and also CBS staff lawyer, it is expected, will be asked to pledge themselves to contribute to a fund required for the execution of Kaye's plan, with the estimated figures ranging between \$1,250,000 and \$1,750,000. NAB leaders believe that their only salvation is the development of tax free music, or the outright purchase of some established catalogues, which possessions will give them a strong bargaining position in dealing with ASCAP. Other ideas of strategy in handling the IRNA membership and the ASCAP licensing agreement will also be presented.

Preliminary to the meeting of the NAB membership on the ASCAP issue, the steering committee of the National Sales Managers Division will huddle at the Palmer House tomorrow (Thursday) for the purpose of discussing future methods of co-operation between the division and the NAB's Bureau of Radio Advertising. Late last week, John Ed Kirby, public relations director; Paul F. Peter, research director; and Sam Henry, executive vice president, were present. Steering committee consists of Craig Lawrence, KSO-KRRT, Iowa City, and Larry W. Brown, WABC, KFEI, Denver; L. H. Avery, WGR-WBWB, Buffalo; Charles C. Caley, WMBW, Chicago; and George KMOX, St. Louis; William R. Cline, WLS, Chicago; E. V. Flanagan, WABC, Chicago; and W. W. Brown, WFBR, Baltimore; Herb Hollister, KANS, Topeka; J. Duryl Lottridge, WGO, Los Angeles; William W. Warner, WAB, Boston.

Powel Crosley, Already In Radio and Baseball, Also Goes for Football?

Cincinnati, Sept. 12.—Having done all right in baseball as principal owner and president of the Reds, present National league pennant-chasers, Powell Crosley, Jr., has now turned his attention to football. Crosley has just announced that he will take a flyer in football by acquiring a financial interest in the Bengals, the new NFL team in Cincinnati. Last record last year in its first season. Bengals will play two Saturday night games at Crosley Field, the Reds' park. Airings are to be exclusive on WSA.

Transradio Blasts Other News Agencies for False War Reports

Transradio News Service, in a note to station clients last week, warned them against falling for the scarehead war news sent out by the other press associations. The note was riled in the broadcasting trade as the most sizzling blast of criticism that one news collecting agency has directed against another since news became a staple commodity in the business.

By inference, the note lectured the other news associations for lending themselves to "rumor mongering" and "irresponsible reporting." The note, in part, read:

"Up to this time, the most reliable source to station clients last week, warned them against falling for the scarehead war news sent out by the other press associations. The note was riled in the broadcasting trade as the most sizzling blast of criticism that one news collecting agency has directed against another since news became a staple commodity in the business."

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The news of yesterday (Monday)

THEATRE SERVICE

WBT, Charlotte, Furnishing News Discs for Film Audiences

Charlotte, N. C., Sept. 12.

The WBT news staff is serving theatregoers, anxious for European developments, in the war began. Three-minute discs are made of the latest news twice nightly and rushed to the Carolina and Imperial film theatres, where they are played during the 7 and 9 p.m. intermissions.

FCC TO PROBE WJR'S ALLEGED COUGHLIN BIAS

Detroit, Sept. 12.—Probe of charges that WJR cancelled an anti-Father Coughlin speech, scheduled to be given by Rev. Walton E. Cole, of First Universal Church, Toledo, will be undertaken immediately by the Federal Communications commission, according to T. J. Slowik, FCC secretary.

In letter to Rev. Cole, Slowik said, was cancelled by WJR because it contained a blast at Father Coughlin's earlier preachings, which was charged by Rev. Cole. Talk, first of a series sponsored by First Universal Fellowship for Social Justice, was given as scheduled over CKLW here and indie hookup.

In telegram to Rev. Cole, Slowik demanded FCC take the necessary action to force WJR to "afford equal opportunity" to both sides of controversial questions, "or that its license be revoked." WJR is originating station for Father Coughlin's indie hookup of about 60 stations during Saturday afternoon.

In answer to Mr. Slowik's said: "Insofar as your complaint states WJR is acting as a vehicle for one-sided propaganda, both sides of controversial questions, or that its license be revoked." WJR is originating station for Father Coughlin's indie hookup of about 60 stations during Saturday afternoon.

In absence of Leo J. Fitzpatrick, general manager of WJR, who's office is in Detroit, assistant general manager of station, refused to comment on the letter.

Jimmy Cannon Heads Lord & Thomas Publicity

Jimmy Cannon has been named head of the Lord & Thomas radio publicity department in New York. Cannon previously was a copywriter for the Kuderer agency, and prior to that was with Hearst's N. Y. American. Replaces Herb Glover, out from account of lengthy illness.

Actor-Writer Problem Brings About AFRA-WGC Stalemate on Jurisdiction

Although several issues were settled in conference last week, the jurisdictional dispute between the American Federation of Radio Artists and the Radio Writers Guild is still deadlocked. Guild council members and the membership at large have been asked to consider the remaining differences with the idea of urging out of the room the more meetings with AFRA representatives are planned.

At the conference last week between Mrs. Emily Holt and Henry Jaffe for AFRA, and Kenneth Webb, Llewellyn and Sidney Fleischer for WGC, the performer union conceded the Guild's jurisdiction over all pure writers—that is, all staff and freelance writers who are also actors, singers, announcers or sound-effects men. It conceded that such jurisdiction applied to writers as well as in the four major production centers. And it agreed to turn over to WGC all writers under contract for KNX, Los Angeles, being negotiated currently with CBS excess in New York.

However, the remaining hitch was over the question of so-called "hybrids"—that is, writers who also perform before microphones. Each side positively refused to budge from its stand on that issue. AFRA claims that it has jurisdiction for all persons who appear before the mike and takes the further stand that it is impossible to bargain for half or three-quarters of a member, while some other organization represents the remainder of them. According to this view, AFRA might bargain for certain working hours or wages for a performer member, while the employer would bargain for unlimited extra time as a writer. But the Guild takes the stand that all "hybrids" should be represented jointly by the two organizations.

Actor-Writers Split
It's believed that a large number of writers in radio and television main production centers, are also performers. But there's some question of how large a total of writers there are throughout the country. Under the circumstances, then, the considerable uncertainty about the Guild, which is now limited to New York and Los Angeles, with a lot of representatives in Chicago, could handle writers spread thinly over the country.

Some representatives for each town, or even for each area, it would involve much greater expense than the claims of the prospective members would warrant. But the Guild, mulling the idea of having several traveling executive secretaries to handle writer problems throughout the country, views the problem from a different angle. It attributes the American League of America, it figures the question of concessions not from the viewpoint of collective bargaining, but of individual negotiation. For an author strike would necessarily be a strike and individual action. But the League and its other affiliates, the Authors Guild, Dramatists Guild, Screen Writers Guild, and the most of its progress by negotiation of specific contracts rather than by the use of rules and work stoppage requirements on threat of strike.

As it now stands, the organizations will apparently not tangle on the question of strike tactics, but AFRA appears determined to attempt to represent the writing, as well as the performing activities of performer-writers. The union claims that virtually all performers prefer it as a bargaining unit, and some of them have even heard of the Radio Writers Guild or Authors Guild in fact. It goes on to assert that no performer union is qualified to handle writer problems, and that it has been determined to drive ahead.

A serious battle seems unlikely, however, between the two new persons involved in the issue. But a fight might bring about a serious union, with both parent organizations, the Authors League and Associated Actors and Artists of America, taking part.

McASSEY IN HOSPITAL

Chicago, Sept. 12. Carl McAssey, one of the key men in the NBC local sales staff here, is reported ill in a hospital. Understood to be suffering from a stomach ailment.

Commish Limits War

Washington, Sept. 12. Height of optimism was portrayed in Communist circles last week to an applicant for permission to operate unlimited hours during the current European crisis.

WBTH, Williamstown, V. Va., daytime station, was granted authority to operate unlimited time during crisis in international situation and as long as International Emergency exists, but in no event longer than for a period of 10 days.

West Virginia station was one of several requesting additional hours which would allow listeners a running account of war happenings. Each transmitter asked for a 10-day period of special temporary authority.

FIDLER THROWS OFF P-G WRAPS

Hollywood, Sept. 12. Heat is off Jimmie Fidler on his full resumption of "Procter & Gamble." Set of rules laid down by sponsor has been abolished and gossip is on his own with complete freedom of the material he chooses to broadcast on his Tuesday night programs over CBS, starting tonight (Tues.).

Fidler recently planned east for a talk with his sponsors on conditions in the employer-owned world, made it impossible to do a good show. Soapmakers told him to go ahead and use discretion in his choice of chatter, with Fidler promising to steer clear of scandalous material, which he claimed, never was in his routine. Before returning to the Coast, he started his new series of transcriptions his present past two years. Next episode is 30, 1940. Six to eight-week summer layoff in Fidler's tale his both coasts this season at 7:15 p.m.

Carter Tees Off On 19 Stations; Has Made Up With Labor Unions

Philadelphia, Sept. 12. Nineteen stations simultaneously yesterday (Mon.) began airing Boake Carter's new series of transcriptions, "The News Behind the News," a commentary on national and international news. Carter, who was "grounded" last year following a tussle with unions because of his anti-labor slants, but who recently made his peace with the labor faithful, was being distributed by Carter's newly formed company, Radio News Column Service, with offices at WCAU-TV, Radio City. At least three deals on general topics will be used as standby programs in case of delay in shipping, chiefly by plane.

Sponsors of WCAU's program, three western stations, the Yankee Cab Company. Other backers so far recorded are: Kalamazoo, First National, and Radio City. Carter's Chevrolet Co.; New York, Rheingold Beer; Jamestown, Dr. M. J. Bank of Jamestown, and Des Moines, Gander Motor Co.

Another Year for Bing And Burns in Kraft Hall

Hollywood, Sept. 12. Bing Crosby and Bob Burns had their contract renewed for 1960 for service on Kraft Music Hall. Crooner's part, optional for 10 years, is radio's longest.

Scrappy Lambert Gives Up Singing for Agenting

Scrappy Lambert, now with the Men About Town singing group, and formerly with the Songsmiths, has joined radio side of General Amusement Corp. He'll be a talent salesman.

CENSOR TURNS M.C.

McNary, of Boston, Now Working a Radio Sustainer

Boston, Sept. 12. Herbert L. McNary, formerly city censor here, is now m.c. for "Movie Spotlight," a weekly 15-minute sustainer quiz program on WORL. Senders of questions used get duties to the Metropolitan theatre, as do successful studio contestants.

LUX VS. WHEELS ON 'WUTHERING HEIGHTS'

Lux Radio Theatre will go through with its plan to broadcast its new version of "Wuthering Heights" this Monday (18), even though Orson Welles will be playing on the same theme on the same network the night before (17) for Campbell Soup. The incident is the latest in a series of commercial brawls in recent years.

Wells is reported to have set "Heights" for his third program (Sept. 24), but on hearing that Lux had scheduled its own version of it first on his program of last Sunday (10), ostensibly to establish priority. Lux is using the million-dollar Samuel Goldwyn's film production as the framework for its own continuity, while Wells is adapting his from the novel itself, which is in the public domain.

Vick's Serial Still Hopes for Outlet on 6 NBC Coast Stations

Vick Chemical Co. still hopes to retain the stations on the NBC Pacific Red link that it has bought for the release of a Nick Dawson serial, "The Double Cross." Doubtful of the spots picked by Vick on six west coast outlets have been sequestered since NBC declared that Standard Brand's serial, "I Love a Mystery." That left Vick the alternative of taking what the stations had left, or going elsewhere.

The Dawson serial, transcribed, is slated for three quarter-hours a week for 26 weeks. With this show included, "Vick" will have bought 200 spots for the serial, to be run in 26 weeks starting around Nov. 1. Allround cost of talent and time in the Dawson campaign will figure about \$400,000.

In Laws for Midwest

Hollywood, Sept. 12. Hal Berger's "In Laws," longtime NBC radio WPAF program, will be taken up by Midwest broadcast Union Biscuit for midwest broadcast. Transcribed series runs 260 episodes.

NBC, CBS Rate Boosts Styne's Small Radio Spenders, Ad Agencies Claim

OBOLTER TO COAST

Will Utilize Screen Names for NBC Drama Series

Arch Oboler will go to the Coast early in October and will originate his Saturday night dramatic series "The Arch Oboler" for NBC. The program will be a weekly 15-minute show, with the Oct. 14 stanza beginning the Hollywood stay. Oboler has no film or TV plans, but will dicker with the studios for the screen rights to several of his radio scripts for which he retains the full rights. Arch Oboler to the Coast is to use some picture names for his programs.

New Chi H-A Radio Ed

Chicago, Sept. 12. Lorene Nystrom is radio editor of the Herald-American, a daily evening rag. She was formerly assistant to Esther Schultz when latter was radio ed of the American. Miss Nystrom is writing a Sunday column and handling the daily listings and best bets.

Pa. Sup. Ct Reverses 15C Verdict vs. NBC on Al Jolson's Ad Lib; Sponsor, Not Web, Solely Liable

Fooling the Kids

Boston, Sept. 12. When WNAC resumed "no school" signals last week, with cooperation with about 200 schools in Massachusetts, a secret code was devised for each city and town.

School superintendents now give a counter sign when they phone the info to WNAC, because last year some of the kids got wise to the setup and called off sessions themselves in a few spots by impersonating the voices of the spurs.

AFRA VOIDS ST. L. ELECTION

St. Louis, Sept. 12. The recent election of officers of the St. Louis Chapter of AFRA, in which Harry Flannery, news commentator of KNXO was chosen prez, Wayne Short, gabber at KSD, first v.p.; Herb McCreedy, gabber at WFL, second v.p., and Nellie Booth, free lance actress, executive and recording secretary and treasurer, have been voided by national office of AFRA in New York and last week the local chapter was ordered to hold a new election.

Charges of irregularities in the conduct of the nominations and the counting of votes were reported to national headquarters, which, after an inspection of the minutes of the election, promptly issued the edict for another voting session. It is known that two groups of the chapter are trying to gain control through the election of the president. One group is made up of free-lance radio men and the other composed principally of members employed by KNXO, which has the largest AFRA group in the local chapter.

B&W SETS HUGHES ON 5 OF 7 COAST PERIODS

Brown & Williamson will use seven quarter-hour periods a week during the west coast fall. Five of them will be devoted to a nightly newscast by John B. Hughes over stations. Other two periods will be taken up by a musical program, "Twilight Trails."

Roset, Seeds is the agency.

Philadelphia, Sept. 12.

In a far-reaching decision, the Pennsylvania supreme court ruled Thursday (7) that a broadcasting company is not liable for defamatory remarks uttered on the air by radio artists hired by a sponsor. The opinion, comprehensive in its scope, was handed down here by Chief Justice John W. Kephart, reversing a ruling by the Allegheny County Court giving a \$15,000 damage verdict to the Summit Hotel. Uniontown. The suit was filed against the National Broadcasting Co. following an Al Jolson "Shall Chateau" program, when Jolson, interviewing Sam Parks, owner of the Chateau, asked Parks where he got his start. Parks said he went to work at the Summit hotel.

Jolson then suddenly remarked: "I know you're from a rotten hole!" Kephart ruled that the remark was made without warning, did not appear to be a defamatory statement, and that the broadcasting company did not know the words were to be used.

The "important question," Justice Kephart said, "is whether a radio broadcasting company, which leases its facilities to a licensee, is liable for a prompt defamatory statement, interjected ad lib into a broadcast by a radio artist, who is not under contract and is not in the employ of the broadcasting company."

After voting 21 pages to the discussion of the question, he concluded: "A broadcasting company that leases its time and facilities to another (company) whose agents carry on a program, is not liable for an interjected defamatory remark where it appears that it exercised due care in the selection of the licensee and having inspected and edited the script, had no reason to believe an extemporaneous defamatory remark would be made."

Where a broadcasting station's employee, acting as the station's defamatory remark, it is liable, unless the station's are privileged and there is no malice."

Justice Kephart recognized that his decision opens the door for others handed down on the same point in other states, which held the broadcasting station liable for ad lib remarks.

"Although ruled upon before in other cases," the majority opinion said, "the problem is still unique. It is the first time the precise question has come before the supreme court of the United States or England. The law of defamation by radio is still in its infancy."

Coast Ad Agcy. Confab Slated for Oct. 26-27 In Del Monte, Cal.

San Francisco, Sept. 12. Two-day convention of the Pacific Council of the American Assn. of Advertising Agencies will be held Oct. 26-27 at the Del Monte, a 100 miles south of here, with radio, newspaper and advertising men from coast states in attendance. Sessions on the opening day will be closed.

A general business session will be held on the morning of the second day, with a golf tournament and a dinner concluding the convention activities.

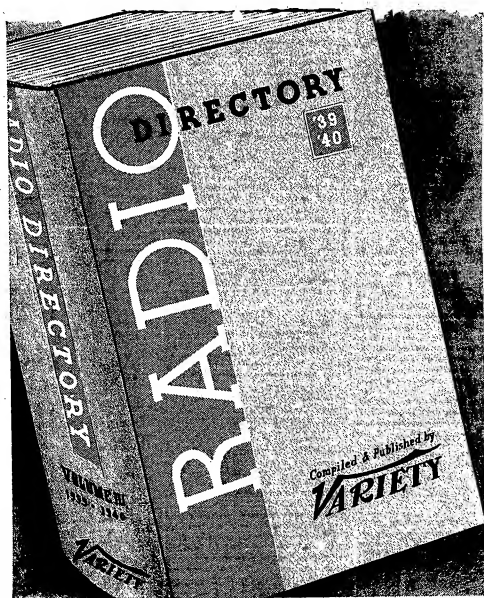
In charge of the convention is August J. Bruhn, of McCann-Erickson, advertising agency, chairman of the Pacific Council. Assisting him is a large group of agency men and owners, including those from San Francisco and Los Angeles.

AFRA and CBS Still Talking KNX, L.A., Deal

Contract with CBS, covering KNX, Los Angeles, is still being negotiated by the American Federation of Radio Artists. Conferences between the network execs and union representatives have been in progress for more than a week, but may be wound up today (Wednesday) or tomorrow.

I. B. Kornblum, AFRA's Coast rep, has decided to return to Los Angeles to continue the negotiations pending settlement of the situation.

.... quoting from the mail---



For immediate delivery order your copy of the Radio Directory today from one of the offices or stores listed below. Or mail coupon

\$5 Per Copy

NEW YORK
VARIETY
154 W. 46th St.

BRENTANO'S BOOK STORES
586 Fifth Ave.

HOLLYWOOD
VARIETY
1708 No. Vine St.

CHICAGO
VARIETY
54 W. Randolph St.

RANDOLPH ST. BOOKSTORE
54 W. Randolph St.

WRIGLEY BLDG. NEWSSTAND

SATYR BOOK STORE
1620 No. Vine St.

G. SCHIRMER MUSIC STORES
737 So. Hill St.

MERCHANDISE MART NEWSSTAND

"Your new 1939-40 Variety Radio Directory offers more to the radio industry than any other previous issue.

"The 1,352 pages are crammed full of worthwhile, valuable radio material. Our Radio Department is constantly referring to this source of accurate and current information.

"An agency such as ours, who is so vitally concerned with radio broadcasting, cannot afford to be without several copies."

John Gordon
RUTHRAUFF & RYAN, INC.
405 Lexington Avenue, New York

"This year's Variety Radio Directory is, if that is possible, even better than last year's.

"Going through it I find that section after section has been expanded and amplified so that it becomes more than ever a book one cannot do without."

Preston H. Pumphrey
WARWICK & LEGLER, INC.
230 Park Avenue, New York

"The 1939-40 edition of the Variety Radio Directory has just been delivered to me, and once again I am impressed with the splendid job of editing.

"The Directory is of invaluable assistance in gleaming information—fast."

Elizabeth Howard
PEDLAR & RYAN, INC.
250 Park Avenue, New York

"It is our opinion that this is one of the finest reference books published and the additions that you have made in comparative program analysis should result in even a greater usefulness of the publication than ever before."

Ray C. Jenkins
STATION KSTP
Minneapolis—St. Paul, Minn.

VARIETY RADIO DIRECTORY 154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY (\$5 per copy; \$6.10 per copy in New York City).

☐ Check Enclosed

☐ Send Invoice

Name

Address

City State

Firm

BREACH OVER TECHNICAL STANDARDS DELAIS FEW TELEVISION ALLOCATIONS

**Disagreement Stymies FCC Committee's Report—
Dozen New Applications on Hand, Besides 11
Experimental Stations Already Licensed**

Washington, Sept. 12.

Disagreement over technical standards has slowed down submission of the second part of the FCC television committee's report and threatens to cause considerable delay in deciding upon an allocation policy under the general principles adopted few months ago, keeping visual transmission on an experimental basis.

With all licensees under instructions to submit detailed reports on past operations and future plans, there is no indication when the Commission will get around to considering a pile of new applications, as well as the renewal license pleas filed in response to an order intended to give the regulators a chance to review the activities of all present plants. Committee had told the staff to work up a scheme by the middle of this month, in accordance with broad outlines under which preferential categories would be established. No sign now when the recommendations will be forthcoming.

One of the principal obstacles is said to be controversy over separation—both frequency and mileage—between visual transmitters. Despite constant study of reports from experimenters and interviews with present operators, the experts are divided on the question of how far apart stations using the same frequency should be located, and the kilocycle space which should prevent conflicts between plants in the same geographical area.

Action by Jan. 1.

Although no concrete plan is likely to be adopted soon, the Commission is hoping to take position on the mass of requests now in the files before the end of the year. With 11 stations currently holding experimental licenses, the regulators have received more than a dozen more pleas, with big-city department stores—chiefly in New York and Los Angeles—competing with equipment manufacturers and makers of receiving sets.

The desire of the three-man committee to work out a system under which television can move from the first-technical-phase into the field of commercial broadcasting, until the experts have agreed how the stations shall be spotted, nothing can be done toward taking the new hurdle.

Atlantic Coast Conflict.

A conflict between various operators and prospective recruits along the Atlantic seaboard has caused much of the difficulty. While the Commission expects it will be possible to have more than one transmitter in anything but the biggest cities, whenever visual operation starts on a commercial basis, they are confronted at the moment with considerable duplication in the way of requests for experimental licenses. Negotiations to end the rows came to nothing, so arbitrary decisions may be inevitable.

There is scant prospect any existing operator will be taken off the air. Nevertheless, the Commission feels the time has arrived to make a careful review of the recommendations to see whether all the researchers are making the most of their opportunities. Some may be jacked up or given special assignments. With a number of outsiders wanting an in, study of the past performance is more imperative than ever before. Also, the Commission believes it is desirable to make certain the present occupants have kept abreast of technical advances before allowing them to delve into the questions of public talent, talent needs and program timing.

Gossip that some applicants would balk unless allowed to begin operation on a commercial basis appears unfounded. None of the requests have been yanked back, nor has any delay in a stage where folks stay home to see variety shows instead of at the theatre. Another group is the low level of salaries, average payment being \$30 per act per appearance.

Plan is supported by Variety Artists Federation.

WCAU, PHILLY, ASKS TELEVISION LICENSE

Philadelphia, Sept. 12.

WCAU yesterday (Mon.) filed an application with the Federal Communications Commission for a permit to build an experimental television station at its studios here, with a coaxial cable already installed between here and New York, the station—if permission is granted—will make the first serious attempt to broadcast visual programs between cities.

During the past two years, a technical staff under WCAU's chief engineer, John G. Leach, have been conducting experiments via its high-frequency transmitter, WXIX, in order to locate the "dead spots" in the city and determine the amount of wave absorption due to skyscrapers in the center of the city. These findings are expected to be of great value in the television experiments.

AGENTS STYMIE BBC TELEVISION

London, Sept. 1.

Because 80% of the agents bar television on "variety performers" contracts, British Broadcasting Corporation is forced to use a big proportion of foreign talent, fact which has brought frequent squawks from home viewers. Nevertheless, BBC contends the ratio is not above one alien to four local artists. Requests are continuously received for all-British programs, but won't be met if the ban is lifted.

Agencies clamp down on television because they fear it may adversely affect talent professionally, besides also playing into the hands of operators, which they fear, may develop to a stage where folks stay home to see variety shows instead of at the theatre. Another group is the low level of salaries, average payment being \$30 per act per appearance.

Plan is supported by Variety Artists Federation.

Radio Biz Okay

Continued from page 1.

now impossible situation resulting in the demise of the radio campaign.

International Harvester, within the past week, has also dropped a section of its schedule. Station reports an end to the Coleman mustang campaign, blaming it on the fact that the product is packaged in England. Col-Ray has meantime issued a notification of possible cancellation, due to the boost in sugar prices recently.

Midwest stations additionally report that the four companies—usually appreciable users of regional spots—are not signing up this fall because the prices on the farm market are zig-zagging all over the lot.

Not Much From Autos

Most station reps (as well as professional business observers) are not counting on much rain from the auto industry either, although the gas bugzy gang is anticipating a bumper sales season. Jitters over the future of the industry, however, of skilled labor, etc., are prevailing in Michigan, with the expected result that General Motors, Ford and Chrysler will pull in the ears of their respective advertising budgets.

Sports on the other hand, do not appear to be dented as a means of radio campaigning. Speculation over whether Canada's part in the war would interfere with this season's hockey has not prevented Warwick from buying three series of hockey broadcasts over the Colonial wire for Edgewood tobacco and Domino cigars (without any sponsored hockey last year).

Legler, while not positive that the schedule will be without hitch, is banking on the Canadian attitude to "carry on" and that not particularly worried that series may run afoul of the war. Radio-Phonola schedule calls for 17 Tuesday eve regulars on the Boston Bruins games, spiced by Frank Ryan on WAAB, Boston, and relayed to WEAB, Worcester, WSAR, Fall River, WFEA, Manchester, N.H., WBBB, New Bedford, WLLH, Lowell-Lawrence, WLNH, WRDQ, Augusta, and WCOU, Lewiston. Campaign begins Nov. 14. It also includes seven play-by-play Sunday games, beginning Nov. 19. For 48 quarter-hour early eve sports broadcasts (at 5:45 p.m.) Monday through Saturdays, over WAAB, with Frank Ryan.

Zenthri said this year is an expanding its football sell in Tennessee. Radio ought to be the second largest in buying the Vanderbilt pigskin play-by-play over WSM, Nashville, but WMC, Memphis, has been added this time to make a two-station hookup. WMC last year only broadcast two major football games, both for local sponsors, and the Zenthri bid is thus a step ahead of prior years. Schedule starts on Sept. 20 and runs through Thanksgiving Day (Tennessee's, not FDR's).

News Sales

As would be expected, a flock of news-comment stanzas has also been sold, mainly in New York. Rash of buying during the past week is giving WOR, New York, a solid crop of news and news comment across the board at 9-10 p. m. Monday through Friday. Galen Zenthri gets the Monday eve assignment for Modern Industrial Bank (through Metropolitan advertising) beginning Oct. 2. On Wednesday and Friday the same speller will hold forth for Krenl (through Lewin-Wasey), beginning Oct. 4. On Tuesdays and Thursdays Arthur Hale has the "Conditionally" sold slot for Vicks' (through Morse International), beginning Sept. 26.

Mutual will additionally have sold Raymond Gram Swing to White Owl Cigar (J. Walter Thompson) for a shot at 10 p.m. Monday and Friday,

beginning Sept. 25. Represents the ace speller's first commercial.

Canada's Big Boom

Regina, Sask., Sept. 12.

Plenty radio biz is forecast for winter season through Saskatchewan and prairie west despite war situation. Though first shocks somewhat upset programs, with stations giving 24-hour service on news, schedules are back to normal now and fall business is beginning to come in.

War has had beneficial effect for farmers, jumping wheat prices up fast to take gloom out of farmer's face when he found himself with first heavy crop—233,000,000 bushels for Saskatchewan alone—in 10 years and poor price on news, schedules almost doubled price now to farmer.

Crosley Takes Second Scribe as Announcer

Cincinnati, Sept. 12.

Paul Kennedy, radio editor of the Post, is the second local newspaperman to join Crosley's staff of special mikes. He's on a series of radio and amusement chatter programs, doing two a week on WSAI and one on WLW. Since his origin in night clubs, dancers and theatres. A year ago Kennedy put in poor stretch of similar spels for WCKY.

Nixon Denton, sports editor of the Times-Star, has been doing regular sportscasting on WLW and WSAI for a couple of years.

WEDNESDAY NIGHTS

THE TEXACO STAR THEATRE

2 GREAT SHOWS IN ONE

A GREAT VARIETY SHOW

30 Minutes ... from Hollywood!

Kenny Baker • Frances Langford

David BROKMAN's Orchestra

Ken MURRAY, Master of Ceremonies

A GREAT DRAMATIC SHOW

30 Minutes ... from New York!

HIT PLAYS ... written by the world's foremost playwrights! FAMOUS STARS ... playing brilliant roles!

CBS NETWORK

PRESENTED BY TEXACO DEALERS

"Ceremonies" FOR KLZ SPONSORS

For every fifteen minutes a sponsor buys over KLZ he gets ten additional minutes of showmanly service for which he is never billed... a daily parade of sparkling CBS- and KLZ-originating sustaining features that have stamped KLZ as the Number 1 station of the market.

KLZ could not operate without its revenue-producing programs. Neither could it fulfill its obligation to serve the public interest, convenience and necessity of the Denver-Rocky Mountain area to the fullest without this community service.

This premium for sponsors is off the rate-card. But it is as much a part of KLZ as its 444-foot Blaw-Knox radiator, its 5,000-watt Western Electric transmitter or its show-place-of-Denver studios. It is another reason why the Rocky Mountain area turns to KLZ instinctively to entertain, to inform or to sell.

ALWAYS THE SCENE of significant and newsworthy events in the Denver region, KLZ's mobile unit here broadcasts from summit of Mt. Evans (14,295 ft) at opening of world's highest motor highway.

CHURCHES AND RELIGIOUS GROUPS receive the generous cooperation of KLZ. From Denver's best churches the regular pastors, all members of the Denver Ministerial Alliance, broadcast their Sunday services.

KLZ Denver

CBS AFFILIATE • 550 KILOCYCLES

Affiliated In Management With The Oklahoma Publishing Company and WKY, Oklahoma City

National Representative: The Katz Agency, Inc.



AGAIN—first in listening popularity

UNIQUE HOOPER-HOLMES OUTDOOR SURVEY FINDS WOR SWAMPING COMPETITORS ON FOUR SUCCESSIVE DAYS

WHAT HOOPER-HOLMES DID—

During the afternoons of August 12th and 13th and August 26th and 27th between 1:00 and 5:00 p.m., Hooper-Holmes investigators tramped the sands of Jones Beach, Long Beach, Riis Park and Asbury Park. Utterly unaware of the station for which the survey was being made, they were instructed to keep their eyes peeled for portable radio listeners. Each listener, or listening group, encountered was asked—"Is your portable in operation?" and "If so, what station are you listening to?" They asked other questions, too. But, at the moment, we'll consider just the answers to these two.

WHAT HOOPER-HOLMES FOUND—

The Hooper-Holmes investigators found 630 portable radios. They found 474 of these radios in operation. They found an average of 6 people listening to every portable radio. Totalling all answers to the question—"What station are you listening to?" ranks WOR and its three competing 50,000 watt New York stations as follows:

	WOR	42%
STATION A		12.9%
STATION B		8.2%
STATION C		7.2%
ALL OTHERS		29.7%

Again and Again and Again WOR RANKS FIRST!

In the latter part of 1938 it was found that WOR ranked first in listening popularity among automobile radio owners. In the recent four New York station study conducted by Hooper-Holmes WOR ranked first in total families listening. On one day, 46% more families were found listening to WOR than to any other station. Now again WOR ranks

first in this unique Hooper-Holmes outdoor study of the listening preferences of a people in a market group who buy more than any people anywhere.

IS IT ANY WONDER THEN . . .

★That more than 70% of WOR's sponsors are among America's greatest national advertisers?

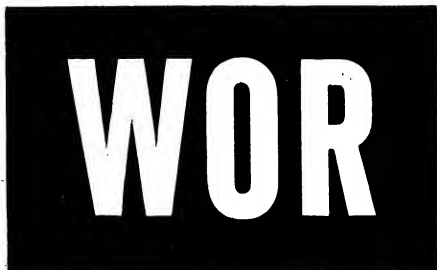
★That WOR has a library of more than 60 success stories—the greatest collection of success stories ever gathered by one station?

★That year in and year out WOR has consistently ranked first in total spot placements?

FREE—to advertisers and agency time buyers . . .

What other questions does this new WOR survey answer? Ask WOR today for a complete copy of the results. See 1. How all four major stations ranked on each of the four successive days. 2. Glance down the list of the more than 56 types of portable radios found and see how many of each were found. 3. Discover the types of programs to which these listeners were dialled. 4. Notice how baseball broadcasts stack up against competing air entertainment.

A note, call or wire directed to WOR, 1440 Broadway, in New York, will bring your copy by return mail.



WLS Barn Dance in Chicago Theatre Still S.R.O.; 6 Sponsors, 1 for 11 Yrs.

Chicago, Sept. 12. Saturday (9) saw the 800,000th ticket sold for the WLS Barn Dance in the Eighth St. theatre, here. After eight years, the Barn Dance shows are still selling out at over capacity for the two performances, at 7:30 and 10 p.m.

There are turnarounds at every performance though standing room is sold to 100 and more people at each show in the 1,300-seat house.

WLS Barn Dance has been in the theatre for eight and on the air for 15 years. The program itself during this time has picked up extremely faithful sponsorship, with one advertiser going on the show for the 11th consecutive year, two advertisers who have been on the program for seven years, and another couple that have been around for four years.

Oldest sponsorship on the show is the Mantle Lamp company, which has been plugged on the Barn Dance since 1929 and goes back 14 years on the station itself.

Best known of the sponsors to the trade is Alka-Seltzer, which goes into its seventh year on the show. But another advertiser that has also been around for seven years is the Keystone Steel and Wire Co.

Murphy Products and the Pinex firm have each been patrons of the Barn Dance program for four years. Last year Flex-O-Glass started on the Barn Dance and evidently found

it profitable, since it has signaled for another season's gallop.

Schedule for the Barn Dance on WLS as it stands at present shapes up like this, with Alka-Seltzer grabbing the one hour over NBC:

7:30-7:50—Pinex.
7:50-8:00—Keystone Fence.
8:00-9:00—Alka-Seltzer (NBC).
9:00-9:30—Murphy Products.
9:30-10:00—Mantle Lamp.
10:00-10:15—Flex-O-Glass.
10:15-11:00—Time available.
11:00-12:00—Has never been offered.

WHO's 9th Year

Des Moines, Sept. 12. WHO barn dance follies will open Sept. 30 in Shrine Auditorium for its ninth year as a regular Saturday night two-hour feature.

Barn Dance originated in Davenport in 1931 and moved to President theatre in 1933. Later moved to 5,000-seat auditorium, where it has continued since to almost capacity shows.

Show is under direction of Stan Widney, with Irving H. Grossman, of WHO, as house manager.

Forker in Dallas

Dallas, Sept. 12. Don Forker, formerly with Lord & Thomas, in N. Y., has joined Tracy-Loche-Davies here.

He was once radio director of Maxon in N.Y.

Patty Jean Sues KOL Alleging Idea Lift

Seattle, Sept. 12. Patty Jean (Vivian Forrest), now on KOMO here and Pacific National Advertising Agency have filed suit for an injunction and nominal damages in Superior Court here against the Seattle Broadcasting Co. (KOL) and v.p. Archie Taft. Suit charges she originated a 'certain unique radio program' and the agency asserted it acquired joint ownership of the script, etc., which KOL is now using under title of 'KOL New Good Health Club.'

Patty Jean came to KOL originally from CKLW, Detroit-Windsor. She later moved to KOMO and asserts after she did this KOL debuted a program similar to the health club one she originated. KOL filed a general denial.

KHAS Gets Green Light

Lincoln, Sept. 12. All protest against the start of KHAS, the Hastings, Neb., ether, of 100-watt night, 250-watt day call-sign, was stopped last week when Don Searle, owner of KMMJ, Grand Island, serving the same area, called off his attorneys, who were about to file objections with FCC. Searle, who besides being top-man with KMMJ, is general manager of KFAB-KOIL-KFOR, here and in Omaha, gave no reason for his sudden reversal of feeling in the matter.

Thus assured, Lloyd C. Thomas and Walter Ely, KHAS biggies, are scouting the Hastings countryside for a transmitter site.

More Fan Mail Quotes

Seattle, Sept. 12. Listeners Club, participating program on KOL conducted by Bob Hillis for the Robert G. Nichols agency (Phillips Grape-Juice, Man-Kind dog food) has culled some recent fan mail gems:

'We live by our radio and get how we suffer.'

'I do not use your dog food because I have no pet, but I have a good husband.'

'At our house, at a certain time in the morning, we say: It's time to cry with the O'Reillys.'

'Too many big programs come at a time when those who are lucky enough to have a job are still working.'

'There is enough sadness and trouble in the world without listening to it on the radio.'

'The serials are all right in very small doses.'

Rooney, Garland, Grant On Gulf's Guild Prem

Hollywood, Sept. 12. Gulf's Screen Theatre shoves off Sept. 24 on CBS for another season of gratis performances by picture stars to help Motion Picture Relief Fund build a home for the industry's aged and needy.

Inaugural cast comprises Mickey Rooney, Judy Garland, Gary Grant and Ann Sothern.

Asks New Dallas Station

Dallas, Sept. 12. V. O. Stamps, of Dallas, has asked FCC for privilege to start new station here on 1,370 kilocycles and 250 watts, unlimited time.

Seeks facilities to be given up by merger of KFJZ and KTAT, Ft. Worth.

Martin Block His Own Sponsor Of Radio-Terp Show

Martin Block, conductor of WNEW's New York, Make-Believe-Ballroom, is sponsoring himself on the Sing Session, which has resumed last night (Tuesday) at the Manhattan Center, N. Y. Formerly Block simply made the show, which were gratis admissions, when they were held in the Criterion theatre on Sunday mornings.

New setup has Block charging a fee admission to kids to listen and dance to top name orchestras. The program is aired over WNEW 8-9 p.m. and those who have bought tickets can stay and dance till 1 a.m.; those who came for the broadcast only, which is a cull, leave.

Situation of Block paying for the time, thereby sponsoring himself, calls to light when his first broadcast last night conflicted with the opening game of the International Baseball League playoff. Station will come in on the games a half hour late because of Block's hour show. Games are sponsored by General Mills and Socony Vacuum.

WMCA's Jam

Continued from page 21.

Federal Trade Commission, may crack down, charging misrepresentation and misleading advertising.

Calling attention to international pacts as well as domestic law, Commission order, in effect, laid down policy for the industry. Regulators said that 'during the period of tense international relations, the public interest, convenience and necessity require strict observance by licensees of radio broadcast stations in this country of all provisions of international undertakings and Federal legislation relating to the secrecy of international communications.'

WMCA is directed to file sworn statement by Friday telling all facts and circumstances pertaining to said alleged interception and broadcasting. Whether hearing will follow was not settled at today's meeting, but indications were the answer will be basis for formal testimony-taking and cross-examination.

'No Vistation'

Donald Flamm, head of WMCA, declared yesterday afternoon (Tuesday) that on the basis of information furnished to him by newspapers on the citation he was certain that the station had violated no regulation. He added that WMCA's news broadcasts have always carried newspaper or news agency credited lines. William Wiseman, co-owner of WMCA, flew to Washington later in the day to discuss the matter with FCC officials.

Impression at the station is that the charge most likely had been founded on a flash it had obtained from the N. Y. Herald-Trib, which stated that a secret message picked up off the air and decoded disclosed that the Nazi government had ordered all its ships to home ports.

Hedda Vacates NBC

Hollywood, Sept. 12. Hedda Hopper and NBC, long at odds, have called it quits and she withdrew last weekend from network sustainer, 'Brenhouse', on which she was starred.

She hops over to CBS next month to lead a new commercial series for Sunlight.

THE NEW YORK BROADCASTING SYSTEM, Inc.

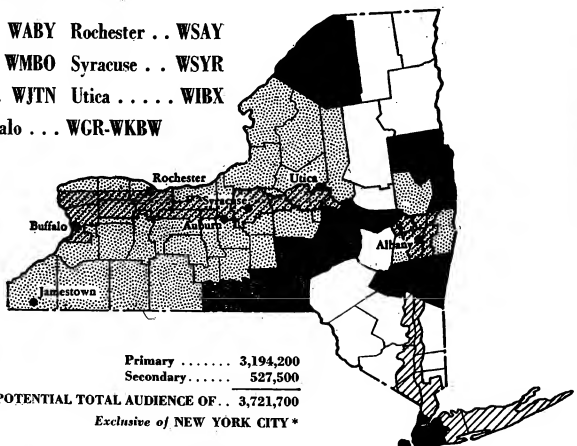
20 EAST 57TH STREET
NEW YORK

CARL CALMAN, General Manager

PLaza 8-3355

MEMBER STATIONS

Albany . . . WABY Rochester . . . WSAY
Auburn . . . WMBO Syracuse . . . WSYR
Jamestown . . . WJTN Utica WIBX
Buffalo . . . WGR-WKBW



Primary 3,194,200
Secondary 527,500

A POTENTIAL TOTAL AUDIENCE OF . . 3,721,700
Exclusive of NEW YORK CITY *

*The advertiser has the option of using any independent New York station for origination. Thus, any program originating on any independent New York station may be fed to the NEW YORK BROADCASTING SYSTEM.

. 16% of the land of the State
. 84% of the State's Population

According to a survey of the State of New York, Executive Department, Division of State Planning

12 U. S. SHOWS BACK IN CANADA

Winnipeg, Sept. 12. With four already back on the air, an additional eight shows are set to return to the Canadian air in the next few weeks, according to present arrangements. In all cases these feeds are from the American networks.

Most significant returning feature of the new season is Dr. Stidger program for Fleischmann yeast. This show ran in trouble last year with its commercial copy, officials of the Canadian Broadcasting Corp. asking the continuity be submitted to the Canadian health authorities before use.

Already back on the air, via the CBC, are Chase & Sanborn (NBC) Sept. 3; Maxwell House (NBC), Sept. 7; Lux Radio Theatre (CBS), Sept. 11.

Set to bow in again within the next couple of weeks are: Lever Bros. (CBS), Sept. 19; General Wife (transcribed); Carnation Contented Hour (NBC); Fleischmann (NBC), and 'Stella Dallas' (transcribed), all on October 2. 'One Man's Family' will come in from NBC starting Oct. 4, and it's quite possible the second half hour of the new Standard Brands hour will come north also, although no announcement has been made as yet. The Rogers Silver Theatre from CBS will bow in Oct. 6.

All shows, with the exception of one, are carried by the CBC outlet, CKY, in Winnipeg. The exception, Charlie McCarthy, goes to CIRC, Winnipeg. Like sustainers, all commercials are also fed to the new CBC transmitter, CBK, at Watrous, Sask.

Radio vs. Press

Mexico City, Sept. 12. Congress has okayed a bill providing for full and national radio broadcasts of its sessions for the first time in history, so as to 'counteract the pernicious political activities of the reactionary press.'

Heretofore, only extra special congressional sessions have aired.

In Australia

Country stations are buying a lot of U. S. waxes for presentation on early evening sessions during the cold spell.

Nick Lucas will probably do some airings over Australian Broadcasting Commission through link with Frank Neil's Tivoli chain. Crooner's waxes were tremendously popular here some years back.

Frank Goldberg, top advertising man, stated that U. S. firms were ready to spend plenty on local air time during the next few months.

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!



National Representatives
Geo. F. Hollingsworth Co.
New York, Chicago, San Francisco, Atlanta

Wrigley's Quiz Pulls Surprise Station Switch

Winnipeg, Sept. 12. Wrigley's 'Treasure Trail' quiz show, pulled surprise switch from CJRC to CKY in this city. Tip off to change was given at conclusion of final CJRC show, when listeners were advised to 'watch Monday and Tuesday' papers for announcement.

Trail was introduced last spring over the Richardson station. Sudden change to the government outlet came as a complete surprise to local radio circles.

CJRC is building a similar type of show to replace the vacant half hour.

Plan New Cuban Outlet

Washington, Sept. 12. Establishment of another Cuban broadcasting station is contemplated, according to report received by the Commerce Department.

President of Cuba has proposed to the native legislature duty-free importation of \$65,000 worth of equipment.

SHELL OIL BASES 10G SUIT ON BROADCAST

Montreal, Sept. 12.

Shell Oil Co. of Canada has filed suit seeking \$10,000 in damages against the Retail Merchants' Ass'n of Canada, alleging damaging statements were broadcast from station CKAC. Station has amicably adjusted difference with Shell Oil by giving Shell time on air. In any event, Attorney-general of Quebec has taken stand that broadcasters are not responsible for opinions expressed by sponsors, and that recourse can be had only against those buying time.

In action against the Retail Merchants' Ass'n, Shell also attacks a Quebec labor statute, asking that it be declared unconstitutional.

Defendants in the lawsuit contend that the damage action should be decided by a jury, but that the matter of the legality of a provincial labor statute should be left to a judge to arbitrate.

Shell Oil wants to set aside labor agreement, which fixes a minimum price of \$1 for each greasing job on a motor vehicle.

Canada Back to Normal; Permitting U.S. Commentators, But Nixes Hams

Montreal, Sept. 12. Conditions in local radio broadcasting are virtually normal now, with U. S. commentators such as Dorothy Thompson, H. V. Kaltenborn and others being permitted on Canadian stations.

Censorship of American commentators was not considered feasible from the first because of the close proximity to U. S. border. Canadian listeners have been tuning in mostly to American stations in past week.

Canada's army of 3,500 amateur radio operators have offered to place all their facilities at the disposal of the Federal Government. Reported that the Transport Department has turned the matter over to the Department of National Defense for further consideration.

Meanwhile, the 'hams' have received notice that due to war conditions they must stay off the air. Un-

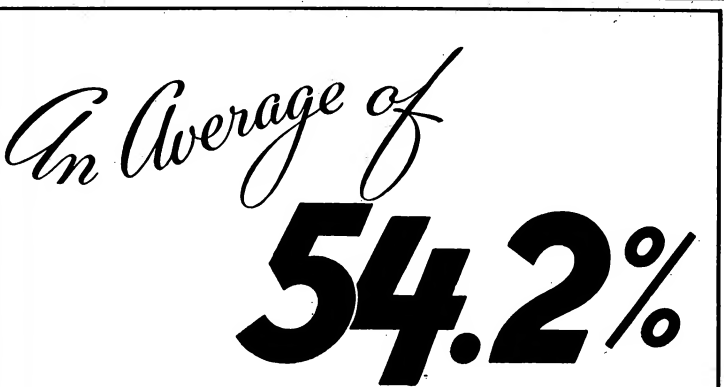
derstood there are approximately 500 amateur radio station operators in the province, with about 3,000 more throughout Canada.

Censorship Personnel

Toronto, Sept. 12. Colonel R. P. Landry, secretary of the Canadian Broadcasting Corp., has been appointed radio censor for Canada.

Heading the censorship personnel is Walter Thompson, director of publicity for Canadian National Railways. Supplementary meetings now divulge that Oswald Mazard, director of the Canadian Press, and L. Clare Moyer, Clerk of the Senate, will be in charge of press and film censorship, respectively.

George Robey doing extra sessions for Australian Broadcasting Commission by arrangement Tivoli Theatre.



was revealed as WLW's share of the listening audience by the recent Ross Federal Research Corporation's Coincidental Survey made for us in these 7 additional markets:

Anderson, Indiana
Huntington, West Virginia
Ironton, Ohio and Ashland, Kentucky
Marion, Indiana
Marion, Ohio
Portsmouth, Ohio
Zanesville, Ohio

Chart Story of this Survey has been released. Analysis of individual station popularity by hourly periods as well as a combined Analysis of our original 13-Market Survey, plus the above 7 markets (159,299 calls in all) is being completed. Write Transamerican Broadcasting and Television Corporation, or



WLW THE NATION'S STATION



See the Crosley Building at the New York World's Fair

Lessees of 2 N. W. NBC Stations Smoother Net's 50,000-Watt Desire

Even though it owns the facilities, NBC finds itself badly stymied in matter of petitioning the Federal Communications Commission for a boost to 50,000 watts for KJR, Seattle, and KGA, Spokane. Under the Havana treaty the stations, now operating at 5,000, are eligible for 50 kilowatts, but their lessees, Bert Fisher, of KJR, and Louis Warner, of KGA, prefer to keep the plants down to their present power on what are reported to be grounds of economy. They are said to feel that they are doing a solid and effective coverage job for the available markets and see no reason for upping their operation expenses.

The two stations are part of the NBC Pacific blue. NBC acquired them back in the late 20's and in 1931 leased them to their present operators. KGA and KJR, along with KEX, Portland, were the first stations to operate at 5,000 watts full time in that area.

Despite the turndowns, NBC is

plated to make another attempt to talk Fisher and Warner into filing applications for 50,000 watts. The persuasive routine will take place during the special convention of the National Association of Broadcasters in Chicago.

For a broadcaster to turn down an opportunity to get a raise in wattage rates at something rare in the industry.

Clement Moves to N. H.

Worcester, Mass., Sept. 12.

Earle Clement, WTAG announcer for the past nine years, has been appointed manager of WLNH in Laconia, New Hampshire. WLNH is owned and operated by the Northern Broadcasting Co. and is a member of the Yankee, Colonial and Mutual systems.

While with WTAG, Clement wrote and produced several programs in addition to announcing.

WJJD LANDS EDUC'L SERIES FOR 3D YEAR

Chicago, Sept. 12.

For the third successive year, WJJD, the Ralph-Atlas station, has obtained the official Board of Education classroom series prepared by the Radio Council and broadcast from WJJD studios under the supervision of director Harold Kent.

Series starts Sept. 25 and will run each week-day at 1:30 p.m. to be heard by grade school children throughout the metropolitan area in their own classrooms. Mondays will be devoted to a series known as "The Science Reporter"; on Tuesdays, Kent will broadcast a program tagged "That's News to Me"; Wednesdays will present a series of outstanding speakers for a discussion of Chicago and civic affairs; Thursdays will bring dramatized literature to the listening school children, while Fridays will be set aside for music appreciation programs.

Quaker Oats has taken, through Benton & Bowles, 30-minute "Man on the Farm" program, running once weekly from Sept. 23 through June 29, 1940, on WGVY, Schenectady, and other stations.

Story of WNOE, N.O., a Saga of Rapid Progress; It's Now Asking 1,000 Watts

New Orleans, Sept. 12.

Thursday (7) the Federal Communications Commission authorized a power jump for night time broadcasting of WNOE from 100 to 250 watts. The station, immediately upon receiving authorization for this boost, placed application for authorization for 1,000 watts power. And therein lies a story of the most remarkable changes in a radio station seen in the deep south.

WNOE, owned by State Senator James A. Noe, and managed by Raymond Huft, now employs a steady staff of eighteen persons. But this looks like a network crew, compared with the operation of the station a few years ago.

Just two months ago the FCC authorized the change in call letters from WBNO to WNOE. By this move the station owner became the only man in the country to have his full name in the call letters of his

station. A great promotional stunt, especially since Noe is a candidate for governor in 1940 in Louisiana.

The original license under which the station now operates was first secured 13 years ago, with WNOE then WBBX. The station, a 100-watter, split time with another 100-watter, WBY, and ran mostly for church services of the Coliseum Place Baptist Church.

It held a 100-watt license, and that was all. Even when the present regime of Noe-Huft finally succeeded, after two years of effort, in getting the license transferred, WBNO, which it became six years ago, was still nothing to brag about. The staff consisted of five or six persons, including transmitter engineer, with nothing but a wood shed and church broadcasts. It was the laughing stock of the local radio industry. There was no schedule, no live out and one announcer worked practically all day. There were numerous instances of "one record" being played eight or 10 times in one evening.

The station changed managers almost as rapidly as department stores change window displays. Veteran Edward "Doc" Musso, who guided the destiny of the station under the tutelage of the late Anson O. Black, formerly with WAPI and WSGN, Birmingham, Black stayed three weeks, then quit, with the statement that the case was hopeless.

Huft Steps In

Huft succeeded him. Persons were added to the staff rapidly. They were chosen from out-of-town stations, where they had proven their ability.

In the office—one room—announcer Jack Botner, besides his regular routine in the studio, did secretarial work. Now the station has three offices, and Huft has two clerical assistants.

Under program director Hubert Grant, first added as an announcer, a schedule a week in advance was worked out. Under the old regime, the station manager was in a streak of luck if he knew what was coming on the evening of the same day.

The station today is rapidly taking a major position in the minds of radio fans in New Orleans. One of the biggest audience builders has been sports. It carried the complete American Legion Junior baseball series this year.

Educational Dept.

As part of the buildup, the station has added an educational department—the first of any station in New Orleans. And although no programs in this field can be counted upon to bring in direct revenue because of a school board ruling barring commercials, it is a tremendous good-will builder. Benet F. Cain, himself a high school teacher, is hitting this angle for all its worth.

In news facilities, the station uses the United Press radio leased wire. This is the same service used by the city's 50,000-watter, WWL.

The station now picks up nightly more than 10 remotes from various night clubs and roadhouses.

Sales manager Clark Alexander reported last week that business was up 55% over a year ago. Several national accounts have been added.

Latest promotional angle conceived by Noe is the electric sign with the station's call letters he is having installed this week at the transmitter. The letters WNOE are four feet high end, at alternate times, the "W" goes dark, leaving only the state senator's name glowing in the night.

FIFTY GRAND IN WATTS



L. B. Wilson

WHAT A JOB WE'LL DO FOR THE ADVERTISER

50,000 WATTS
DAYS:
Coming events cast their shadows.

No change in programming or policy. Better service to Metropolitan New York including its 5,982,635 foreign citizens.

2nd place
1939 Watts and more **WNOE** NEW

The Station That Should Never Sleep

MAY NIX DISC LOGGING RULE

Washington, Sept. 12. Junking of the FCC rule requiring broadcasters to enter every recording played on programs of the 'time clock' nature is expected momentarily. Repeated requests for more leniency will bear fruit, official sources intimate.

The question of changing the rules has been thoroughly debated by legal experts, with the FCC Rules Committee reputedly ready to back track and confess no useful purpose would be served by forcing operators to log each disc in detail. Change in the phraseology will be necessary, however, before the headache fades.

Repeated requests for reconsideration have been acknowledged, although only in perfunctory manner. But sub rosa info indicates that the NAB has chalked up a major victory. Letter from Andrew Bennett, trade body counsel, did it. He listed the number of notations that would be required in the case of several small plants which are largely dependent on canned music.

Repercussions may result from the winking over the rule. Members of the Commish reputedly were assured when the regulations were presented by underlings that all portions having any direct bearing on station operations had been approved by the NAB. Squawks after the code was promulgated have occasioned frowning among various Commissioners, who wonder if they were misled or whether the subordinates are completely unacquainted with the technique of station management. At least one member feels it is about time the staff had some idea of what goes on in a transmitter.

Dr. P. Phillips Co. of Orlando, Florida, using twice-weekly participations on KPO, Frisco, Home Forum through Long Agency, Northwestern Yeast using same show three weekly for 38 weeks through Hoys-MacFarland, Chicago.

BLANDS MOVE

Brother Announcers, Performers
Shift from WKRC to WCKY

Cincinnati, Sept. 12. Al and Lee Bland, brothers, who go from WKRC to WCKY when the latter station becomes a CBS affiliate Sept. 24. Besides announcing, they will conduct a morning chat and music recording program series similar to one they have had on WKRC and more than 100,000. Sid Ten Eyck, former WCKY and WLW announcer and lately an exec on the staff of WING, Dayton, O., rejoined the L. B. Wilson station Monday (11).

5-Yr.-Old WOW-WKZO

Tiff Brought Before

U. S. Supreme Court

Washington, Sept. 12. Question whether intermediate tribunal should use its own judgment and examine the facts upon which the FCC bases decisions has been presented to the U. S. Supreme Court in latest development in the five-year tiff between WKZO, Kalamazoo, and WOW, Omaha. Latest station is seeking to upset full-time grant to the Michigan outlet, which uses the same frequency daytime only.

Raising several vital questions, Paul M. Segal, counsel for WOW, told the Supreme Court in his petition for review of the D. C. Court of Appeals decision (upholding the Commish) that the Communications Act has been wrongly construed and the regulators violated their own rules in allowing WKZO to install a directional antenna and go to full time on the 590-ke stripe.

The chief issue, Segal contends, is the lower court's jurisdiction in appeals from FCC rulings. Listing six errors by the appellate bench, he devoted most of his argument to the question whether the intermediate judges should have been satisfied with the findings of fact made by the Commish. Claimed the judges ought to have looked at the testimony, which, in his opinion, failed to prove WKZO would not injure WOW, or reduce the latter's service.

J. L. FLY, NEW FCC TOPPER, TO HOLD UP DECISIONS ON MAJOR DISPUTES

WNAX Takes Sioux City Studios to Better Service

Sioux City, Ia., Sept. 12. Studios in the Orpheum theatre building here have been leased by WNAX, Yankton, S. D. Station will use local studios primarily to give its listeners quicker service on market reports, etc., since this town is the key market spot of this territory. Expected that the new studios here will be in operation by Oct. 1. Also likely that WNAX will produce a number of special shows out of the new studios.

KSFO, FRISCO, EXECS BUY KROW, OAKLAND

Oakland, Sept. 12. Four new owners have taken over station KROW, which now has the same management as KSFO in San Francisco. Through full stock acquisition authorized by the Federal Communications Commission, control of KROW's license, the Educational Broadcasting Corp., has been assumed by W. I. Dunn, Philip J. Laaky, Fred J. Hart, former owner of KGBM, Honolulu, and Wallace F. Elliott, of the Tomesche-Elliott advertising agency in Oakland, and a KSFO director.

Dunn is president of Associated Broadcasters, Inc., operators of KSFO, while Laaky is v.p. and general manager. KROW's former general manager, H. P. Drey, and the former board of directors, resigned prior to the change of ownership.

Hubbard's Texas Post
Amarillo, Texas, Sept. 12. J. Harley Hubbard, formerly commercial manager of WOPF, Bristol, Tenn.-Va., has joined KFDX here as sales representative. He was once affiliated with KFAB, in Lincoln, Nebraska.

Chairman Wants to Familiarize Himself With All Problems Before Judgment Is Passed—Full De- bate and 'Complete Exchange of Views'

Washington, Sept. 12. Considerable delay in settling many important disputes seems inevitable with the ascension of James Lawrence Fly, one of the leading New Deal barristers, to the FCC chairmanship. Former solicitor of the Tennessee Valley Authority was sworn in Sept. 1, succeeding Frank R. McIninch, who has occupied the driver's seat for two years.

With McIninch at his elbow, Fly announced at an immediate press conference that he intends to study all major problems before trying to decide upon policies, and that basic principles will be established only after full debate and 'complete exchange of views'. In marked contrast to his predecessor, Fly refused on the occasion of his debut to give any opinions on such controversial matters as newspaper ownership, networks and monopolies, station sales, and definition of 'public interest'. Reporters recalled that McIninch started off by declaring he felt radio has much of the public utility of the same lines as transportation, power, and other communications.

The new chairman evidenced an intention of consulting freely with his associates, rather than of trying to lay down the law for the whole Commish. Any plans for reorganization of the agency, firing or hiring personnel, or adopting policy will be perfected 'after careful consideration of issues in particular cases', he asserted, adding that these sub-

jects are matters 'for the Commission to decide'.

If I didn't run for this job on a dogmatic platform," Fly said in reply to questions about his views, "I don't assume to know the answer to basic issues. They deserve serious study. Since this is a semi-judicial position, it would be improper for me to assume I know the answers on important issues until I understand them, I have heard both sides, and there has been a complete exchange of views."

These remarks were accepted as evidence that considerable time will pass before the Commish takes up several outstanding matters which have been on the hook for varying periods. Included in the batch of items likely to be further delayed for at least several weeks are the question of modifying the rule requiring international stations to reflect American culture and promote goodwill, the policy on television licensing, a hard-and-fast principle governing station sales, and recommendations for new legislation.

The chain-monopoly report—most significant issue on the slate—is not likely to see daylight for months, as a result of McIninch's departure. The outgoing FCC head predicted the various staff reports—digests of testimony on a number of phases of the situation—will be ready within three weeks, but the size of the record and the importance of the question is certain to require considerable time. Not only Fly, but Commissioner Frederick L. Thompson, who took the seat of Judge Eugene O. Sykes just before hearings concluded, will have to review the voluminous transcripts and mountain of exhibits before being in a position to reach conclusions and frame a report.

Our West (as in the East)

the way out of higher coverage costs in small towns
is the RADIO WAY into all towns in your territory



RADIO ADVERTISING delivers the same number of listeners per-thousand-population in each small town and in the farm areas, as it does in the big cities.

With Columbia Pacific Network, you can sell **MORE Big Cities, MORE Small Towns and MORE Farm Residences** than any other Coast medium at one time—and at one low cost. This eliminates several hundred individual and prohibitive small market budgets. And simultaneously allows you to give the same valuable support to the smallest crossroads dealer as to your Big City "pet account."

the way out of "budget pressure" on the Pacific Coast—the way into Pacific Coast sales success is the...

COLUMBIA PACIFIC NETWORK

Palace Hotel, San Francisco • Columbia Square, Los Angeles. Represented by RADIO SALES: New York • Chicago • Detroit • Charlotte, N.C.

COLLEGES TIE-IN ON EDUC'L FORUM

Dallas, Sept. 12. Under the combined sponsorship of the Dallas News and the Dallas Civic Foundation station, WFAA here on Sunday (10) starts a radio education forum titled "You Might Be Right" under the guidance of Elmer Scott, of the Civic Federation.

Will air at 1:30 p. m. from the Federation's auditorium, where the public will be admitted also. Universities and colleges on the forum will be the University of Texas, Southern Methodist, U. of Oklahoma, Texas State College for Women, North Texas Agricultural College, Trinity, Texas Christian and the Texas A. & M.

Forum series will bring two qualified speakers to present opposite views on each subject, and each topic will be aired twice, so that listeners' questions can be answered on the second Sunday.

First two subjects listed for discussion, "The Weakness and Strength of Democracy" and "An Analysis of Propaganda." WFAA, in addition to aiding in the general backing and sponsorship of the series, has arranged for at least 75 separate listening groups throughout the south-west territory to lend an ear to the program and participate actively in putting questions up to the various speakers.

War Disrupts KHX's Nat'l Guard Program

Spokane, Sept. 12. War Department instructions, restricting that members and officers of the regular army refrain from making any public appearances and speeches in view of the situation overseas, disrupted KHX's National Guard series.

Program is an original cooked up before the crisis broke. Regular army officers from nearby Fort George Wright have been the speakers.

Among other things the program took listeners into various branches of the National Guard, including infantry, aviation, cavalry and artillery.

Ga. Radio Commission Gets Two New Faces

Atlanta, Sept. 12. State Executive Dept. has announced two changes in personnel of Georgia Radio Commission. William V. Crowley, Atlanta, banker, was named to commission to succeed Chief Executive Charles S. Reed, of State Supreme court, who resigned when appointed to bench. Marvin Griffin, Bainbridge editor and aide to Gov. E. D. Riffe, was appointed director and secretary of commission, succeeding L. T. (Pat) Gillen, ex-legislatorial aide.

Georgia commission was created by 1937 General Assembly to operate WGST, Columbia outlet here, owned by Georgia School of Technology.

NEW K.C. MIXERS

Kansas City, Sept. 12. Jack Stewart, chief of station KCMO, has added two announcers to the staff. Ken Heady and Bird Crandall take up new duties immediately. Both have had legit and radio dramatic experience, but both are new to the announcer's booth.

Heady has played in the Resident Theatre productions locally, while Crandall has taken part in some locally produced shows at KCMO.

Daniel to Direct WSAV, New Savannah Station

Savannah, Sept. 12. Harben Daniel has resigned as advertising manager of WSM, Nashville, to become executive director of WSAV, Savannah, in which he has a part interest. Latter outlet is slated to go on the air the latter part of October.

Daniel's partner in WSAV is Arthur Lucas, Georgia theatre operator and part owner of WRDW, Augusta.

WADHAM'S 11TH YEAR

Milwaukee, Sept. 12. The Wadhams Oil Co. enters its 11th consecutive year of broadcasting over WTMJ here this fall, with Russ Winnie, Wisconsin announcer, handling U. of Wisconsin and Green Bay Packers professional league games will be aired.

In a few cases where great distances between playing points make it impossible for Winnie to cover both college and professional games over the same weekend, Bob Heiss, WTMJ special events man and new sports announcer, will take over.

HOWARD OFF SHAVER FOR TOOTH CLEANSER

Bob Howard, currently following Bing Crosby's session Thursday night 11-11:15 p.m. on the NBC Red, drops off for the Williams Co. after his Oct. 12 broadcast. However, he picks up the following week in the same spot on the same net for Calodont Tooth Powder. Howard was on for Gilder shave between 8-9:30 weeks.

In letting Howard go, Williams took an option on his services for the future following the Calodont series. Beside radio work, Howard also works his keyboard at Mammy's, N. Y. niery, and the Hotel St. George, Brooklyn, in the afternoon.

DOMINOES' P.A.'S

Richmond, Va., Sept. 12. Burt Reple's WIXA Dominoes are set for a series of one-enters in Virginia and North Carolina starting later part of this month.

Continues third year of airing for same sponsor (Domino cigarettes), remoting when necessary.

Cook Products Co. has contracted for series of one-minute announcements on KPO, San Francisco, on behalf of Gerard Salad Dressing. Through Rufus Rhoades & Co. Simon Maltress Co. also starting KPO announcement series through Sales Development Associates, San Francisco.

KXOK, St. Louis. Hellrung & Grimm (furniture), St. Louis, six quarter-hours weekly. Chappelaw Agency.

Moody Bible Institute, Chicago, one half-hour weekly. Mutual System.

Mitchell, Inc. St. Louis, five quarter-hours weekly. Robert Lasersohn Associates.

Neighborhood Gardens, St. Louis, one quarter-hour weekly. Placed direct.

Walkers Shoes, St. Louis, two 50-word spots daily. Placed direct. Carter's Little Liver Pills, Chicago, five one-minute ET's daily.

E. J. Wallace (coal and coke), St.

Louis, five quarter-hours weekly. Placed direct.

Shelly Oil, Tulsa, five quarter-hours weekly ("Captain Midnight"). Blackett-Sample-Hummert.

Midwest Photo Service, Janesville, Wis., sport announcements daily. Sheffer-Brennan-Margulis.

Joest Soap, Burlington, Ia., two quarter-hours weekly. Placed direct.

Manhattan Soap Co., through Franklin Bruck, has placed order for three 10-minute news broadcasts weekly on WCAE, Pittsburgh, for 26-week stretch. New biz with Pittsburgh concerns just landed by Hearst station there include contracts with Duquesne Brewing Co., Fried & Reinman Packing Co., Peoples Natural Gas Co., Colonial Art Furniture, Philadelphia Co. (utilities), Potter Tile & Trust Co., B-G Sandwich Shops, Victor Brewing, and D. L. Clark Co.



*This is the show
you've been waiting for!*

"The Green Hornet"

Half-hour Transcriptions Created by the Producers of "The Lone Ranger"

He smashes sales records as well as rackets. He's a one man crusade against lawbreakers within the law. A newspaperman by day... a sinister crime smashing "Green Hornet" by night... a star attraction week in and week out... a broadcast feature that has proved

its mass appeal for 3½ years as a live program... "Green Hornet" transcribed programs are arranged as half-hour dramas... each complete in itself... in quantity to fill any length of schedule requirements.

WRITE FOR "GREEN HORNET" PRESENTATION giving complete case history, audience surveys, program synopsis, merchandising possibilities, etc.

KING-TRENDE

Broadcasting Corporation

WXYZ—Detroit

NATIONAL BROADCASTING COMPANY

Electrical Transcription Service

RCA BUILDING, RADIO CITY, NEW YORK • MERCHANDISE MART, CHICAGO

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

AFM Defers Putting New Contract In Effect After J. C. Stein's Plea; 'Would Force Agents Out of Biz'

Following a plea by J. C. Stein, head of the Music Corp. of America and other major booking agencies, the executive board of the American Federation of Musicians, in a special session last week, postponed putting its new contract form into effect. Bookers were under instructions from the union to have all engagements in use for all engagements by Sept. 13. The AFM's letter rescinding this order gave no other date of effectiveness.

Issuance of the original order and copies of the contract blank caused great consternation among bookers. The contract not only stipulated that the employer was responsible for the payment of social security and unemployment taxes, but stated that whenever the employer is a corporation, the individual signing the contract as officer, agent and representative shall personally be liable, as well as the corporation.

The protesting agents declared that it would be impossible for them to sell a band on those conditions and that the enforcement of the provisions in the proposed contract would eventually put them out of business. Employers, they said, would not only refuse to pay social security taxes for name or organized bands, but to assume responsibility for the payment of such taxes they might be working only on a salary basis. It was also pointed out to the board that several agencies have held that the members of an organized band under a permanent leader must have their social security taxes paid by the leader of the aggregation as the contractor, employer, and that the band, being aware of this ruling, will firmly resist any such obligation.

The new contract form also required the booking agent to disclose his commission on the engagement, the transportation expense and the conditions of salary payment. The employer would be required to pay the artist's traveling expenses and the local branch of the AFM. The contract seeks to establish the buyer as the direct employer of the band by listing the salaries to be received for the engagement by every one in the band from the leader down, but such compensation is to be "paid to the musicians' representative for distribution to the individual musicians."

Name Orchs Impress N. Y. State Fair Execs; Glenn Miller Top Bizz

Syracuse, Sept. 12. Glenn Miller proved the biggest magnet among the name bands which played the second night of the New York State fair. Despite the sour general attendance, Miller drew 5,089 WPA admissions for the night, the highest at the Coliseum, the biggest dance crowd ever assembled in Central Hall history.

Guy Lombardo, who played the final night of the expo, was only second behind Miller. Tommy Tucker and Sammy Kaye played other nights.

Officials were impressed by the big and will again book next year, figuring the dance programs next year are well worth the higher guarantees.

Teagarden, CBS Named In Infringement Suit

Charles "Chief" Biscoff filed a N. Y. federal court action yesterday (Tuesday) against Jack Teagarden and Columbia Broadcasting System, alleging the latter had used a musical composition written by him last April, entitled "Darling You Won't There," in a broadcast of 100 CBS stations on May 14.

Biscoff seeks an accounting of profits and an injunction for \$5,000 damages for each infringement.

Anything Can Happen

Germany makes a pact with Czechoslovakia, a band is going to a trip to the Chicago opening for a music pub.

Abe Lyman brought Lou Levy, manager of Leeds Music, by plane from New York for his premiere at the Chez Paree, Chicago. Levy's presence gives him confidence, says Lyman.

Shaw's Walkout On Short Payoff Starts Near-Riot

Buffalo, Sept. 12.

Artie Shaw and his band walked out of the Crystal Ballroom Ballroom Lober Day night (4), precipitating a near riot among 2,500 sweltering patrons. The band's Canadian Provincial police had to be summoned to preserve order from the booing and yelling crowd. No arrests were necessary, however, and there was no damage to property.

The walkout was due to a dispute over money between Shaw and Carlisle Smith, Buffalo promoter, with the latter alleging that Shaw had broken his contract. Smith claimed that more than 200 admissions had to be refunded when the band was over an hour late arriving at 10:30. When Smith told Shaw that Shaw's walkout an hour and a half ahead of advertised closing time, many Chicagoans, who were at the house proceedings demanding their money back.

Shaw himself, arrived at the ballroom three-quarters of an hour before starting time, but the band did not appear until an hour afterwards. According to contract, Shaw was to play four hours for \$2,000. When Smith told Shaw that Shaw was to play four hours for \$2,000, Shaw refused to play and the band and consequent admission refunds, the outfit walked out.

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Band Bookings

Roy Eldridge, Oct. 7, Brooklyn Palace B, Brooklyn, N. Y., indef.

Sammy Kaye, Sept. 16-17, Brighton Beach, Manhattan Beach, N. Y., indef.

Tommy Tucker, Sept. 20, 18 days, Southland Cafe, Brooklyn, N. Y., indef.

Sammy Kaye, Sept. 16-17, Brighton Beach, Manhattan Beach, N. Y., indef.

Tommy Tucker, Sept. 20, 18 days, Southland Cafe, Brooklyn, N. Y., indef.

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Sammy Kaye, Sept. 16-17, Brighton Beach, Manhattan Beach, N. Y., indef.

Self-Reg.

Continued from page 21

stations do not eavesdrop on private communications and scrupulously observe provision of law banning disclosure of person to person messages. Likewise the law department will be directed to investigate WMAA activities, with hearing a probable consequence.

There was no indication of resentment on the part of government authorities, with Chairman Fy issuing a statement that the government will praise for the industry's rendering of important public service in covering the European developments. Fy said the confabers swapped ideas about practices and coverage problems, but no conclusions of definite character were reached. Whole purpose of discussion, he added, was to make certain that operations will promote public interest.

The agreement reached last week setting up voluntary standards of practice was submitted to Congress for its information, but industry crew did not ask government approval. Informally, the committee recommended the networks and NAB for efforts to adopt sound operating standards for the industry.

Membership rules were revised last week by assurance from the White House that the Roosevelt Administration does not contemplate imposition of controls on radio and television interfere with war coverage so long as the commercial broadcast of the public-interest duties. Talks between the networks and the government, especially for You, were held in the White House. The plan was to make sure American neutrality is safeguarded by airways propaganda.

As pointed out in VARIETY previously, the official Administration attitude is to let radio and television demonstrate its ability to handle the problem. But subtle suggestions that the networks and the government, especially for You, were held in the White House. The plan was to make sure American neutrality is safeguarded by airways propaganda.

Not Bothering CBS

Adoption of an agreement on the regulation of war news coverage by the three major networks is not expected by Columbia to hamper it in handling both bulletin and short-wave broadcasts as the monetary situation requires. The agreement constitutes a compromise on CBS' part.

NBC and Mutual, actuated for the most part by economic reasons, had sought to high-pressure CBS into consenting to a wholesale curtailment of its European coverage activities. While it has tapered down considerably, Columbia is not operating on an arbitrary, fixed schedule as far as its war coverage is concerned and expects to give ample coverage to news whenever the war develops any crises warranting it.

CBS' attitude on the information from Europe has become pretty well bottled up by the war news coverage. As long as this situation exists, the network will have no alternative but to continue to depend mostly from the human interest angle. CBS will continue with its practice three or four times a week roundups a day, and of having its own news analyst in New York, H. V. Kalbfleisch, or Elmer, on hand for supplementary comment.

CBS itself drew up the original copy of the agreement and the final document was a matter of time. Mutual amendments and insertions, and several days of discussions between the networks and the government, especially for You, were held in the White House. The plan was to make sure American neutrality is safeguarded by airways propaganda.

Mutual Monday (11) found itself in a difficult position when the Government D'Affairs in Washington demanded that he be given time to make a matter of time. Mutual amendments and insertions, and several days of discussions between the networks and the government, especially for You, were held in the White House. The plan was to make sure American neutrality is safeguarded by airways propaganda.

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15 Best Sheet Music Sellers

(Week ending Sept. 9, 1939)

*Over the Rainbow ('Wizard of Oz').....	Felst
Sunrise Serenade.....	Jewel
Beer Barrel Polka.....	Shapiro
Man With the Mandolin.....	Santly
Moon Love.....	Famous
*An Apple for the Teacher ('Star Maker').....	Santly
Oh You Crazy Moon.....	Witmark
*I Poured My Heart Into a Song ('Second Fiddle').....	Berlin
In an Eighteenth Century Drawing Room.....	Crawford
It Makes No Difference Now.....	Southern
*A Man and His Dream ('Star Maker').....	Santly
South Sea Polka.....	Shapiro
Lamp Is Low.....	Robbins
*Come Love ('Yokel Boy').....	Chappell
*To You.....	Paramount
*Musical 'I Production.....	

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (W2AF and W2JZ), CBS (W2CB) computed for the week from Monday through Sunday (Sept. 4-10). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes first song, 1, only, all others are pop.

TITLE	GRAND TOTAL
Over the Rainbow.....	10
Oh You Crazy Moon.....	38
Lamp Is Low.....	38
Man With the Mandolin.....	38
Go Fly a Kite.....	38
A Man and His Dream.....	34
Day In Day Out.....	34
South Sea Polka.....	34
I Poured My Heart Into a Song.....	34
An Apple for the Teacher.....	34
Especially for You.....	34
To You.....	34
Man with the Mandolin.....	34
Moonlight Serenade.....	34
Jumpin' Jive.....	34
Star of the Night.....	34
South Sea Polka.....	34
Little Man Who Wasn't There.....	34
Run Around My Mind.....	34
This Heart of Mine.....	34
Ding Dong Which Is Dead.....	34
Well All Right.....	34
Goodnight My Beautiful.....	34
Well All Right.....	34
Are You Havin' Any Fun?.....	34
South Sea Polka.....	34
In an Eighteenth Century Drawing Room.....	34
It's All Over Town.....	34
South Sea Polka.....	34
Merry Old Land of Oz.....	34
Man With the Mandolin.....	34
South of the Border.....	34
Sunrise Serenade.....	34
Blue Evening.....	34
Well All Right.....	34
Let's Make Memories Tonight.....	34
Still the Bluebird Sing.....	34
Well All Right.....	34
Back to Back.....	34
Isle.....	34
It's Possible.....	34
Is It Possible.....	34
Put That Down in Writing.....	34
White Sails.....	34

Music Notes

Roy Webb assigned scoring job on "Three Sons at RKO."

Vietor Young has the scoring chore on "The Liane Kid" at Paramount.

Republic assigned Guy Feyer to score "Calling All Marines," Raoul Kraushaar to "The Kansas Terrers," William Lava to "The Arizona Kid."

Jack Scholl and Moe Jerome climbed three songs for State and Warners. Ditties are "The Song is the Thing," "You, You Darling" and "To An Officer of the Law."

George Dalin has been added to Felst New York professional department, coming from Philadelphia, where he represented Robbins Music Corp. Pete Woolley remains in Philly to contact for Robbins and Felst and Miller Music, Inc.

Franc Waxman is doing the musical scores for "Florian" at Metro.

Frank Loesser clocked "Rockabye Baby" for use in "Campus Vamps."

Walter Hupsh and Pat Rossi of WIN, N. Y., have collaborated on "Passion," a matter of time. "There's Only One in Love."

Joe Bishop, of Woody Herman's band and writer of "Blue Evening," has been added to the Harms Admon, titled "Blue Dawn," Miller publishing.

Three Lutz brothers, Sam, Herb

and Max, arrived in Chicago over the weekend, due to illness of their father. Also in the elder Lutz' son-in-law, "Jack Kapp, Decca, repr."

Bernie Pollock welcomed to post as Coast manager for Jack Mills Music Corp. with luncheon.

Also telephoned now a Victor recording artist, waving two original numbers, "Man With New Radio," comedy routine, and "Hazy and Blue," original piano solo.

Moe K. Jerome and Jack Scholl celebrating 15th year as songwriting team.

Elmore White has quite ABC Music to become general manager of the Olman Music Co., which is owned by Guy Lombardo. He replaces Stan Stanley.

McCoy's Southern Dates

Charlotte, N. C., Sept. 12. Clyde McCoy and band will open a seven-day engagement for "Southern Attractions in the South." McCoy will appear in Paramount theatres in Columbia, Spartanburg, S. C.; Greenville, S. C.; Durham, N. C.; Raleigh, N. C.; Asheville, N. C.; and Bluefield, W. Va.

Ozzie Nelson with Harriet Hilliard and band have been booked for a tour of key southern Paramount theatres beginning Oct. 2.

34 Anti-ASP Bills

With the adjournment of all state legislatures for the present session, the American Society of Composers, Authors and Publishers last week drew up a tally on the subject of anti-ASP legislation for the past three years. Alabama, whose senate has given its blessing to one of these measures, is not included in the score.

Anti-ASP bills have been introduced in the legislatures of 34 states. The number passed was seven. Three states, Florida, Tennessee and Nebraska, were enjoined from enforcing the acts on the ground that they were unconstitutional. Decisions are pending in the courts in actions brought by ASCAP against Montana and the State of Washington. No retail actions have been brought in cases against North Dakota and Kansas, which are among the aforesaid seven, but ASCAP proposes to bring copyright infringement suits against individual users in these states.

Alabama Bill

A bill directed against the operations of ASCAP in this state was passed unanimously by the Alabama senate the past week and now goes to the house, where its passage is predicted if supporters can get it on a crowded calendar.

The measure is being supported by radio stations, hotels and other amusement places. Under the bill, payment for use of such compositions would be by the piece, and composers and publishers would be required to fix the amount of the copyrighted fee they would expect on each selection used.

Plug Us Out

Hollywood, Sept. 12.

Dignity of the profession of song plugging has asserted itself and Broadway's transplanted tinkers are hoping that some Green will have a better word for it. At a testimonial luncheon to Bernie Pollack, the plan was suggested by Mose Gumbel, followed by L. Wolfe Gilbert that hereafter the professional men will use only the designation of songplugger.

Gumbel's 'music contacters' the probable choice.

Big Plagiarism Rap vs. Santly, Bernice Petkere

Special Master Ellis W. Leavenworth on Thursday (7) granted W. A. Wikke, known as Bud Wikke, \$675.35 from Santly, Inc., and \$59 from Bernice Petkere, songwriter, for the plagiarism of Wikke's unpublished song, 'Confession, 'Love Light, Help Me Find the One I Love'.

The action was filed on Aug. 9, 1932, and on Dec. 6, 1935, Federal Judge Alfred C. Coxe in N. Y. granted the plaintiff a decree and an injunction.

Petition for rehearing and appeals held up the accounting until this time. The plaintiff had asserted his belief that the defendants made \$20,000 by the plagiarism.

In granting the award the master decided that \$1,038 was received from the American Society of Composers, Authors and Publishers; \$28 in foreign royalties; \$1,280 to the late Joe Young, co-writer with Miss Petkere, and \$1,300 to her.

INFRINGEMENT CLAIM VS. 'BEER POLKA'

'Beer Barrel Polka,' one of the top sheet and record sellers of the year, has had an infringement claim brought against it. R. Sloan, a lawyer-composer of Hamilton, Ont., has informed Shapiro, Bernstein & Co., the western publishing rights to the tune, that there are several bars in 'Beer Barrel' which are similar to those in a composition that he copyrighted in Canada two years ago and had played in London band for some time ago. Sloan wrote that the similarity would undoubtedly serve to demonstrate to juries to have his number published.

'Beer Barrel Polka,' according to Shapiro-Bernstein, was written by a Czech and published in Prague in 1934. The number came to S-B's attention after it had become popular among phonograph coin-machine addicts in the midwest factory areas. The original record was a European importation.

Under musician union regulations which now taboo any big band leader who holds a job in the music or General Amusement Corp. from financing or partially underwriting an orchestra during its formative period, band agents admit that this is now the era of the individual managers. There is no ban on individual band impresarios like John Quinlan, Art Healey, Jim Peppé and others, coming from engaging in such activities.

Pickman's resignation this week from General Amusement, coming on the heels of Stan Zucker's resignation from the Chicago office, is thus seen as having some bearing on this. Reported that both Pickman and Zucker may be similar in a personal management business. Each has such plans, but may combine their efforts in the future.

Lewis on an individual management basis and any Zucker-Pickman alliance would not disturb Pickman's Lewis affiliations.

Individual managers can share in profits of their bands and not be re-

Buck's Delay in Forming Licensing Committee Puzzles ASCAP Directors; May Be Retaliation to NAB Attack

Clark's MCA Complaint Ousted; Can Amend It

Supreme court justice Ferdinand Sweeney, in N. Y., has dismissed a \$25,000 claim of Andrew J. Clark, as assignee of Noble Sissle, against the Music Corp. of America, with leave to amend the complaint in 10 days.

'Sissle' was based on two causes of action, the first being for \$10,000 and charging that the defendant corporation had charged Sissle excessive commissions from December, 1933, to January, 1936, and the second charging Sissle's contract with the road had guaranteed him a minimum of \$1,800 weekly which, on many occasions, it asserted he was not receiving.

WB IN SONG SHEET MARKET

Warner Bros. publishing group has gone into the song sheet business. It is distributing 300,000 copies of a 16c book of lyrics tagged 'Sing Sers.' The American News Co. is the distributor. None of the numbers in the folio are of current catalog release through American News gives the publishing combine some 100,000 stationery, stationery, drugstores, newstands, etc. Atlas Music Corp., a subunit of the Sales Corp., which is the WB group credited as the song sheet's publisher.

Fain, Tobias on New 'Hellzapoppin' Score

Sammy Fain and Charlie Tobias are writing an entire new score (six songs) for the new edition of 'Hellzapoppin,' Broadway musical. Contract requires the score to be delivered by Oct. 1.

Gerard Marks, Walter Hirsch have written the score for the show which opens at the Grand Terrace, Chicago, Friday, Tuesday (19).

LEO JACOBS BANKRUPT

Leo Jacobs, song plugger for Happiness Inc., filed a voluntary petition of bankruptcy in the N. Y. federal court Wednesday (8), listing assets of \$5,150 (of which \$5,000 is an insurance policy and non-assessable) and \$1,600 in liabilities.

On June 1, 1938, he said, he has earned \$4,000 at Harms.

Union Role Nixing Big Agency %

Reasons for individual Orch Mgrs.

Under musician union regulations which now taboo any big band leader who holds a job in the music or General Amusement Corp. from financing or partially underwriting an orchestra during its formative period, band agents admit that this is now the era of the individual managers. There is no ban on individual band impresarios like John Quinlan, Art Healey, Jim Peppé and others, coming from engaging in such activities.

PUBLISHER LYRICS

Blanche Merrill Book of Numbers for Brian, Tanguay, et al.

Book of Blanche Merrill's lyrics, written for Fannie Brice, is due to be published soon. Volume will include 'I'm an Indian,' 'Spring' and the 'Hurban' and Egyptian songs. There are 13 numbers in all.

Similar publication of collected numbers, exclusively written by Miss Merrill for Eva Tanguay, Lillian Shaw and others, are expected to follow.

Peter de Rose signed for another year with Robbins Music.

Members of the board of directors of the American Society of Composers, Authors and Publishers at the past week expressed themselves as puzzled over the failure of Gene Buck, president, to appoint a committee to study the basis for a new licensing agreement with the broadcasting industry, to appoint a committee which authorized Buck to form this committee was held July 13. The next gathering of the board is set for Sept. 28.

Impression current among board members is that Buck has been loath to appoint this committee because of his resentment at the persistent attack made upon him last month by Neville Miller, president of the National Association of Broadcasters. Miller accused Buck of keeping an alleged appointment with an NAB copyright committee in New York. Buck, it is also thought, may be waiting to see what the NAB does at its special convention in Chicago this Friday (13).

Although the Society has been working on the idea for months, ASCAP's plan to stage a series of concerts, starting Oct. 1, at New York's look-up by the musical community, is being held in a piece of goodwill strategy which will come in good use during the current fall season. The series of Paul Whiteman, Fred Waring and Benny Goodman in modern dance number an orchestra bandmaster by Edwin Franko Goldman's band, light operatic and musical comedy number an orchestra bandmaster by Frank Black, and a separate section highlighting the works of Negro composers, will be represented by the Boston symphony orchestra with Dr. Serge Koussevitzky conducting.

Stage, radio and screen vocalists will participate, while many of the writers of the ASCAP songs will make personal appearances. Question as to whether the network stations will offer these concerts, and whether they will carry them, is still open.

The series is to celebrate the 25th anniversary of ASCAP's inception and also pay tribute to some of its founders, Victor Herbert.

WB Angels Show, But Loses Score By Rodgers-Hart

Even though Warner Bros. Pictures Corp. is angling the George Abbott musical, 'Too Many Girls,' the picture by Dick Huemer and Lorenz Hart will not carry the publishing imprint of any of the WB music subsidiaries, which are in quarters overlooking this angle when it made the deal with the producer.

Shappel & Co. has the rights to the score by contract with the songsmiths.

RINES' ORCH SET FOR STAGE, RADIO

Joe Rines, winding up at the Hotel St. Regis' Viennese Room (N. Y.), will double on his first week into Lewy's State, on Broadway, starting Sept. 21. Henry Armetta, Marie Wilson and Katherine Harris, dancer, round out the quartet which will play m.c. as well as play with his band.

This band is also Milton Berle's first guest band when later starts his new Quaker Oats commercial Oct. 7, the first of the new NBC series.

Miss Wilson will get \$1,500 for the run. Bud Oaklie, who will work with her on the stage, authorized the act with Milt Franks.

Miller Will Follow

Shaw at N. Y. Penn

Glenn Miller was set yesterday (Tuesday) for a 13-week run at the Pennsylvania hotel, N. Y., starting Jan. 1, 1940.

He will follow Art Sh. who goes into the spot Oct. 28.

Miller orchestra goes into the Meadowbrook Club, Great N. Y., for five weeks beginning Nov. 2. Jimmy Dorsey precedes Miller at Meadowbrook, Oct. 5.

NORWOOD TURNS PUBLISHER

Albany, Sept. 12.

Harry Norwood Agency, Inc., has been chartered by the secretary of the state to conduct a business in publishing musical arrangements. Harry Norwood, a veteran and former actor, and Betty Jane Kellus are the directors.

Capital stock is 200 shares, no par value.

Par-Famous Shifts

Staff; Shane Moves

Paramount-Famous firms rebuffed their professional staffs last week. Larry Shane was shifted from Paramount to Famous and Sidney Goldstein was re-assigned to the Chicago office of the two firms.

Irvin Coppersmith resigned as head of the Chicago branch rather than return to the Cleveland district.

Thorp Buys Decca Clock

Washington, Sept. 12.

Harold I. Thorp, of New York, director of Decca Records, will hold the holdings of the platter company stock during July by purchasing 100 shares of common, the Securities Exchange Commission revealed last week.

He now holds 400 shares.

WHAT NOW?

She's Boss Now

Now that the shooting is over, what about the spoils? What does it—and what will it—mean for the vaudeville and niteroy performer?

Actors have been saved for actors and the stagehands have been saved for back of the proscenium arch. A very small front of the performer unions has been returned victorious in a bitter jurisdictional fight. There are loud huzzahs, but the variety performer meekly inquires, "Where do I go from here?"

It remains now to be seen just how much of a regeneration, even if only in spirit, the vaude-niteroy actor will receive from his more prosperous confrere. Just what are those radio and concert stars, who threatened such dire reprisals if the stagehands were permitted to gain jurisdiction of the variety field, now going to do for the variety field?

During the course of the actor-stagehand battle there was much regrettable name-calling. But there was also a display of great parental affection for the vaude-niteroy performer. Sophie Tucker, on one side, referred to them as 'my children'; Helen Hayes, Tallulah Bankhead, Eddie Cantor, Lawrence Tibbett, Jascha Heifetz, Katharine Hepburn, and al, vehemently denied the stagehands' right to embrace the variety actors. Two powerful families were in a bitter fight for the show biz wail.

Kicked around for years, the variety performer was naturally greatly surprised by this sudden, great attention. He had grown accustomed to the brush-off—this switch to love-and-kisses was, to say the least, flattering. But he discovered long ago that flattery doesn't square a hotel bill.

The majority of vaude-niteroy performers had little regard for an affiliation with, and dominance by, stagehands. They naturally derived some pleasure when the name actors gained a clear-cut victory in the settlement terms with the stagehands.

But it hasn't been made clear yet just what the variety performer has gained. Will his union be better managed now than it was under the AFA regime?

Will the names from the other show biz branches enforce the position of variety performers in the show biz?

Will it mean more work and better working conditions?

STANLEY, PITT, LINING UP ACTS

Marcus Unit Tees Off, Columbus Vaude Season

Columbus, O., Sept. 12. First stage show of the fall season will be unveiled at Loew's Broad here Friday (15), when 'La Vie Paris' and 'The B. Marcus unit opens a week's engagement. House has other occasional stage shows booked.

Pittsburgh, Sept. 12. After more than three weeks of straight pig, Stanley, WB deluxer, will return to stage shows some time in October. Harry Kaimine, zone manager for circuit here, has been in New York several days a week in last fortnight lining up attractions, and tee-off is expected in another three weeks. Delay has been caused by inability to pin name bands down to definite dates.

House has been doing well with midlin policy, but must of a product from WB, Par, RKO, UA and Metro has already been absorbed between Stanley and new line-up, two of them working under a pooling agreement, and management feels enough big pix money along to keep both houses supplied.

Set-up will be same as before, with Penn getting the top films and Stanley taking next best, playing them along with name acts. Old price scale, 60c top, will remain when Stanley goes back to house. Kaimine's making every effort to let up on bands almost exclusively. They were the most successful for him at Stanley last year. Vaude bills, even with name players, came in second best in almost every case.

F&M STAGE RENEWAL HINGES ON UNION DEAL

Los Angeles, Sept. 12. Depending on a new deal with the stagehands is the resumption of presentations at the Paramount here by Fanchon & Marco which has just consummated a new 10-year lease for the house with Par. Fanchon, returned from New York where he huddled on the deal, is also abandoning the idea of shortening the house temporarily for repairs. The facility will be deferred until just before the Christmas holidays. Straight pictures, including F&M's Par franchise, continue meantime at the house.

4 UNITS HAVE 6 DIXIE WEEKS FOR PAR

Charlotte, N. C., Sept. 12. T. D. Kemp has lined up four large vaude units (30 or more persons) for six weeks tours of Paramount theatres in the south.

Units include 'French Casino on Parade,' Anton and the 'The Show High,' with Oswald; 'Wake Up and Cheer'; and 'Streets of Paris,' with Evelyn Brent.

MIRANDA DRAWING \$2,000 FOR 1ST NITEROY DATE

Carmen Miranda reported getting \$2,000 a week for her first New York niteroy engagement at the Waldorf-Astoria. She will double from 'Stars of Paris.'

In demand also for cafes is Ann Miller, out of 'Scandals,' and several bids for the dancer are currently in.

'Mikado's' Return Chicago, Sept. 12. Harry Rogers' unit, 'Mikado in Swing,' which previously played the Balaban & Katz Chicago and the Jones, Linick & Schaefer Oriental, has been signalled for a return date in the Oriental Oct. 20. Price reported at \$5,500 and a split for its third loop appearance.

Los Angeles, Sept. 12. Peggy Taylor dance trio has a new boss. It's Peggy Taylor, as pointed by Superior Court pending outcome of her divorce action against George Rogers, along with the troupe. Court left it to the discretion of Miss Taylor whether or not she wanted and retained Rogers in the act. Heretofore he had been headman of the troupe. She charged she had been slapped around by her mate. Court ruled it's now her turn at the whip hand.

AGA HOLDS 1ST NITEROY MEETING

American Guild of Variety Artists, affiliate of the Associated Actors and Artists America with jurisdiction over vaudeville and night clubs, held its first organizational meeting last night (Tuesday) at the Astor hotel, N. Y. First membership meeting took place next Tuesday (19). First election of officers and board will be held in a couple of months. Union reached an agreement over the weekend with Billy Rose, providing for payment of rehearsal pay to the performers at the Aqueduct, at the New York World's Fair. Money, which amounts to about \$110 per person, has been held in escrow to await the end of the engagement, but will now be paid in four weekly installments. First payment was Sunday (10).

Philadelphia and Boston representatives of the American Federation of Actors, whose vaude-niteroy branch was lifted by the Four A's, have offered to switch over and represent the latter union in their cities. The proposal is being considered by the Union. The latter union is taking over existing AFA contracts with New York niteroy. Idea is to make certain readjustments in the terms and then seek general license when the pact comes up for renewal.

GLENN-JENKINS' SUIT VS. COTTON CLUB, N. Y.

William Henry Glenn and Walter Jenkins, known as Glenn and Jenkins, have filed a \$7,000 suit for breach of contract against the Cotton Club Management, Inc., in N. Y. supreme court. The action was revealed Monday (11) when the plaintiffs sought to strike out the suit and have a judge or a referee award them damages.

It is claimed that a contract was signed on Feb. 21, 1939, calling for their employment at \$400 weekly for the run of the show, beginning March 9, 1939. On May 24, it is claimed, they received two weeks' notice. The suit runs to Oct. 31, it is for the week of May 18-24 for which it is asserted they were not paid. Their rent show folds this Saturday (16) and a year-old slump in vaudeville bill suit until the new show opens.

The defense claims that in show business, despite a hiring for the show, the show performers can be let out on two weeks' notice. It also asserted that the plaintiffs were disobedient and inordinate in their actions, and off the stage to officials of the defendant, and failed to appear on time for performances.

Block-Sully, Shutta To Co-Headline Cafe

Block and Sully and Ethel Shutta have been booked into the Walton Hotel in Philly, as co-headliners, by Morris Agency. They open Sept. 28. Also on the bill will be Trisxie, Grace & Nikko and Bob Russell.

New Rumba Unit

Chicago, Sept. 12. Latest unit being organized locally is labelled 'LaConga Rumba,' and is being handled by Richard Bergen. Heading the show will be the Jose Mantaranga rumba band.

AFA Execs Stage Union Will Go On, Many Urge Continuance, They Claim

Dead Ends in Vaude Act with Sam Hearn

Four of the original 'Dead End Kids,' in a unit which will include Sam (Schlepperman) Hearn, begin a p. tour at the Orpheum, Memphis, on Oct. 15. They are joined by Jordan, Huntz Hall, Gabriel Dell and Bernard Punsley.

Unit will follow with four weeks on the Interstate Theatres Circuit in Texas and three weeks in Warner houses in the east. Understood to be getting \$3,000 a week guarantee and a split.

TA OUSTS AFA; UPHELDS AFA'S CHARGES

As anticipated, the Theatre Authority, which supplies benefits and collects 15% off the top for the theatrical charities, formally dropped the discredited American Federation of Actors, the vaude union which was superseded by the American Guild of Variety Artists, chartered by the Associated Actors and Artists of America. Special committee, which had been hearing charges against AFA, pointed out the action against that organization was taken 'for cause.'

Committee also pointed out that the routing reflects the contention of forces of the American Federation of Labor, who are quoted as saying that Ralph Whitehead of AFA, had been too severely hurt by the Four A's. Whitehead, as the AFA leader, was blamed for alleged juggling of funds turned over to the vaude branch by TA.

SEVERAL BALTO NITEROY OPERATORS IN SHIFTS

Baltimore, Sept. 12. Reshaping of local niteroy setup is taking place on eve of season opening. Sam Lampe is out of 'Two O'Clock Club,' and Frank Hollander, formerly in charge of Ivan Frank's local eatery, is taking hold of Jimmie Beard's 'Subway Club,' reopening Thursday (14) at the Trocadero. Lampe is planning a new layout.

No announcement yet of plans for Panhoush, but the Standard meeting long a local swank spot, with several local bonifices angling for its lease. A year-old slump in vaudeville bill suit into national prominence by 'Judge' Max A. Cohen, is announcing in current vaudeville.

'Same lousy show as always, with some of our original chorines still on hand.'

Puck Replaces Ross As CBS' Vaude Agent

Larry Puck, vaude agent last with Harry Besty, has joined the Columbia Artists Bureau in charge of theatre bookings.

Puck replaces Paul Ross, with the Bureau eight years. Resignation, along with that of Gertrude Lanza, was effective past Friday (8).

COLUMBUS SPOT'S PREAM

Columbus, Sept. 12. Fall opening of the Century Room, supper club in the Neil House, is set for Sept. 18. Bob Millar's orch, currently at the Dewitt Hollenden hotel, Cleveland, will be featured in the room, dark side midsummer.

Initial floor show will include Haskett, Mary Knapp, and the strolling Romany, Thoms.

American Federation of Actors' officials stated yesterday (Tuesday) that the organization is continuing its long struggle to be recognized as an independent union. They claim they have received hundreds of requests from members to join the country to continue the AFA.

A council meeting scheduled for last night in New York City was postponed indefinitely because of the illness of Ralph Whitehead, executive secretary and a storm-center in the jurisdictional fight between the Associated Actors and Artists of America and the International Alliance of Theatrical Stage Employees. This was amicably settled when the IATSE cancelled the charter it had issued the AFA and recognized the Four A's jurisdiction in all its performer branches of show biz.

Whitehead's illness, according to reports, has been aggravated by a physical breakdown described by one of his AFA associates as a 'tick heart.' He is confined to his home under constant medical attention. Sophie Tucker, president of the union, expressed the hope that she had resigned from the organization.

An alleged order for dissolution filed by 50 AFA members a few weeks ago is denied by AFA officials. They say they claim that the constitution decrees that a dissolution order must come from 50 senior members. The order, they said, in other words, the order signed by 50 F&M members, is a radical group. It did not meet this stipulation, according to AFA.

Sophie Tucker Opens At Versailles, N. Y., Per Sked; Philly Date

Sophie Tucker, appearing in 'Leave It to Me,' Vincent Freedley music, will open at the Versailles on Saturday (16), will open at the Versailles Club, N. Y., next Wednesday (20). Her good dancing continues past Saturday, Miss Tucker will double.

She will double between stage and niteroy in Philly, if 'Me' begins its tour there as scheduled on Oct. 16. Miss Tucker opens on the same date at the Walton Room. She'll remain at the Versailles in the interim.

Warbler was originally '66' open at the Versailles next Thursday (21), the checkered record of the closing of 'Me' causing a change of plans.

Gertrude Nielsen and Lucienne Boyer are set to headline the Versailles thereafter. Niteroy is concerned, however, whether the French star will be able to leave Paris under existing conditions. Harry Richman follows with Adelaide More being talked about for a spot somewhere in between, or to replace Miss Boyer, if she is unable to get here.

500 PENN. TOWNS VOTING ON LIQUOR

Philadelphia, Sept. 12. Voters of the 500 Pennsylvania municipalities, including at least 50 fairly large cities, went to the polls today (12) to decide whether to set liquor sold. About 1,300 districts, night clubs, taverns, etc., face the vote. The election is the first in nearly all of the communities.

balloting will be on whether to ban both beer and liquor. The vote, led by the State's Anti-Saloon League, are confident of winning in the majority of the elections. The vote will only affect bar sales. State liquor stores will not be closed no matter how the vote falls.

The biggest towns in which balloting will be held are Williamsport, Butler, Oil City, Centre, Uniontown, Jenkintown, and Coatesville.

Pinch Show Promoter

Marion, O., Sept. 12. Jack Delmar, show promoter, charged with embezzlement of \$575 in the proceedings of the Central Union, benefit here Sept. 3, has been arrested in Centerville, Ia.

Tradition proceedings have been filed.

BORN 1820., ,
still going strong

Claim of Record Script Shortage Disputed Among B'way Showmen

Sharp difference of opinion has been expressed over the contention in some legit quarters that there is a record shortage of good scripts. Opposed views are held by veteran showmen, who claim a dearth in authors, and the younger producers, who claim it isn't so. But then again, divergent ideas have been the rule rather than the exception between old and young managers since the legit fell declined from boom seasons.

An enthusiastic member of the younger faction estimates there are 1,000 authors who have no play-writing status, but whose material is excellent. It's pointed out that unknown authors delivered many hits on Broadway in recent seasons. That being true, there's no reason to believe that the coming season will not also disclose successes emanating from unknown writers.

Few producers agree over the merit of scripts which eventually register on the stage. Not infrequently hits are produced by supposedly carefully discerning showmen, just as stories are rejected by playwrights which eventually are finally "discovered." The majority of scripts circulated are thumb-nailed and the worst of the plays is the cause of some managerial pessimism, but there are exceptions where good plays are also among the mixes.

One Film Co.'s Experience
Proof of the argument that good material is available and that such scripts are often a matter of perception or the exercise of imagination, is borne out by the experience of one picture company. It backed 18 plays within the past five years or so and none of them were written by established authors. Some source is not interested in their work, but leading authors particularly because of the intense competition for their work. One contention that the company placed in name authors' works in light of the comparatively large percentage of success in the unknown. Not all hit authors can repeat, although there's no doubt that the playwright dramatists of the past several seasons are exceptions. They command most managerial attention, but there's still room for new writers, who seem to be welcomed by the picture people. Some showmen complain that the film industry intentionally prefers younger authors, who may be lured to the studios before getting a chance to draw attention through stage presentations.

As with established, successful dramatists, there, too, are book and score writers of musicals who have consistently contributed successes. Familiar names are mentioned with music slated for the new Broadway season; in fact, there are fewer new names in that field than for the stage plays. There is less opportunity here because there are far fewer musicals than previous years produced and most of the Broadway melody men and lyricists were captured by Hollywood long ago.

WEBB'S WALK CANCELS 'STRAWHAT BURLESQUE'

Washington, Sept. 12. Steve Cochran's Olney theatre, midway between Washington and New York, cancelled the Broadway Clifton Webb and Libby Holman five hours before it was to open and refused cash at still less than \$10,000 (11). According to Cochran, Webb walked out because he didn't get his billing on with the career, but his contract, Miss Holman being his contract, Miss Holman being his contract, the preferred spot.

Webb had planned to run show two weeks and then close season with a week starting Glenda Farrell and Bill Cowell. For with two weeks, he called quits with 10 weeks under his belt.

Film B.R. Plan Set

Early this week it was stated in film circles that the agreement expected to bring back Coast money to Broadway is in final form and that it is up to the authors to okay the pact or suggest further revision. Believed that action is soon due with the return to New York of Robert R. Sherwood, Dramatists' Guild proxy.

Agreement will go before the managers for final consideration when the author-picture deal is in accord.

Agencies Seen Okaying Ticket Code Till Nov. 1

Indications are that the extension of Broadway's ticket code will be okayed by the agencies. Because of the recent author-pictures deal, the managers and Equity agreed to extend the agreement until Nov. 1. There had been rumblings among brokers to the effect that they would decline to operate under the system unless it was changed. Statement that the agencies would sign came as a surprise to brokers.

Showmen opined that the change of front came about because the brokers felt they were far better under the code, for a time, at least, since it would protect them from the new season, because leading authors would enable them to observe the trend in business on Broadway when the season began. Leading authors particularly because of the intense competition for their work. One contention that the company placed in name authors' works in light of the comparatively large percentage of success in the unknown. Not all hit authors can repeat, although there's no doubt that the playwright dramatists of the past several seasons are exceptions. They command most managerial attention, but there's still room for new writers, who seem to be welcomed by the picture people. Some showmen complain that the film industry intentionally prefers younger authors, who may be lured to the studios before getting a chance to draw attention through stage presentations.

As with established, successful dramatists, there, too, are book and score writers of musicals who have consistently contributed successes. Familiar names are mentioned with music slated for the new Broadway season; in fact, there are fewer new names in that field than for the stage plays. There is less opportunity here because there are far fewer musicals than previous years produced and most of the Broadway melody men and lyricists were captured by Hollywood long ago.

Possible War Call Nixes Brit. Actors For B'way Shows

Although the British consulate has assured a number of English actors that they would not be called to the colors, it has advised them to leave the U.S. and follow their avocation, the war may delay the presentation of several British citizen Broadway this fall. Producers are hesitating casting English players in the roles of key parts, but that while they are available now, the situation abroad in the near future is uncertain. Concern buttons have foreign artists dared here say that most of the British actors are under some obligation, it being felt that such individuals are not actually needed. Rumor that the British ballet went to appear appears incorrect. It was originally German, but was among the first to come to the United States under the Hitler ban. At present the ballet is in England and most of the dancers have taken out British citizenship papers. Ballet is due in New York around the first of the year.

ST ROOM FIRE BACKERS

**Lack of Outside Financing
May Cause Postponement
of Several Shows—Holly-
wood Ad Becomes In-
creasingly Important**

'WAR BABIES'

That the war will directly affect backing of Broadway productions was already being indicated. Outside financing, which usually figures, especially when plans for the new season are made, is reported to be missing and may account for the postponement of several announced shows. The interpretation is such that participation by Hollywood on Broadway is all the more important.

Persons angling to invest from \$25,000 to \$25,000 in shows lost interest in the enterprises immediately after hostilities began in Europe and Wall street went into strife. The producers, managers and bankers contacted asked them to lay the money on the line, the backers became evasive. Interpretation is that most of that type of silent partner in show business plunged into speculation, and observers figure that such money will not be available until the would-be angels cash in on 'war babies.' Such opportunities made heavy advances last week, then declined on profit-taking sales, but skied again early this week.

Deal Still in the Air
The proposed deal among picture interests, authors and managers to bring back Coast financial Broadway is still being negotiated. Proponents of the new agreement had that the delay is partially responsible for production activities being pushed back further into the fall. When the Hollywood-Broadway renewal plans were first broached more than a year ago, some older showmen were skeptical and openly rejected participation in the movement. They have changed their minds, however, and concede that Coast could materially help the theatre. Younger showmen have consistently sought to patch up the differences between stage and screen interests and are still the motivating factors in the negotiations. Fact that

(Continued on page 44)

Post-Mortems on the Strike

**How the Legiters Masterminded It—Shuberts Taking
Doubtful Bow on the Settlement**

Broadway producers sighed with relief when the threatened strike of the actors and stagehands evaporated. They had been under some intensive huddles in an attempt to mend which did not get to first base. Several shows were immediately ordered to be rescheduled with the trouble over.

There were humorous angles in the story of that he had "reached" Washington, through an associate and thus brought about the settlement. Union sources emphasized that the "reached" Washington, through an associate and thus brought about the settlement. Union sources emphasized that the "reached" Washington, through an associate and thus brought about the settlement.

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Action of TMAI in IATSE's Charter Grant to Treasurers Depends on Official Ruling of Invasion Charge

The Right Answer

Victor Moore and William Gaxton were recently spotted by state troopers on Long Island for speeding to the lambs outing at Amityville. The comedians hailed out all manner of credentials and courtesy cards, but no dice.

Before he wrote out a ticket the trooper asked if they knew Olsen and Johnson. Giving the right answer with emphasis, they were permitted to proceed.

Threatened picketing of Broadway theatres by the Theatrical Managers, Agents and Treasurers' union over the walkout of the boxoffice group did not materialize last week. The demonstration was planned as a protest against the International Alliance of Theatrical Stage Employees (stagehands) for issuing a charter to the treasurers, but the TMAI board decided to avoid a ruling by the N. Y. State Labor Relations Board, which is expected to act on charges of managerial interference, and to denote whether TMAI or IATSE shall represent the boxoffice people for bargaining purposes.

Final determination of TMAI action may also await the ruling of the coming American Federation of Labor convention as to whether the original union or IATSE shall have jurisdiction over the treasurers. As the situation stands, TMAI awaits the extension of its basic agreement with the League of New York theatres, treasurers excluded. Should, the latter be ordered back into TMAI, the League feel that the AFL, separate negotiations will be made with the League.

War Is Factor In B'way Folds Of 'Me' and 'Way'

Decision to withdraw "The American" by the Center, N.Y., Sept. 12, was a probable closing of "Leave It To Me," Imperial, Saturday (16) were weekend developments. The war may be partly responsible in curtailing attendance at both shows, scripts in each case having political connotations, come in "Me" and "Way." Preservation of U.S. neutrality ideals is said to have been a factor in lifting "Way," particularly since the drama is pointedly anti-Nazi. However, both suspended engagements after the late spring slump that attended the opening of the N.Y. World's Fair, indicating that resumption are difficult operations, although there have been exceptions.

"Way" was the most expensive production on Broadway last season, the Kaufman-Farr patriotic drama special cost \$225,000. In addition to Sam H. Harris, Max Gordon and the authors, a number of outsiders participated in the backing. Those of the latter group had been informed during the spring that "Way" would repay the investors, but shortly thereafter business

(Continued on page 44)

Treasurers Demand
Treasurers want increased pay of \$50 weekly and \$65 for assistants, a total of \$15 weekly for each. In joining IATSE, the League feel that the increases will be assured. The League did not decline to make such grants until it was assured that the producers concede that the demands are justifiable, which does not quite explain the war. The League group walked out, although it was realized long ago that its aims were quite different from those of company managers and press agents. It's insisted by the b.o. men that "ice" does not figure and that its deal with IATSE includes a stipulation against such gratuities. The number of treasurers reported to have joined IATSE has been made of that number 175.

The League indicated last week that it was ready to renew the TMAI basic agreement. Without change, while TMAI awaits such a decision, it is feared that the union's position has been somewhat weakened by the withdrawal of the treasurers, of which the producers are cognizant, and there's said to be little doubt that the union is in a position to make a stand in negotiation for some time.

TMAI has sought pay increases for its members and its agents and the treasurers figured that should those grants be made they would pay their boxoffice people to place company managers on the payroll three weeks before opening "Leave It To Me." The League was asked to place company managers on the payroll, too, three weeks prior to premieres, with salary on the same basis. Understood that such demands have been dropped.

From Shuberts' Denial
From Shuberts sources it has been denied that the showman has instructed their boxoffice people to join the new union, known as the IATSE, the League of New York and Ticket Sellers.

If the withdrawal of the b.o. group is a strike, they are interested in the final T and be known as the

(Continued on page 44)

McGUIRE TO READY AIR RAID YARN FOR STAGE

Hollywood, Sept. 12. William-Anthony McGuire, ready a stage play as soon as his scrippling assignment on 20th-Fox's "The Great Air Battle" is completed in two weeks. Legit opportunities will be based on his own story, which is inspired by actual events, which deals with effect of air raids on civilian population in a large city.

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OBITUARIES

DR. HUGO RIESENFELD

Dr. Hugo Riesenfeld, 60, musical composer, stage and film composer, died Sept. 10 in Los Angeles. He was 60.

Widow and daughter, Janet, a dancer, who authored the book, "Dancer in Madrid," recounting her experiences during "big time" years, are survivors.

Details in the picture section of this issue.

KATHRYN KIDDER

Kathryn Kidder, 71, top-ranking American actress, who following her death in 1885, had essayed scores of roles, died in a New York hospital Sept. 12. The wife of Dr. Louis Kaplan Anspacher, playwright and lecturer, had been confined to her home in Ossining, N. Y., for three months due to failing health, and was removed to the hospital Aug. 29.

Born in Newark, N. J., at 17 as Lucy Fairweather in "The Streets of London," then came to New York where her first appearance was as Madame Morsky in "Nordsee." She is best known for her role as "Madame Sans Genie," produced in 1895.

She made an intensive study of dramatics in N. Y., Paris and London, and after the turn of the century worked in "Macbeth" and "School for Scandal" while in Frederick Ward's company; 1906 saw her in "The Misadventures of Riches" and in following years she was in "The Waterhouse Duchess," "The Shadow of the Glen" and "A Woman of the Empire," among others. Soon after appearing in "All the King's Horses" by her husband, she retired except for a brief return in "Reveries of the Day," produced in 1935 by Philip Dunning at the Mansfield, N. Y.

Services were held in N. Y. The body was cremated.

NANUM ZEMACH

Natum Zemach, 55, who founded and directed the Elks theatre of Moscow, which later became the official state theatre of Palestine, died in New York Sept. 12 after a six months' illness.

Born in Russia, in what is now Poland, he was long interested in establishing a Hebrew-speaking theatre and in 1912 went to New York, where, with the aid of a small company, succeeded in getting the Habimah under way. Later, it moved to Warsaw and, after a brief tenure there, proceeded to Moscow shortly after the end of the war.

In the Habimah's eight-year stay in Moscow, as an adjunct of the Yiddish Art Theatre, it made many worthy productions was the "Dyukob" Zemach toured the Yiddish theatre with it and in 1928, when the U. S. Sen. Joel Huron accepted the company for American appearances.

More recently he had been director of the Beth-am theatre, Palestine, and upon returning to America a few years ago, became manager of the Jewish unit of the Federal Theatre Project.

Surviving are a brother, Benjamin, choreographer; his widow, a son and six daughters.

WILLIAM H. WHITE

William H. White, 80, who appeared in scores of Broadway musicals and operettas, died in New York Sept. 7 after a short illness.

Widow of Wesley C. Mass, he studied music in Boston and began his career there with the Bostonians in "Robin Hood." One of the roles in which he was cast included "The Student Prince," "Chocolate Soldier," "The Love of the King" and "The Wizard of the Nile." In the last decade he was seen in "Simple Simon" with Ed Wynn in 1931, and more recently was in the Federal Theatre Project at the Brooklyn Academy of Music.

His widow survives.

JOHN E. HENSHAW

John E. Henshaw, 81, retired legit and vaude performer, died Sept. 12 at the Brunswick House, Amityville, L. I. Prior to coming to the Brunswick, he had lived at the Park Williams Home, East Islip, L. I., for years.

Born in Albany, he first appeared on the stage with Robinson's minstrel at 14. Later he became associated with Williams, Henshaw & Ten-

brooke, legit producers. For several seasons he had toured in vaudeville with his wife, Grace Avery.

Funeral services held in N. Y.

LEILA HUGHES AARONS

Leila Hughes Aarons, mother of Ruth Aarons, world champion tennis player, died at her home in New York Sept. 2 after a long illness.

As Leila Hughes she played leads in musical comedies about 25 years ago and retired from the stage when she married the late Alfred E. Aarons, then general manager of Radio City.

Miss Aarons and another daughter survive.

MAURICE DOWNEY

Maurice Downey, veteran vaude performer, died in the Actors' Fund Home, Englewood, N. J., Sept. 6. Guest of the home for the past year, he was one of the few vaudeville artists who lived there, most of the residents being from legit.

He had toured the leading circuits, singing comedy songs and characterizations. Funeral services were held in N. Y., Sept. 7 and burial followed in the NVA plot, Kensico cemetery, N. Y.

EDWARD V. CUPERO

Edward V. Cupero, musical director, composer and arranger, died in Baltimore, Md., Sept. 12 after a long illness. An arranger at the Capitol theatre, N. Y., when that house had been under the management of the A. C. Edwards, he had been in legit for years.

Services will be held today (Wed.) at 2 p. m. at the Actors' Fund home. Surviving are his widow, Margaret, a daughter, Mrs. Gerland Milburn, of Albany, and a grandson.

CHARLES LOWENBERG

Charles Lowenberg, 55, director of advertising and publicity for Fox Wisconsin Amuse. Corp., who operated picture theatres in Wisconsin and in the Michigan cities of Detroit and Cincinnati. He had been ill more than a year.

Surviving are his widow and daughter.

Dr. Harter W. March, 69, once identified with the Nancy Brown stock company and associated with his brother, Dr. Harry March of New York, in sponsoring musical comedy, died Sept. 1 at his home in Canton, O., where for more than 20 years he had been a dentist. A son, two brothers, including Dr. March, continue to live in the York Glenside, Pa., where the National Professional Football league, and a sister survive.

Mrs. Mary E. Journeagan, 92, great-grandmother of Linda Darnell, actress, died in the York Glenside, Pa., where she lived for many years. Survived also by two daughters and sons.

Maudie Truxx, 34, former legit actress and wife of Hugi Borewell, as well as a vaudeville performer, died Sept. 6 in Los Angeles.

Tressa B. Ruth, 83, mother of Roy Del Ruth, film director, died Sept. 2 in Los Angeles. Another son and two daughters survive.

Joe Rubelsa, 38, died in Mexico City, Sept. 6. Former of the Los Angeles Antonio, he had gone to Mexico City to play in pictures.

Walter Calverly, 51, film exhibitor in Lompoc, Cal., died there Sept. 1.

Horton's 33 %

Continued from page 1

ings should triple the figure paid him in the rural stock houses.

The laugh show was originally produced in the late 1920s and in the late fall of 1931 and played through that season. Leslie Banks and Nipsey Brown in playing the male leads. "Henry" subsequently was toured and has been used in the summer theatre since.

Horton is currently showing in "Henry" at Pittsburgh, Mass., and following that in the Morocco, N. Y. He will then return to Hollywood for one picture. "Yours Truly" is now being shown at Kay Kyser. Shooting of scenes in which he will appear is expected to be completed in two weeks.

Fair Stagers, N. Y. State '40 Expo to Be Curtailed

Syracuse, Sept. 12. Alarmed by the financial letdown which developed from the initial New York State Fair ended Saturday, officials are already planning for a program of retrenchment for next year.

The exposition, lengthened to 15 weeks, is expected to draw 1,000,000 but only 284,055 went through the gate. This compares with 363,770 in 1937, and 363,770 in 1938, and eight days in 1937. As a result, only eight or nine days are planned for next season.

New Fair's Midway Ops Can't See How They'll Get Even

Concessionaires on the New York World's Fair midway are threatening to quit unless the management when informed that a program of free dancing to name bands had been authorized by the Textile Institute, the major exhibit display zone. Starting Sept. 20 it may continue until exhibition closes.

show operators term this the "final blow." They claim that by staging this free dancing away from the amusement sector it is certain to attract crowds there, and sure to draw away from the Textile Institute.

John Krimsky, director of entertainment, is credited with the new proposal. He has appeared in the management on the idea even to the extent of having prize dances, with automobiles and other prizes given away at the price of one per week. Krimsky is reported to have told Fair officials it would increase ticket attendance by \$5,000 per concessionaire would the free dances with the elaborate band at night in the area formerly occupied by the defunct World West show. They say the only way they can break, although dubious about its heavy drawing possibilities, Krimsky says, is to have the show under his wing but was shifted to the World West show when the Fair closed for a six months.

Unofficial survey of the amusement area this week reveals that about 26 concessions currently have been or are being added outright with Fair coin, through financial aid in the form of payrolls, or through postponing enforcement of strict payment of percentages laid down in contracts. About three or four shows, others on the midway will be lucky to pay the rates of 25 to 30 percent.

Even the most optimistic don't believe that there will be six or seven shows or rides will wind up the season in the black.

Big Losers include the World West show, NYC's two shows; Carnivalland (formerly Children's World), still open, but approximately \$1,300,000 in debt; and the World West show, still open, but approximately \$1,000,000 in debt. "Hot Mikado," current attraction has about \$1,000,000 in debt. Fair management apparently will have to shoulder the full loss at Carnivalland. It also has about \$1,000,000 in debt. Merrie England and a large amount in Sun Valley.

Vast majority of the N. Y. Fair's midway shows will finish with losses amounting to what was originally planned for the year and showing overhead have been too heavy.

Besides the Aquadrome, the biggest money-maker by a huge margin, the Jump and Frank Buck's Jungleland probably will come closest to amortizing the cost year and showing profit. There may be others which will make the grade but it's doubtful.

Saddest commentary is that the season for the amusement zone will wind up showing a huge financial loss to the Fair management whereas the exposition had reaped the midway into to produce \$2,000,000-\$3,000,000 revenue.

Ripley's Tour

Robert Ripley's Odditorium, on the grounds of the October 1939 exposition in Buffalo.

He will substitute another set of acts. Ripley will put in new museum pieces and scenery while taking present out on road.

WHAT THEY THINK

Bill Fields' Fable
New York.

In a one-act play called "Spreading the News," written some 15 years ago, the English author, C. M. Williams, named I do not recall, the central characters were rural characters. The play was written by Mrs. Fallon and one Jack Smith.

In the course of the play Mrs. Fallon's apple-baiter is accidentally uprooted. Jack Smith milks his hay-fork. Mr. Fallon retrieves the fork and follows Jack Smith in order to return it to him.

Wagging tongues put these circumstances together and multiply them into a story that Jack Smith attacked Mrs. Fallon and that Mr. Fallon was pursuing him with a hay-fork to wreak a vicious vengeance. The innocent incident thus builds into an atmosphere of mayhem and murder.

Just as exaggerated as were Mr. Fallon's intentions, is the story that Mrs. Fallon's husband, Mr. C. M. Williams, is after her because there is any backstage discord at the Ethel Barrymore theatre where Mrs. Fallon, the Lederer and Miss Williams are engaged in presenting "No Time for Comedy."

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Bovey was protested by the audience, who were taken to a local hospital in Washington.

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this firm, a small one at the time, before he could persuade it to put out "The Ape's."

Even had I had either the money or the inclination, I could not have bought the rights to C. M. Williams' one of the oldest, largest and richest houses in Chicago, which had at that time been owned by Mrs. Fallon and one Jack Smith.

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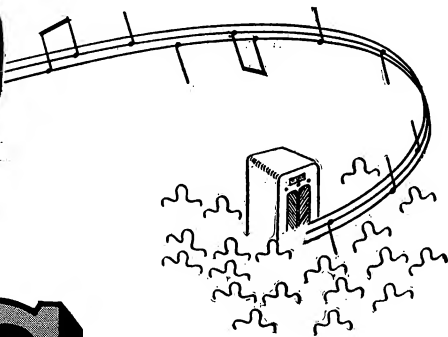
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NEW YORK, WEDNESDAY, SEPTEMBER 20, 1939

56 PAGES

REVIEW OF THE WEEK

Hollywood Picks Itself Up After War Rides Rough Over Studio Payrolls

Hollywood, Sept. 19. Hollywood, accustomed to withstand tempests, quakes and whatnot, is gradually getting its house together again as result of the lightning bolt it suddenly received as a result of the European fracas.

Studios during past couple weeks have been holding repeated conferences among studio execs, department heads, accountants and bookkeepers. Any one who appears to over-act or suggest how to cut down 'old man overhead' and to impair production values was called in.

Though there was no concerted movement on the part of the major plants as to how to cut down that overhead, practically every studio did its whitening in its own way.

Some fired a lot of current non-contributors to present production and operation, others got rid of what they deemed 'unusable', while other plants just did department cutting (Continued on page 2)

Billy Rose Considers N. Y. Fair Exec Post; Whalen Tie a Factor

Unofficially, before and after the New York Daily News' unusual editorial on Sunday (17), which plugged Billy Rose for a showmanship assignment with the N. Y. World's Fair, the entrepreneur had been discussing the idea with individual members of the Fair's executive board. All of it in an unofficial capacity, says Rose, who also adds that he can't see much purpose to his accepting any such assignment, considering the financial straits he's been containing, particularly when he has been doing so well for himself with the Aquaduck.

However, Rose is more than casually interested, despite the hurdles he visualizes, especially since he's concerned about Grover A. Whalen, now reported working the plank. The Whalen matter is close to Rose because, of all the Fair execs, he alone was sympathetic to the Aquaduck and made possible the loosening of many strings which, for a time, threatened to strangle his aquatic venture.

For one thing, Rose doesn't give much chance for a 1940 Fair the way world war events are going, unless it made an all-time venture (including South America).

FOREIGNERS MAY SHIFT FILM PROD. TO ASTORIA

If the present rate of business is maintained, Eastern Service Studios in Astoria will have \$500,000 worth of film production started by the end of this year. The east may take up the slack caused by the death of British, French, German or other foreign product.

Forecasted that foreign-language film distributors may influence transfer of production from European soil to this country by several independents in France and Great Britain.

Romantic Rassler

Atlantic City, Sept. 19. Henry Patrick, former 'Romantic Troubadour' of WIP, opens at Hotel President here next week with his own orchestra.

Patrick, who wrestles when he isn't tra-la-ing, spent the summer at the same spot as vocalist with another band.

NBC Plays Down New and Old War Songs Including 'Lizzie's Gas Mask'

Lombardo's Musical Horns Idea Given OK By 25 State Govs.

Detroit, Sept. 19. Guy Lombardo, when recently playing the N. Y. World's Fair, noticed the 'Sidewalks of New York' musical horns on all motor vehicles at the Fair grounds. Carrying the thought slightly further the maestro envisioned all cars throughout the country using musical horns which would play a few bars of the songs most easily associated with the particular states.

Lombardo suggested the stunt to two automobile manufacturers (Ford and General Motors) and to an indie horn manufacturer. GM executives were enthusiastic, and Ford's New York agents expressed favorable interest (Continued on page 55)

MOPPETS PROVE B.O. NATURALS

Rooney, Half Dozen Others Roll Up Neat Incomes—Shirley Temple Still OK—All Studios Bank On 'Em

SAFEGUARD FUTURES

By BOB MOAK
Hollywood, Sept. 19. 'Give us this day another Rooney... Dublin... or a Temple' is the entreaty of studio chiefs as they cast eyes on b.o. returns rolled up so far this year by pictures starring kid personalities.

Money-making potentialities of casts topped by moppets currently has the coast film industry agog, with 1939-40 program guns being loaded for a record-breaking barrage of youthful stars. Already in release are Metro's 'Wizard of Oz' with Judy Garland, and 'Babes in Arms' with Miss Garland and Mickey Rooney, as well as 'Love Finds Andy Hardy' in which Rooney (Continued on page 27)

Vaude Seen Having Its Best Chance In Years for An American Revival

EVAN FONTAINE'S SON HEADS DANCE BAND

Philadelphia, Sept. 19. Neil (Sonny) Fontaine, 19-year-old son of Evan Burroughs Fontaine, one-time bigfield Polaris nine-stone-helmet wearer, will conduct an 11-piece orchestra at Jack Lynch's club atop the Walton Roof beginning Sept. 28. He replaces Joe Frassetto's band.

Fontaine's mother is reported to be part-owner of Lynch's spot. The opening of Fontaine's band will coincide with the fall opening of the club with a show headed by Ethel Shutta and Block and Sully.

Benny-Allen Film for Par

Chicago, Sept. 19. Jack Benny and Fred Allen, the well-cultivated enemies of the airwaves, will get together in a film for Paramount next summer.

It was originally hoped to do the picture after Benny finishes his next film, 'Buck Benny Rides Again'. Jello comic will make no more pix during the broadcasting season.

Revival of American vaudeville, often talked but never realized to any great extent during the past few years, is indicated as having its best chance to achieve that stature during the 1939-40 season.

This is not merely wishful thinking. There are already plenty of concrete indications that vaudeville is kicking off the new season with more yardage than in the past few years. Along with this, there's a general belief in the trade that stage playing time will further increase as the weather gets cooler.

It's believed now that the only possible obstacles to a major vaudeville comeback would be union difficulties, or the outside possibility that this country itself would become embroiled in the European situation. So far as union matters are concerned, however, the peace deal between the Associated Actors and (Continued on page 45)

Concert-Opera Talent Won't Be Affected By War 'Til Next Spring

The European war will have little immediate effect on the concert and opera biz in U. S., according to indications, nearly all the foreign artists who were already booked will be able to get to the U. S. if they're not already here. And as the season abroad doesn't begin until late spring, the war will not be felt for some months. However, it is expected to paralyze the next spring-summer season in Europe.

Management of the Metropolitan Opera Co., New York, claims that almost all its artists are already in the U. S. in readiness for the new season to begin in November. The Italian group is still abroad, but is expected to be permitted to make the trip as usual, according to word from that side. Hostilities abroad will not hurt attendance at concerts or operas for at least a year, it is believed, and possibly may not do so at all.

Columbia Concerts Corp., which had been worried about the Deva Javan troupe of Bali and Java dancers, has been notified that the group is safe in Holland after an extensive European tour. It will appear in Rotterdam next week. F. C. Coppicus, executive vice-president of the company, who went abroad to take charge of the dancers, sailed from Holland last week.

Howl Diaz troupe, totalling 30 people (Continued on page 16)

What Does It Mean? INTERMEZZO It means an interlude of stolen love

WOLFE CANCELS ALL PICTURES

Metro Sees New High in Its No. Of Accounts, May Exceed 11,000

A new high in the number of accounts on its books will be reached by Metro for the 1938-39 season, topping the total attained on the 1936-37 season. This prediction is made by William F. Rodgers, general sales manager, based on the fact that the industry closed, plus those that are in negotiation at the present time.

Last year between 10,500 and 11,000 theatres in the country signed up for Metro, a representative number of which took the product on term deals and are so-called carry-overs for the '39-40 season. The fact that Rodgers' sales-force put together numerous long-term franchises last year materially substantiates evidence at this stage of the game that last season's total of houses on the contract list will be topped. The majority of the long-term deals were with the larger chains and represent important carryover commitments. If the number of accounts reached over 11,000, as expected, this, it is believed, will be the largest for any film company in history.

Two big deals just signed up by Metro are the three-year contracts with Fox-West Coast (National) and Warner theatres. They have been in work a long time. Others closed or next to conclusion are Comerford with Pineski, Balaban & Katz, Kinney-Wilby, Intermountain (Parkersburg), Fox-Wisconsin and Wisconsin Amusement. Jack Flynn, mid-west district manager, is presently working on the Fox-Wisconsin and Park's northwestern Minnesota chain deals. The large Sanger chain in the south is also committed to Metro for another season.

Philly's Silent Strike

Philadelphia, Sept. 19. A silent no-signaturing strike in film buying is being staged here by exhibitors. Although neither exhibitors nor distributors will make any formal statements it is an open secret that theatre-operators are holding off signing new contracts in protest.

(Continued on page 27)

B&K-UA STILL DICKER, CHI CHAIN SIGNS WB

L. J. (Jack) Schallert, v.p. of United Artists in charge of the west, is now in Chicago hustling with John Balaban and others of Balaban & Katz on a 1939-40 product deal which he struck a snag a few weeks back.

Reported from Chicago that shouldn't UA and B&K work out a suitable deal, UA may shift its product to the Woods, now being operated as a subsequent release business. If getting the UA pictures, report adds, the Woods would be turned into a B&K chain. UA headquarters in N.Y. it is confidently believed, however, that a deal with Woods will be worked out.

B&K meantime has other product negotiations on the fire. The circuit has already signed a deal with Warner Bros.

WB Up 27% in August

The national Warner bookers drive during August increased dates and playing time for the week ending 27% over any prior August in the history of the company. Due to the results attained by the bookers push, it will now become an annual affair for August, the final month of the year for WB on which the bonuses are decided. The bonuses are predicated on business in the various 31 city offices against sales quota set for each territory.

WB got the idea of trying a bookkeeping following a local campaign which had been instituted in the Washington territory by the company office there.

Figures have not been tabulated to determine the winners of the August booker drive, nor have the accounts' complete figures. But the bonuses will be for a week or two. It is expected within a week that

WB Blackouts Siegel

Hollywood, Sept. 19. Max Siegel checked off the Warner lot when his contract, as associate producer was not renewed.

With the studio one year, Siegel produced one picture, 'Indianapolis Speedway,' and was working on 'Three Cheers for the Irish' when his contract expired.

MAJORS SCORE POINT; NO U.S. TRIAL FOR U.S.

A signal victory for the major film companies was scored Friday (19), when senior federal judge John C. Knox deferred a date for the start of the U. S. anti-trust action against the majors, until some disposition is made regarding the 68 interrogatories filed by the Government.

VIRTUALLY SURE TO WIN 9 DISTRICTS

Metro Becomes Third Major to Grant Reforms Embodied in Code—UA Lone Exception Due to Peculiar Sales Setup—Other Concessions May Follow Uniformly in All Camps

POLICIES MAY VARY

An enlarged cancellation privilege, ranging from 10 to 20%, based on rental averages, is virtually certain to be adopted throughout the industry. That this feature of the new practice code will shortly become one of permanency in the selling and buying of films, indicated on all sides. United Artists is the lone exception because of its sales policy and product setup. UA produces no pictures itself.

Other concessions are also likely to go into effect this season under voluntary action by the distributors which may vary considerably, depending on what each individual company wants to do. However, the permost at the present time is the

Time

ment. In view of the decision of the judge, it appears more likely than not, that no preference date of Nov. 1 can possibly be granted to the U. S. now.

The judge's opinion declared, "In view of the comprehensive scope of the interrogatories which the Government has served upon defendants, I think it advisable not to set a date for the beginning of the trial, until I can be informed as to when answers to the interrogatories can be given to complainant, and of the necessities of defendants as regards their further preparation for trial. When I can be so informed, let the counsel for the parties again appear before me."

Suit Sinks in N. Y.

Thurman Arnold arrived in New York yesterday (Tues.) and shifted Berkley W. Henderson, in charge of the N. Y. office of the anti-trust division, and William McGovern, in charge of the attorney general, to Washington. Fred Whalen was placed in charge of the N. Y. office. Several cases in that department were turned over to (Continued on page 29)

UNUSUAL CAL. HEAT SLOWS PRODUCTION

Hollywood, Sept. 19. Production in all studios yesterday (Monday) slowed in a degree. Several cases in that department were turned over to (Continued on page 29)

Automatic fire sprinklers were set off in many spots by the torrid temperatures.

Bill Hart's Nabe Personal

Hollywood, Sept. 19. William S. Hart makes a personal appearance at the Marcol theatre Sept. 25 in conjunction with the picture, 'Tumbleweeds,' which he produced in 1925. House is a babe. Sound has been dubbed in and a one-reel prolog added.

Statistics on Growth of Night Baseball Indicate Big Dent To Film B.O.; Due to Spread Further

Marxes in 'Europe'

Hollywood, Sept. 19. Metro writers have been put to work on an original, 'Marx Bros. in Europe,' as the next for the same. Louis K. Sidney will produce, with direction likely going to Eddie Buzzell who handled the frères' 'Day at Circus.'

The exhibitors' growing bugaboo, night baseball, which of recent years has given the picture men some cause for anxiety, threatens to furnish more night night competition within the next couple of years. The steady decline of day ball attendance some years back brought with it the experiment of night ball, under the arc lights, which steadily has risen to the point where, during the last year or two, even the major leagues, which had heretofore scoffed at the night game, have gone in for it.

Original baseball presently has 41 leagues, of greater or lesser importance, and every one has facilities for night baseball. Thus, what had been a declining proposition, particularly in the Class D leagues, has soared to almost boom proportions, at least for the night games, with picture b.o. suffering proportionally.

Presently, the big headache for the exhibs lies in the indications that every major league park, within the next two years, establish facilities for night baseball. There are now eight of the 16 major league teams that haven't as yet installed lights. For the last few years, since the innovation of night games, the minors have been drawing prospective theatregoers. But the majors, with their increased seating facilities, bid fair to create greater havoc. For instance, the largest park in the International League is the Jersey City stadium which seats 25,000 but on an average about 10,000. The largest big-league stadium, the Cleveland, can seat over 78,000. During the past year exhibs have seen their greatest blow there, when the season's opening big-league night game, between Cleveland and Detroit, drew 55,000 on June 27. Normally, a day game between the two teams would draw about 6,000 to 10,000.

Presently, the majors don't permit more than seven home games at each team during one season. But there's talk of increasing that number.

Exhibs are in hot leagues. In the International League, comprised of eight clubs, which is ranked (Continued on page 27)

BINYON JOINS WESLEY RUGGLES AT COLUMBIA

Hollywood, Sept. 19. Claude Binyon was signed yesterday (Monday) to a three-year exclusive writing ticket at Columbia, and goes with the Wesley Ruggles unit, starting with the Paramount picture last six years, principally on the writing-directing hookup with Ruggles.

RKO Hearing Today Probably Not Important

An RKO hearing, widely heard today (Wednesday) before Federal Judge Alfred C. Cox in N. Y. Due to the continued irregularity of the stock market and the failure of Judge William Brady to return from his vacation, it is expected that a thing of importance will transpire, with the hearing date being adjourned to a more propitious time, when Atlas will re-submit an underwriting agreement for the new common stock.

Joe E. Brown's P.A.s

Joe E. Brown has lined up a string of stage performers, starting at RKO's Colonial, Clayton, Oct. 11. The first of these is here to the Shubert, Chicago; Lyric, Indianapolis; Palace, Cleveland, and the Chicago, Chicago.

GRIFFIS BACK, PAR'S ODEON DEAL STALLED

Stanton Griffis, chairman of Paramount's finance committee, returned from Europe Monday (18) after business conferences in London and a honeymoon spent in France. While in England he worked out final details with Odeon theatres whereby some seven Paramount operations would have been taken over.

Griffis and other home office officials yesterday (Tues.) said that this deal was temporarily stalled because of the European war. Neither Odeon nor Par felt inclined to go through with an operating arrangement in the situation cleared, and they knew more definitely more about the outlook in the exhibition field.

Towne-Baker's 1st Rolls

Hollywood, Sept. 19. 'Swiss Family Robinson' due of the Gene Towne-Graham Barker productions for RKO, goes into work Oct. 2 on the Channel Islands, off Santa Barbara. Most of the picture will be shot there.

Jessel, Jed Harris in 2

Suits Vs. Felix Young

Hollywood, Sept. 19. Suit was filed yesterday (Monday) by George Jessel against Felix Young, operator of the Trocadero nitery, for \$22,216. Jessel claims that he endorsed a picture, 'The Bank and Young failed to pay it when it came due, necessitating his making good on the picture. The suit also sued by Jed Harris for \$7,500, assertedly invested in the Troc.

UO Prez Gets Fast Turn-down From Screen Guilds in Plea for Wage Cuts

Hollywood, Sept. 19. Three picture guilds turned down a plea by Harry Brandt, president of the Independent Theatre Owners Association of N. Y., to take voluntary cuts in salaries in view of war conditions. Instead, the guilds, representing the screen actors, directors and writers, suggested that they may demand wage increases if the film revenue goes up, with attendant rise in the cost of living.

Brandt said in his telegram to Charles Brackett, proxy of the Screen Writers Guild:

"The war in Europe will decrease film revenue by almost 35%. This loss of revenue will increase itself in the production of pictures in Hollywood, lowering the quality of such pictures and causing a domestic attendance to decrease. It is of the utmost importance that the standard of the production of pictures be maintained and this can be done only by voluntary action on the part of producers, stars, writers, directors, technicians and others closely associated with the work of producing pictures. That action must be based on the assumption of a decrease in personal income which will be more than made up by the industry keeping its head above water in these times of distress. Unless revenue is always kept up to the level of the past, companies, production must spend less money and eventually grow less."

Therefore, as president of the Independent Theatre Owners Association, which has no axe to grind except to keep production of pictures on a high plane, I am pleading with the heads of the producing companies and studios to call for emergency meetings, each to chip in and do its part. Any voluntary salary decrease taken now will in no way affect existing contracts. It is solely a war measure and should be taken as such. I am requesting meetings be held at the earliest possible moment, so that all people in this jurisdiction, and especially those who participate in keeping the industry going. Will you kindly let me know the date of service, so I can bring about the suggestions outlined above?"

Fledge Full Cooperation

The answer of three guilds, the Actors, Directors, and Writers, was this:

"In connection with European war effect on the film industry, Screen Actors, Directors and Writers Guilds will follow the same policy which they have consistently followed in the past. That policy pledges our full cooperation to any and every program for the best interests of the entire industry."

If it should be demonstrated that the personal salaries and bonuses of producers, executives, actors, writers, directors, technicians and others associated with the industry, the three guilds gladly will discuss any fair and equitable adjustment suggested. On the contrary, should the experience of the war period bring an increase in industry revenue, an increase in living costs, we would expect to meet and discuss an upward adjustment in salaries.

"Any such adjustment, downward or upward, necessarily would have to be based on full and complete information of all financial data and other information available to the producers and distributors."

"We believe that your assumption that a European war will decrease film revenue is a fallacy. It is totally inconsistent with past experience. On the contrary, we believe there is excellent prospect of increased boxoffice receipts and other revenues. Actual evidence will show which is to be the revenue trend."

"Meanwhile we are notifying our members, particularly those who work on a freelance basis, that they should not accept salary reductions on the representation that such reductions have been suggested by war-time conditions. We further have asked our membership to re-

U OPTIONS 'THE HOT' 'MIKADO' FOR A FILM

Universal has taken an option on the film rights to "The Hot Mikado." It is understood. Abbreviated form of the show has been at the World's Fair all summer and has various theatre dates ahead for the fall.

If exercising its option on the film rights to the Michael Todd "Mikado," U would turn it out with an all-colored cast which might include Bill Robinson. Last year U took "The Mikado," English-made for distribution in this country on a greenlease basis.

Wm. Green Opines AFL Should Have Settled Nick From Within

St. Louis, Sept. 19.

William Green, AFL prez, in town last week to present a charter to the Typographical Union, said the action of William Brandt, secretary of the St. Louis Trades and Labor Union "I thought lessly accepting. In violation of the clear and definite policy of AFL, the union of co-reception of Nick had been ousted by court order several months ago."

Green said AFL is deeply concerned in disputes among the union's affairs by a court. He said members of a church congregation settled the elimination of Nick and did not availed themselves of the privilege of appealing to the higher tribunals within the union.

Green, informed that Brandt had a fine reputation in St. Louis, said no "drastic" action would be taken against him because of his conduct at the court appointment. Green blasted local newspapers by declaring the editors of papers in this city are unreasonable.

Brandt said, "I'll never bow to gangsters and racketeers. Mr. Green takes the attitude my action was not legal from the viewpoint of the people. I disagree with him, and challenge him to say my action was not equitable in the eyes of every citizen. I take care of myself and Green takes care of and looks out for his constituents, the international union. I take care of myself and look for our locals in St. Louis and the general labor movement in St. Louis."

Brandt also stated that Green is 1,000 miles away from this city and is not in a position to settle. "We here in St. Louis know," Brandt added, "it has been on the front of the news for a while, and the courts. If president Green had taken our advice, as adopted in our constitution, and had sent a representative forward to him, as had sent a man to investigate Local No. 143, and if the right thing had been done on the front pages and into the courts. But now it is in the courts and it is a long time before it will be over and put in a program looking forward to a settlement. The local membership is not in a position to settle, and the international didn't, so it's still in the courts."

SO SAY THE U. S. FILM EDITORS Still Lacking in Many Respects, but the Picture P.A.s Seem to Understand the Dailies' Needs Better—Those Junkies Helped Considerably—L. G. Art Still Very Limited

By HARRY MARTIN (M. P. Editor, Memphis Commercial Appeal)

Memphis, Sept. 19.

In the annals of film history, 1939 will go down as the year of the great newspaper junkies. Quality of studio publicity service to the distant dailies made a normal improvement during the season, but scarcely sufficient to justify the increase in space snatched by the flack. "Two is the magic number," press byliners around the country from one premiere to another that was the trick.

"Stuff emanating from the Coast continues to be steadily upgrade and more and more the skill scriveners are trying to specialize in individualized copy for particular newspapers. Though there is still plenty to be said about what's wrong with the setup, Principal makes it have to come to know a lot of the trees for the forest. Material too often aimed to please all the editors seldom suits any one."

In this year of the grassroots premieres, however, the space-grabbers have been more successful in getting press trainings in recent months; one at Wauegan, Ill.; another at Van Buren, Mo.; and a third at Omaha. Warners had the boys gallop out to Dodge City, 20th-Fox resurrected Lincoln at Springfield, Ill., and Universal unveiled Gloria Jean at Scranton, Pa., with a side spurn on the road to Hollywood. Metro has something similar in mind for "Gone With the Wind" and "The Sign of the Cross."

In any case, the lads don't feel any less befuddled today. They are making these treks on the cuffs and, naturally, the amount of line in re-wards of mail dispatches is own personal missives and actual business letters. Then he takes a peek at the picture and says, "That's it, that's the way to do it." He knows what to open and what to file reverently away in the wastebasket without too much a fuss. For instance, he knows those big fat white envelopes from one film home office to another will contain nothing that he did not read the bettering in Variety or the picture editor's Daily Variety. He is the starting news that Alexander Korda is in New York for a while and that Hollywood is in Omaha or New Orleans give a linker's link.

The yellow news envelopes from Warners' Hollywood come via air mail and the chances are most of the

IATSE Rated Easy Winner Over USTG In Wed. Election to Name Rep for Studio Unions; CIO Wedge at Stake

ONE-PIC DEALS FOR 11 WRITERS AT PAR

Hollywood, Sept. 19. Paramount hired 11 writers, all on one-picture deals. They are Stuart Anthony, Gladys Atwater, J. Robert Bren, Katharine H. Prings, Lawrence Hazard, Agnes Christine Johnson, Beryl Markham, Frances Parsons, John Monk Saunders, Maxwell Shane and Garnett Weston.

Checking off the lot were Ray Golden, Sid Kuller and Robert Shannon.

N.Y. Fair's Commercial Films in the Middle of IATSE vs. IBEW

Union jurisdictional dispute for control of operation of 16 mm. automatic film projectors continues to threaten trouble for New York World's Fair exhibs. Peace and status quo has been maintained through negotiations during the past week only by an AFL agreement with the Fair before it opened that there would be no jurisdictional strikes.

Principals are Motion Picture Operators Local 308, IATSE, the International Brotherhood of Electrical Workers and Fair exhibs, who have been negotiating with IATSE producer of industrial films being shown by Johns-Manville at the expo.

Dispute runs back to days preceding opening of the Fair. Reed at that time made an agreement with Joe Basson, 308 prez, covering operation of all machines. There has never been any trouble at standard 35 mm. machines or 16 mm. using arc lighting, on which the scale is \$183 for six-hour day.

On the continuous projectors, however, Basson and Reed agreed on a scale of \$12 per six-hour day for operation of up to eight machines in one place. Basson's executive board has accepted that, however, demanding the \$183 figure and limiting the operation to four machines in one place.

Extremely squawked, as it meant that the operation of even one machine would cost them \$255.52 a week on the \$12 per day the Fair is open. An intra-union fight developed over the issue in the projectors and, as a result, they never pushed their demands.

In the meantime, some exhibs began to try their regular electric maintenance men, members of IBEW, for operation of the automatic machines. Others are using service companies, which employed a mixture of IBEW and 308 men.

However, Basson was suddenly informed Reed that his men were willing to take the original \$122.52 scale and that the prez of the IBEW had given up his union's jurisdiction over all forms of projectors. All that was left for a six-hour day payment for the remainder of this season and next between exhibs and IATSE. Basson was suddenly informed in a telegram from the IBEW execs offices that it still maintains its right to operate the automatic machines, precipitating the present crisis.

'Siwash' and One Other Clyde Fitch Tale By Par

Hollywood, Sept. 19.

CIO drive to crash the film industry's climate tomorrow (Wed.) when 8,000 film technicians march to the polls to designate a collective bargaining representative. Bailing out under supervision of National Labor Relations Board will decide whether International Alliance of Theatrical Stage Employees is to retain control of 11 studio locals with a dues paying value of approximately \$400,000 a month.

The United Studio Technicians Guild, which is seeking to wrest control from the IA, claims to be independent but is being financed by Mann, J. Frank Freeman and other independent producers. Harry Bridges and John Brophy have been listed as toting in \$100,000 for the CIO's preliminary organizational work. The understanding is that if the USTG receives 50% of the vote, members will be asked to vote on affiliation with the Congress of Industrial Organizations.

Producers announced they will bargain collectively with whatever agency is designated, but his move was blocked when the USTG went to the NLRB and threatened to file collusion and unfair labor practice charges. NLRB was drafted by the 11 studio locals to take over their negotiations with producers, and immediately announced he would demand a 15-to-20% wage boost and improved working conditions. When the producers delayed meeting with the unionists, Burt threatened to close the theatres unless negotiations get under way at once.

"Nothing to Worry About" Date was fixed for Sept. 19 Friday (15). Joseph M. Schenck, proxy of the Producers' Association; E. J. Walsh, president of the IATSE; and Attorney Herbert Freston were on hand to meet with the boys, but the bulk of the election was over. They promptly converged on the Labor Board and insisted that William R. Walsh, their union representative, be named to the negotiations. Walsh contended the producers, but was advised to have been advised by proxy Schenck that the boys have nothing to worry about in the negotiations have been named.

The IATSE announced it had voluntarily agreed to a settlement with the USTG. The USTG had complained to the NLRB that the negotiations were intended to force the election to take place tomorrow (Wed.) and to intimidate the voters. The USTG insisted, however, that the election be held on Wednesday (Wed.) and to intimidate the voters. The USTG insisted, however, that the election be held on Wednesday (Wed.) and to intimidate the voters.

In order to specifically explain the IATSE position in the current controversy with the producers, William Boff, chairman of the Joint Negotiating Committee of the West Coast Studio locals, issued the following statement:

"Charges have been recently made by our enemies that the IATSE is attempting to negotiate for wages, hours and working conditions near the eve of the forthcoming election. (Continued on page 25)

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Despite 'The Heat, Biz Continues

Blush: 'Speedway'-Vaude \$17,000 'Hardy-Vaude 16 1/2%, 'Women' 21G

Chicago, Sept. 19.—Despite the year's most severe nip-apell the downtown theatres continue their heartened efforts to hit the higher coin numbers. Even the smaller theatres are showing bright boxoffice results. Two family vaudevilleans, Oriental and State-Lake, are providing a good reaction, both houses zooming into near-capacity trade on variety and film combinations. Also booming is United Artists at the straight-film circuit.

Oriental is repeating 'Hardy Gets Spring Fever' on the screen along with a vaude unit, while the State-Lake is sticking close to its action policy with 'Indiana Jones' and 'The Heat', and both spots will be near their top money marks this week.

Chicago holds over 'Beau Geste' while changing its stage show, and the holdover will show of 'The Heat' at the theatre though the drop-off will be around \$15,000 from the previous week's take. 'The Heat' straightened itself out remarkably in the past few months, with the stage gross now running regularly above \$35,000, where the early months of the year seen weeks when 25G was a good average.

'Blackmail' is showing something of a disappointment in the Roosevelt and doesn't figure to be a loop again this week. Bachelor Motion Picture is going to the Garrick for additional loop after a good week at the Palace, which is currently running the second half of another smash two weeks.

Estimates for This Week
Apello (B&K) (1,200; 35-55-65-75)—'Holmes' (RKO), second of the Blacklock series not on the first run take at \$5,000, fair. Last week 'Star Maker' (Par) turned in about \$4,400 for second loop take.

Chicago (B&K) (3,000; 35-55-75-75)—'The Heat' (U) and 'Indiana Jones' (U) are the week's flicker will pull good \$27,000 currently after having averaged weekly \$44,000 last week.

Garrick (B&K) (900; 35-55-65-75)—'Bachelor Motion Picture' (RKO), second loop, will pull good \$10,000, and will manage satisfactory \$4,000 week. 'Angels' (U) and 'The Heat' (WB) came through to all right \$4,000.

Oriental (Jones) (2,300; 25-40-45-45)—'Hardy Fever' (M-G) and 'Star Lane' (U) are the week's flicker, and coin currently at \$18,500. Last week, 'Mutiny on Blackhawk' (U) and 'Sunshine' (20th) pulled good at \$14,100.

Palace (B&K) (2,500; 35-55-65-75)—'Tomorrow Comes' (U) and 'Sunshine' (20th) are the week's flicker, and coin currently at \$18,500. Last week, 'Mutiny on Blackhawk' (U) and 'Sunshine' (20th) pulled good at \$14,100.

Roosevelt (B&K) (1,500; 35-55-65-75)—'Blackmail' (U) is the week's flicker for much of a stay according to getaway pace which is slowish \$8,000 for second loop take.

State-Lake (B&K) (2,700; 25-40-45-45)—'Speedway' (WB) and 'Vaude' (U) are the week's flicker, and coin currently at \$17,000, smashing. Last week 'Indiana Jones' (U) and 'Sunshine' (20th) pulled good at \$14,100.

United Artists (B&K-M-G) (1,700; 35-55-65-75)—'The Heat' (U) and 'Indiana Jones' (U) are the week's flicker, and coin currently at \$18,500. Last week, 'Mutiny on Blackhawk' (U) and 'Sunshine' (20th) pulled good at \$14,100.

H.O.s Load Seattle: Duals-Ams, \$5,800

Seattle, Sept. 19.—Roosevelt gets the extended run of 'The Old Maid' (WB) and 'The Heat' (U) on 10 big days at the Ace Sterling house, Palomar. One plan is to make Roosevelt a five-day loop, take extends and the Winter Garden to see second loop take.

First Avenue is stepping out currently with 'The Rains Came'.

Estimates for This Week
Blue House (Harrick-Evergreen) (850; 27-37-42)—'Lady of Tropics' (M-G) (2d wk), and 'Spellbound' (U) (5 days) are the week's flicker, and coin currently at \$2,100. Last week, 'Star Maker' (Par) (2d wk), and 'They Asked for It' (U), \$1,100.

Coliseum (Harrick-Evergreen) (1,200; 21-27-32)—'Secret of the Tomb' (20th) and 'Hotel Imperial' (Par) (2d wk) are the week's flicker, and coin currently at \$2,900. Last week, 'Bridal Suite' (M-G), \$2,400, fair.

Don't (Clio) (1,000; 10-21)—'The Heat' (WB) and 'The Rains Came' (U) are the week's flicker, and coin currently at \$2,900. Last week, 'Bridal Suite' (M-G), \$2,400, fair.

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First Runs on Broadway

(Subject to Change)

Week of Sept. 21
Aster—'Goodbye Mr. Chips' (M-G) (19th wk).
Capitol—'The Women' (M-G) (Reviewed in Variety, Sept. 6).
Criterion—'Man They Could Not Hang' (Col) (20th).
Globe—'Torpedoed' (Film Alliance) (23).

Musie Hall—'Nurse Edith Cavell' (RKO).
Paramount—'Honeycomb in Bali' (Par) (20th).
(Reviewed in Variety, Sept. 13).
Paramount—'The Women' (M-G) (Reviewed in this issue).

Rivolt—'The Real Glory' (UA) (2d wk).
Key—'The Rains Came' (20th) (3d wk).

Strand—'The Women' (M-G) (2d wk).
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'Real Glory' Really So, 41G, in N.Y.

H.O.s All Good, 'Golden' \$80,000, 2d 'Old Maid' 28G 6th, 'Feathers' 22 1/2G

With holdovers in the majority, only new pictures of the week are 'Real Glory', which is doing excellent, 'The Women' (M-G), a disappointment for the Capitol, and 'Paramount' (U), which is doing well. 'Real Glory' (UA) is doing well, and 'The Women' (M-G) is doing well. 'Old Maid' (WB) is doing well, and 'Feathers' (WB) is doing well.

'Glory' concludes its first week tonight (Wednesday) at \$44,000 or over. 'The Women' (M-G) is doing well, and 'Old Maid' (WB) is doing well. 'Feathers' (WB) is doing well, and 'The Women' (M-G) is doing well.

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In ahead, 'Lady of Tropics' (U), \$4,000. Two Bright Boys' (U) takes control tomorrow morning (Thurs.). 'Real Glory' (UA), Cooper starts at \$80,000, and possibly over, on week pointing to \$41,000 or above, and 'The Women' (M-G) is doing well, and 'Old Maid' (WB) is doing well.

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'Thanks Everything' (20th) and 'Last Express' (U) dual, split with 'Gambing Ship' (U) and 'Arizona' (U). 'Last Express' (U) dual, split with 'Gambing Ship' (U) and 'Arizona' (U).

Fifth Avenue (Harrick-Evergreen) (2,340; 27-37-42)—'Rains Came' (20th) and 'Hawaiian Nights' (M-G) are the week's flicker, and coin currently at \$10,000. Last week, 'Lady Tropics' (M-G) and 'News and Night' (20th), \$5,800, good.

Liberty (J-VH) (1,630; 21-32-42-42)—'Golden Boy' (Col) (3d wk), expected about \$3,300. Last week, same film, good \$4,000.

Mane Box (Harrick-Evergreen) (800; 27-37-42)—'Beau Geste' (Par), second loop, will pull good \$10,000, and will manage satisfactory \$4,000 week. 'Angels' (U) and 'The Heat' (WB) came through to all right \$4,000.

Mutiny on Blackhawk' (U) and 'Hidden Staircase' (WB), dual, split with 'Golden Boy' (Col) (3d wk), expected about \$3,300. Last week, same film, good \$4,000.

Paramount (Harrick-Evergreen) (3,000; 27-37-42)—'Name Only' (U) and 'The Heat' (WB) are the week's flicker, and coin currently at \$18,500. Last week, 'Mutiny on Blackhawk' (U) and 'Sunshine' (20th) pulled good at \$14,100.

Roosevelt (Sterling) (800; 21-32-42-42)—'Blackmail' (U) is the week's flicker for much of a stay according to getaway pace which is slowish \$8,000 for second loop take.

State-Lake (B&K) (2,700; 25-40-45-45)—'Speedway' (WB) and 'Vaude' (U) are the week's flicker, and coin currently at \$17,000, smashing. Last week 'Indiana Jones' (U) and 'Sunshine' (20th) pulled good at \$14,100.

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Coliseum (Harrick-Evergreen) (1,200; 21-27-32)—'Secret of the Tomb' (20th) and 'Hotel Imperial' (Par) (2d wk) are the week's flicker, and coin currently at \$2,900. Last week, 'Bridal Suite' (M-G), \$2,400, fair.

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SHOW BUSINESS

By John C. Finner

Events, Harris Give

'Women' Big Sendoff With Special Edition

St. Louis, Sept. 19.—Promoting an eight page special section in the Star-Times, for "The Women," the first time such a feat has been accomplished here in the last 15 years, was the standout exploitation of Harold Child's "Events, mrs., and Jimmy Harris, p. a. of Low's," pulled for the MGMT feature. Special section contained approximately 20,000 lines of space and the co-op ads of seven of the largest downtown retail clothing establishments was the only space not devoted to theatre and pic copy. Metro purchased the back page of the section at a cost of \$750. The theatre didn't put out a dime.

In getting the stores to kick in the co-op ads Events and Harris high pressured aside a long standing rule of the dealers, members of the Retail Merchants' Ass'n, not to advertise in special editions. This special issue hit the street on Sept. 19 and began to run and the additional copies were distributed by the theatre management to various apartment house districts in St. Louis. Chet Vichery, treasurer of Low's, also kicked in with a swell advertisement. He promoted 3,000 lip stick remover packages, made up in the form of pack matches, and these were distributed to female subscribers. Each package was gayly decorated with pic and theatre copy. Additionally, Events and Harris covered advance plugs over radio stations KWO, KMOX, KXOK, WEW and WTMV. Other features in this such exploitation campaign were gobs of art and stories in all dailies; window displays in choice stores; distribution of 5,000 exchange handles; and 50,000 circulars through a grocery chain. As for the theatre, Events and Harris planted a 24-sheet spot the theatre marquee with the title of the pic outlined in electric lights.

Orphan Girls Feted At 'Star Maker' Prem

Detroit, Sept. 19.—As prelude to opening of P. J. 'Star Maker' at the Michigan here, United Detroit ex-actors and party for orphan playmates of Helen Breda, Detroit girl who won trip to Hollywood in Par magazine contest in connection with pic. Miss Breda, stricken with appendicitis while training west with winners from other towns, couldn't attend local fest because she had just arrived in Hollywood on a belated visit with Linda Ware, ex-Detroit, vice, making debut in 'Star Maker'.

Wanger's 'Oomph' Building For Ruth Terry, Ex-Nitpud

Attempt to repeat the terrific publicity breaks by which he introduced Ann Sheridan—now a star—on the screen—will be made by Walter Wanger with Ruth Terry. Miss Terry is a former nitpud who has been linked by Wanger and making her initial appearance in "Sent Another Coffin," now in production at the studio.

Store Tieup For 'Women'

Kenosha, Sept. 19.—E. R. Brennan, manager of the Kenosha theatre, promoted a full page newspaper ad campaign to help plug "The Women" (M-G). Seven merchants, not including the theatre, cooperated in the ad which was captioned, "Tomorrow Is Kenosha's Greatest Shopping Day For 'The Women'."

War screams from the headlines of the newspapers. Latest bulletins from the European front disturb the calm of American family life as the radio blithely epitomizes the latest official communications. But war, as pictured by the newspapers and the screen of the nation's theatres, is another thing. Here one experiences war through the eyes and ears of human beings, non-combatants who are pushed and shoved around by Moloch. The films tell of war in terms of personal, emotional drama.

First camera views of the invasion of Poland, as passed by official censors, and initial shots of street scenes in London during a daytime air-raid warning. However, since the outbreak of the screen of the nation's theatres, film industry, notwithstanding all its avowed neutrality and desire to keep itself clear from foreign entanglements, now plays a part in the world conflict. The screen of 15,000 theatres striving to battle. No other medium, neither press nor radio, so effectively marshals the forces of mass determination against the cruel beast that destroys beautiful cities, that kills and maims unnumbered men and women, that frightens and extinguishes childhood.

Pictorial pageantry of military pomp and majesty is no stranger to film audiences, that for years have been served with peace-time movements of troops and battle-ships, tanks and planes. Newsreel camera crews favored positions on land, sea and air to capture scenes of national rulers moving their pawns on the chessboard of diplomatic battle. The invasion of the Square in Moscow, showing tanks and troops in parade before Stalin; that shot of the Russian dictator lifting his eyes to the skies, ordered by hundreds of military planes in formation; that chorus of 100,000 armed German palms to Hitler hysteric; that view of the underground passages of dugouts and fortified fortifications—all these views are familiar to American theatregoers.

IT HAPPENS

Comes at last the real thing. Red Square was only the prolog; the Hindenburg memorial exercises only an overture.

No longer does the American newsreel camera take its place on the reviewing stand—teacher's pet for the grand parade. The fools who make and conduct war are the chessboard of diplomatic battle. The camera man, however, has moved to the front. He's up where common people run from doorway to doorway, looking for direction where their lives and beliefs are in safety from death that crashes from unseen planes, crushing by scientific navigation high in the

War Songs

Continued from p. 1.

thors and Publishers, last week. Royal explained the situation as NBC said it and made it clear that the network's stand on the war was based on desire to exercise proper program balance and judgment. NBC's program had been described as absurd the report handed out by one publisher that the network had drawn up a list of 50 taboos war songs. Royal charged this publisher with trying to make newspaper capital out of the fact that the clearance of one of his tunes had been held up pending inquiry of the way it would be used in a program.

Royal said that the network did advise Gene and Glenn to stop using one of Winton's latest, "Hooray for Our Side of the Ocean," as a theme song. He stated this as coming under the class of songs that NBC preferred to cold shoulder from its facilities.

NBC and Lust in an embarrassing position on this score as the result of the material which will be contained in the new album, "Bar Dance this Saturday Night" (23). Johnny Burke has been booked to do his World War songs and to make the regular cast is slated to devote a major part of its performances to reviewing World War songs in that case. Legions members have been invited to attend the broadcast on stage.

DRIVE-IN'S 'NUTSANE' SUIT

New Haven, Sept. 19.

A dozen residents of Milford, Conn., got out an injunction against the Milford Drive-In Theatre, claiming that the drive-in was a nuisance and a detriment to real estate values. Injunction was granted on the grounds of noise and annoyance, but the theatre management stymied enforcement of the injunction by obtaining consideration of installation of individual loudspeakers. Appeal is to the Superior Court for the next session in November.

Present suit involves an investment of about \$60,000.

Hitler Picket Gay

Pittsburgh, Sept. 19.—Management of Public House, at least is managing to get a smile or two out of the war. At top of advertisement announcing a change over for 'Stanley and Livingstone,' there's a cartoon of Hitler picking up and down the street carrying a sandwich board. It reads:

"Unfair! 'Stanley and Livingstone' is attracting more attention than my war."

Oldsmobile Decca Disk Tieup With Crosby-Pa

Lansing, Mich., Sept. 19.—First attempt of its kind in automotive industry. Oldsmobile has worked out a deal with Paramount, Decca and Bing Crosby for distribution of 100,000 discs of 'My Oldsmobile,' one of highlighted songs in P. J. 'Star Maker,' latter built around Gus Edwards, who penned 'Oldsmobile' years ago. Crosby, starred in the film, is an exclusive Decca artist.

Cooperative agreement includes distribution of 100,000 discs of Oldsmobile advertising of 'Maker' through magazines, newspapers, auto dealers and places where cars are sold in all showrooms when 1940 cars are introduced in near future. In addition color ad is being placed, post, collars, etc., Oldsmobile has bought a sizeable portion of the 100,000 discs from the network for distribution to dealers and coin machines in strategic points where it'll help push auto sales.

Noon War Films Pull Biz

Spokane, Sept. 19.—The Orpheum is attracting war above-average noon audience by running a full hour of war pictures, including news reels and March of Time.

Harold Black of the Express extended a letter, Sept. 19, to the Old Pension League to sponsor a show of 'Make Way for Tomorrow,' and did nice business.

Back to the Vigil

'Vigil in the Night' went back into work at RKO after six weeks of idleness, directed by Carole Lombard. George Stevens is producing and directing.

heaven. Medal bedecked generals have stepped aside from the range of the lens. In their places are frightened, terror-stricken civilians, men, women and children endeavoring to escape the horror and the target of war is the unarmed mass; the tourist homeland-bound.

IT HAPPENED IN POLAND

Paramount News is first with pictures of the Polish debacle, and the view from London. Gregory Abbott is the commentator who states that the Polish scenes were made somewhere near Crawford. The camera looks at the outskirts of the village with motorized cavalry. Nazi insignia replaces the Polish seal, as the mark of the invaders shows the course of their triumph. In the same fashion of boy scouts hacking a path through the wilderness with hatchet wounds on trees. Then follow the heavy tanks and the artillery, momentarily halted by dynamite bridges and roads, that are soon made passable.

Overhead the planes, in formation of six to 30, swoop over the cities. Villages are aflame. Geysers of dust and stone leap a hundred feet into the air as the bombs strike earth and building. It happened in Poland.

IT HAPPENED IN LONDON

In the British capital, the warning siren sends hundreds of pedestrians to the cover of bombproof shelters. Scores stand in line at the entrance of an underground hideout. The camera looks on from the appearance of a queue outside pit and gallery of a London theatre. In the street doorway are groups of people waiting to enter. The camera looks at the policeman make for the safety. In the midst of it all, while whistles shrill, the camera has caught the figure of a little girl of eight, clinging to the hand of her brother of six. A crowd of their startled, frightened faces should be framed in ebony and placed on the screen of European theatres and general. It happened in London.

War has come to the American film theatres, and the earliest film to show the war is 'The War of the Wonders' which is to be shown by showmen from showmen. At the first day's screening at the Embassy Theatre, New York, a woman and a man and the aisles and the war lords who permitted such things to happen.

See and hear the interior of a children's orphanage on the outskirts of Warsaw which had been struck by an aerial bomb. In the corner of a room was a twisted, mangled body. The orphanage had been a child's life, half covered by the bedclothes. War is on the screen.

War Boom's B.O.

Continued from p. 2.

one of the most important factors in the industry predict that the average admission fee for the nation may be elevated to the highest point since 1930 when the U.S. average was roughly 25c.

The national film house admission ticket was around 25c in the leanest year, figured as 1934. In the last two or three years it has ranged between 22-23c.

Solution is strictly in the hands of the public because even when competitive situations make a voluntary unwritten agreement to tilt admission rates against a rival, the potential customer in the long run decides what the regular admission fee is going to be. Biggest factor doubtlessly will be that the public will be enjoying more prosperity as more will be enjoyed.

Smiley Burnette Settles Wash. Theatre Dispute

Disagreement which threatened a lawsuit last week because of Smiley Burnette's failure to fulfill a date at the R. O. Oliver, Wash., D. C., has been settled with the comedian of Republic's house opera now set for four days at the R. O. Oliver.

W. R. Mattox, Burnette's personal agent, made the settlement. Oliver claimed that the negotiator was to appear Sept. 10-12, but didn't show up. Mattox and the William Morris office, who made the booking with Oliver was notified of cancellation 10 days in advance, but failed to heed the notification.

Burnette currently is working in "The Tumbleweeds" with Gene Autry.

ROACH DIRECTS WAY-BACKER

Hal Roach will direct "A LUCKY B. C." marking D. W. Griffith's last work as a producer. Shooting is to start in November after completion of the next Laurel and Hardy comedy.

Nabe Theatre Welcomes New Families to Fold With Merchants' Aid

Winipeg, Sept. 19.

With the semi-annual moving day only a short time away Leno Turaldo, of the Nabe Uptown, has figured out a stunt to gain good people himself and others, of new people moving into his district.

Has enticed his stunt 'Welcome Nabe' and is receiving co-operation of local postmaster who is providing names of newcomers. These people receive personal letter from house manager with couple of duets enclosed and invitation to visit theatre. Has also set up local merchants so as to give them entertaining evening, even from ride to theatre in local cab firm cars to tasty snack at one of local eateries after show.

Has also costs Turaldo postage and paper plus plans, with merchants putting up the merchandise, mostly to attract the attention of the public. It is valuable not to tie in too many local stores as this liable to kill gag, is working out better than expected.

SUDAN VET ATTENDS '4 FEATHERS' OPENING

Seattle, Sept. 19.

Locating a vet of the Sudan campaign, the movie '4 Feathers' is being shown daily by the Music Cam, where 'Four Feathers' (UA) is having a big run.

Walter Lewis got results. A veteran named Lewis, 83 years old, was located. He had fought with Kitchener's army in the Sudan of England, which is re-enacted in the pix. This made a good story for the papers, art country and the publicity. He was set up by the Hamrick-Evergreen press dept. Lewis was feted at hotel dinner given at the theatre.

The Post Intelligence, the paper used to 'get the man,' threw a few bouquets at himself by reproducing a letter from him to the editor of the Music Box, wherein the P. L. is given credit.

Shocker Exploitation Successful Here

Pittsburgh, Sept. 19.

Ken Hoel, acting exploitation chief for Harris circuit during George Tyne's leave of absence, went back to the days of Harry Reichenbach and other showy exploiters of that era to put gags "The Man They Could Not Hang" (Col) at the Senator this week. Hangmen's nooses were stretched over the heads of the scaffold was set up in front of the theatre and every 15 minutes Hoel would yell:

Loud-speaker blared through the streets that Senator would attempt to hang a man alive every couple of minutes. Hoel, in a suit garbed in black would be hoisted out on a pulley apparatus and stretched there for a long time, stretched there over the heads of the gawkers for several minutes. Hoel had foot of light to drop down into the crowd and among them were number of good men and women who were drawn off by Hoel's gawkers at each hanging.

Another of Hoel's stunts was to hire an ambulance and have it drive through the main streets of the city. On both sides of the vehicle were men in black suits, holding a sign that said "The Man They Could Not Hang." Hoel yelled, "Hoel called out and got attention."

Heifetz Film Scholarships

Syracuse, Sept. 19.

Award of two musical scholarships providing tuition on college programs was made by the Heifetz Foundation. The winners, one from the State of New York, and the other from the State of New York, were Charles and Charles Huerter, local musical figures, were the judges. The winners will be given a stipend of \$500 a year, plus a nice salary in the future, and a public notice of announcement of winners good with art.

Crosby, \$15,000, Aiming for Pitt H. O.; 'Citizen' Dual Weak \$2,800

Pittsburgh, Sept. 19. It's the Alvin that's taking the lead this week, with "The Robin" Crosby pouring a rain of gold into the box office and looking for a run for a run. Picture of Louis Brannford novel giving him its top spot this year. Fourth the runner-up with "Star Maker" and doing fairly well with hold-over in spots. Warner if take doesn't fall off too sharply down town. "Lamar" is dropping to about half opening stanza's trade in h.o. at Stanley, while Stanley and Lyons' is keeping to a fairly steady pace in second section at Fulton and should easily rate a third. Twin-bill spots, however, are both in the money. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Alvin (Harris) (1,880; 25-35-50) "Rains Came" (20th) (WB) is really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Fenn (Lew's) (1,300; 25-35-50) "Star Maker" (Par). Crosby is maintaining a steady pace and may grab off pretty good \$17,000. Chance of a run. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Senator (Harris) (1,250; 25-40-50) "Rains Came" (20th) (WB) is really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Stanley (Harris) (1,250; 25-40-50) "Rains Came" (20th) (WB) is really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Newreels Hypo Toronto Biz; Oz' Forte \$12,500

Toronto, Sept. 19. With war newreel coverage, censured though it be, a definite audience still here, but the picture releases, big as unimportant, are unimportant in an unimportant way. "Wizard of Oz" topping the town for second week. "Golden Boy" is exceeding expectations and is doing well in rooming. She's only vaude spot in the city. "Indiana Jones" (WB) and "Aller Mander" (Par), a little better at \$5,000.

Estimates for This Week
Sensational (FP-Can) (3,275; 25-35-50) "Golden Boy" (WB) is really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Angels (WB) (2,665; 25-35-50) "Star Maker" (Par). Crosby is maintaining a steady pace and may grab off pretty good \$17,000. Chance of a run. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Wizard (FP-Can) (1,435; 25-40-50) "Star Maker" (Par). Crosby is maintaining a steady pace and may grab off pretty good \$17,000. Chance of a run. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

Key City Grosses

Estimated Total Gross
(This Week) \$1,517,500
(Last Week) 27,100, 179 theatres, chiefly first-run
N.Y.C.

Total Gross Same Week
(Based on 28 cities, 168 theatres)

OMAHA'S HOT 'GESTE' BEST, \$9,000

Omaha, Sept. 19. Theatre biz continues on the upswing here, with "Beau Geste" getting the top spot. The week's best. It may be held extra days. "The Wizard of Oz" is driving people to theatres and closing of schools at noon due to weather is helping matters.

Avenue-Dundee-Military (Gold-Bird) (1,800; 25-35-50) "Beau Geste" (Par) and "Invitation Happiness" (20th) (WB) are really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

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'Maid' at \$6,500, Tops in Portland

Portland, Ore., Sept. 19. "The Maid" is a big triumph for Fox's Ufa. It's the most successful weeks of "Wizard of Oz" at the same house. "Maid" is set there for probably as long as a week.

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40) "Angels Wash Faces" (WB) and "Invitation Happiness" (20th) (WB) are really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

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H.O.S Top B'KLYN

'Maid' 4th, Good \$16,000; 'Feathers' 2d OK \$15,000

Brooklyn, Sept. 19. Sensational run of "Old Maid" and "Million Dollar Legs" continues at Fabian Paramount, with pair mopping up in fourth week and establishing record stay at house.

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40) "Angels Wash Faces" (WB) and "Invitation Happiness" (20th) (WB) are really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

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L. A. Full of H.O.s and Plenty Hot, But Biz Perks; 'Maid' Fees \$14, In 2d, 'Women's' Repeat OK 1 1/2 G

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FIGHT HITS DET., TIME DOOR, \$9,000

Detroit, Sept. 19. Record heat waves is sending moviegoers to the theaters, but the Joe Louis-Bob Fatter heavyweight title bout here tomorrow, around 70,000 attending and many more on the way, is the main figure to help film sales.

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40) "Angels Wash Faces" (WB) and "Invitation Happiness" (20th) (WB) are really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

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Los Angeles, Sept. 19.

Despite terrific heat for second weekend, with mercury hitting 100 mark on Sunday (17), biz is holding its own. "The Rains Came" is the only new picture, but "Old Maid" and "Grampa's Chinese," after a 22 percent drop, are still in the money.

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40) "Angels Wash Faces" (WB) and "Invitation Happiness" (20th) (WB) are really a cinch to snare top spot for house this year. Cast is good, story is rep combining to pack spot steadily and flicker should have no trouble at all rolling up good \$17,000. This phenomenal here. Holds second week. Warner is coming in with "Our Leading Citizen" and "Magificent Fraud" and Senator. Little on "Chicken Wagon Family" and residue of "The Wizard".

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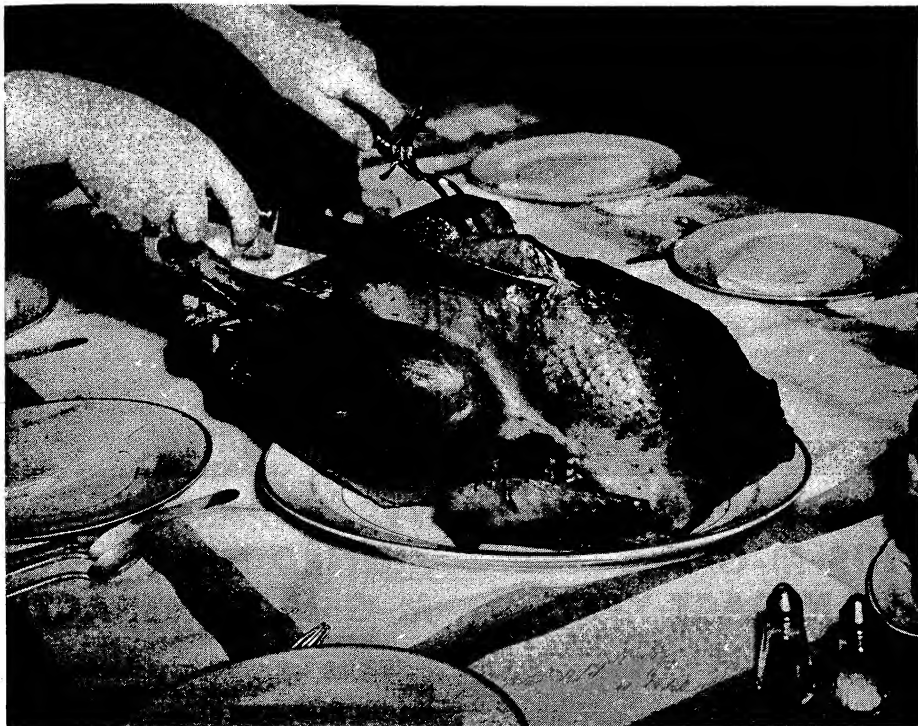
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Loew's (Loew's) (2,400; 25-30-40). 'Tron Mask' (UA) dualled w/ 'Clouds Europe' (Col). Attempt cash in on war interest on latter not helping much; average \$8,900 sight. Last week, 'Women' (M-G) and '6,000 Enemies' (M-G), so \$12,400. Held down from high figure by length of bill, which prevented turnover.



THEY'VE MOVED THANKSGIVING AGAIN!

*it starts
right now!*



(continued)



**"DID PAPA SIGN
HIS M-G-M
CONTRACT YET?"**



**"YES, PAPA
SIGNED HIS
M-G-M CONTRACT!"**

He believes in security. He knows that grade "A" pictures mean grade "A" milk for baby and new furs for Mama. He knows that year after year, when all is said and done, there's just one safe bet for the family, The Friendly Company!

Sensational
Business
Demands
Extra Time!
Be Ready!

Oh boy! we're
HOLDING
"THE WOMEN"
FOR ANOTHER RECORD WEEK!

Here's why! It's M-G-M's screen version of the play that shocked and thrilled all New York! It's the picture that has made the whole town gay with laughter... it's the picture that gives you a peek into beauty parlors and bouzouks, Park Avenue homes and Reno amusements... the picture that tells and tells and tells! And it's all good fun!

NORMA SHEARER · JOAN CRAWFORD · ROSALIND RUSSELL
(The original picture made of America's greatest comedienne in a comic role)

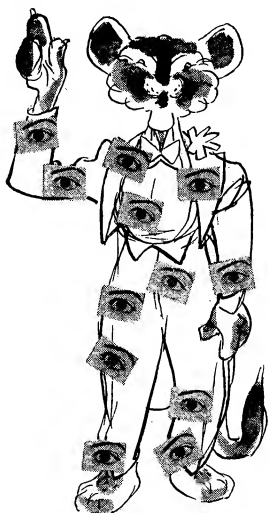
The Women
(AND IT'S ALL ABOUT MEN!)

with MARY BOLAND · PAULETTE GODDARD · PHYLLIS FOWAY · JOAN FONTAINE
VIRGINIA WEIDLER · LUCILE WATSON · From the Play by CLARE BOOTH LUCE

By Appointment with MAX BORDON PLAYS & PICTURES
COOK · Screen Play by ANITA LOOS and JANE MURFIN
Directed by GEORGE CUKOR
Produced by MURIEL D'AMICO
An M-G-M Picture



**"GOD BLESS
THE WOMEN!"**
They're spreading fun
and prosperity
from Coast to Coast!



EYES ON LEO!

Last year M-G-M serviced the largest number of theatres and had the largest number of accounts in its entire history! To them we say: "Your faith and loyalty is reflected in M-G-M's remarkable new product!" M-G-M's Fall line-up is literally The Talk of the Industry. While "The Wizard of Oz" continues to set new marks in extended runs and while the life-saving Summer hits of M-G-M are still fresh in memory: "Andy Hardy Gets Spring Fever", "Goodbye Mr. Chips", "Lady of the Tropics", etc., etc., the season '39-'40 begins triumphantly! "The Women" has established itself as a glorious hit, holding over everywhere. "Blackmail" follows with excellent results in all engagements. Other immediate attractions previewed and acclaimed are shown here.

GARBO laughs in "NINOTCHKA"

(don't pronounce it—see it!)



with
MELVYN DOUGLAS
INA CLAIRE
An **ERNST LUBITSCH** Production
Garbo laughs! Garbo loves! Garbo in
a gay comedy of Oo-la-la Paree! Slyly
directed by famed Ernst Lubitsch!
Screen Play by Charles Brackett, Billy Wilder and Walter
Reich • Based on the Original Story by Melchior Lengyel

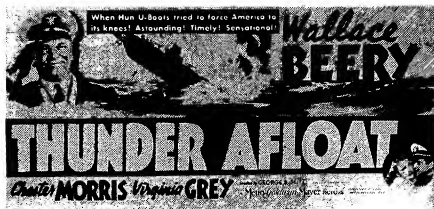


Many more near completion
and the advance tip-off is:

"More Big Ones on the way!
M-G-M is racing far ahead of
the field!"

There is no comparison—and
remember this is just the
beginning! Just September
and October!

Eyes on Leo!



**WHEN THE
HISTORY OF
'39-'40 IS
WRITTEN**
here's the hit
that will be TOPS!

(next page)




THE PICTURE: "BABES IN ARMS"

THE PLACE: HOUSTON, TEXAS

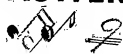
BIGGEST IN 5 YEARS!

MICKY ROONEY & JUDY GARLAND
in "BABES IN ARMS" with Charles
Wininger • Guy Kibbee • June
Freisser • Grace Hayes • Betty
Joyne • Douglas McPhail • Rand
Brooks • Loni Lyn • John Sheffield
Screen Play by Jack McGowan and
Kay Van Riper • Based on the Play
by Richard Rodgers and Lorenz
Hart • Directed by Bobby Basset
Produced by Arthur Freed.



all together now: 

**"METRO - GOLDWYN - MAYER'S
THE ANSWER TO YOUR PRAYERS"**



imported the greater part of its negative film from Germany, and in lesser quantities from Italy and Belgium. The German market can now be considered as closed and there is little hope that any imports will be able to be made from Italy and Belgium unless conditions in Europe change in a radical manner.

THE STORY THAT THE WORLD NOW ROCKS

OPENING



ANNA
in her first
as **NURSED**

WITH

**EDNA MAY OLIVER ★ GEORGE
H. B. WARNER ★ SOPHIE STE**

Produced and Directed by HER

T SHOCKED THE KS THE SCREEN!

THIS WEEK..RADIO CITY MUSIC HALL

NEAGLE
Hollywood appearance

**SE
LTH
CAVELL**

SANDERS • MAY ROBSON • ZASU PITTS
WART • MARY HOWARD • ROBERT COOTE
ERT WILCOX • Screen Play by MICHAEL HOGAN



FLASH! ST. LOUIS, SEPT. 14----CROWDS CHOKE 4600--SEAT. ST. LOUIS
THEATRE HERE TRYING TO SEE UNCENSORED VERSION OF "ALL QUIET
ON THE WESTERN FRONT" IN TEST ENGAGEMENT! BUSINESS FIVE TIMES NORMAL GROSS!

YOU CAN'T BLACKOUT TRUTH!

At Last!
The UNCENSORED VERSION *

**ALL QUIET
ON THE
WESTERN
FRONT**

Erich Maria Remarque's
Greatest Novel
Directed by
Lewis Milestone
A New Universal
Picture

**THE GREATEST WAR PICTURE
OF ALL TIME --MORE TIMELY NOW
THAN EVER BEFORE!**

**UNIVERSAL
HAS PRINTS
NEW ADS,
TRAILER,
ACCESSORIES,
READY NOW!**



*Uncensored by war or military authorities!

1

WARNERS' first for the new year beats Warners' biggest of '38-39! Six weeks at Strand N. Y. — first attraction in 6 years to go over 4 weeks! Paramount B'klyn registers biggest 2 weeks of all time and goes a 3rd! Frisco, L. A., New Haven — everywhere the same sensational boxoffice story!

THE OLD MAID

BETTE DAVIS
and
MIRIAM HOPKINS
"THE OLD MAID"
with
GEORGE BRENT
DONALD CRISP • JANE BRYAN
LOUISE FAYENDA

James Stephenson • James Crane • Wm. Sontag • Fannie LaRue
Directed by BENJAMIN KRASNA
Screen Play by CLYDE RICHMOND • Based on the Famous Old Play by
Lesclide and the Story by Frank Wedekind • Adapted by Alan Warner
A First National Picture

2

WARNERS' first starring show for John Garfield and Priscilla Lane is by far the biggest show they've had to date. Written for them by the author of 'Each Dawn I Die'! No 'ifs', 'ands', or 'buts' — everything that 'I Am a Fugitive' meant to your receipts for 1932 this will mean in 1939! Get set for it now!

DUST BE MY DESTINY

JOHN GARFIELD
and
PRISCILLA LANE
"DUST BE MY DESTINY"

Alan Hale • Frank McHugh • Billy Halop
Directed by LEWIS ALLEN
Screen Play by Robert Siodman • Story & Novel by Jerome O'Don
A First National Picture

3

WARNERS' most timely, most revealing, most true-to-today story ever! First picture of the U. S. Foreign Service — and every bit as strong an entertainment as the great Warner 'Service pictures' of the past. It's Brenda Marshall's starring debut and a big shot that will be heard 'round the industry!

ESPIONAGE AGENT

JOEL McCREA
BRENDA MARSHALL
"ESPIONAGE AGENT"

JEFFREY LYNN • GEORGE BANKROFT
Directed by LEWIS ALLEN
Screen Play by William D. Andrew • Screen and Book by
Frank Capra • Based on the Story by Frank Capra
A First National Picture

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

Have you heard?

"THE RAINS CAME" IS TOPPING "JESSE JAMES" FROM COAST TO COAST

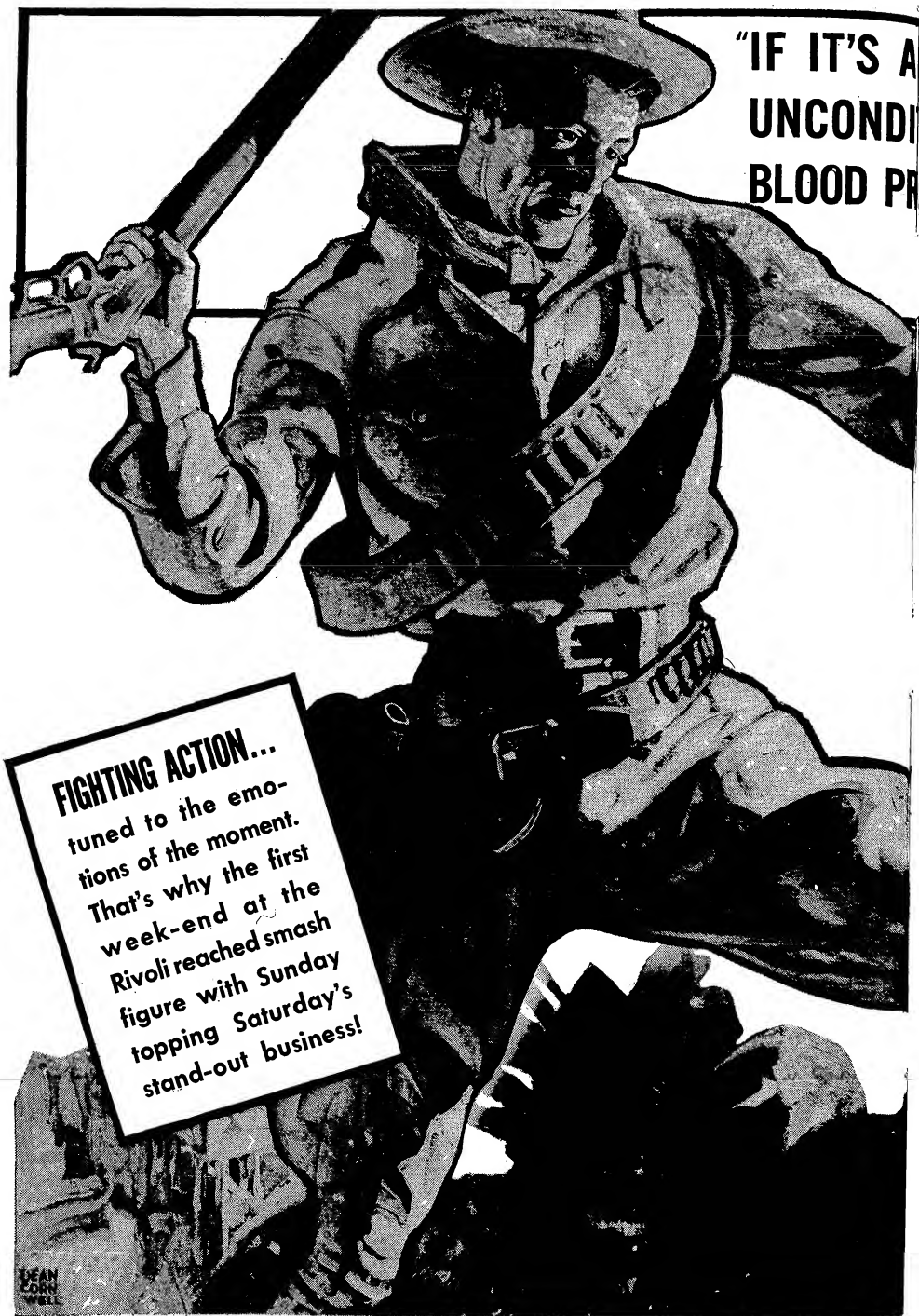
Wire from Wisconsin:

"TEMPERATURE OF 98 DEGREES
ESTABLISHED NEW HEAT REC-
ORD MILWAUKEE YESTERDAY
AND WITH IT WE ALSO ESTAB-
LISHED NEW BOXOFFICE
RECORD WISCONSIN THEATRE
WITH 'THE RAINS CAME,' \$188
BETTER THAN OPENING OF
'ALEXANDER'S BAND,' \$555
BETTER THAN 'JESSE JAMES,'
\$704 BETTER THAN 'STANLEY
AND LIVINGSTONE'!"

— after smashing
"Jesse James" first-week
Roxy record by \$6,000!



THE KEYSTONE OF YOUR FUTURE



"IF IT'S A
UNCONDI
BLOOD PR

FIGHTING ACTION...

tuned to the emo-
tions of the moment.
That's why the first
week-end at the
Rivoli reached smash
figure with Sunday
topping Saturday's
stand-out business!

WHOPPING ADVENTURE YARN YOU WANT,
TIONALLY GUARANTEED TO BUILD UP YOUR
ESSURE, THE RIVOLI'S THE PLACE TO FIND IT!"

Frank Nugent—THE NEW YORK TIMES



SAMUEL GOLDWYN
presents
Gary COOPER
THE REAL GLORY
with
DAVID NIVEN • ANDREA LEEDS
REGINALD OWEN
BRODERICK CRAWFORD • KAY JOHNSON
Directed by *Henry Hathaway*
FROM THE NOVEL BY CHARLES L. CLIFFORD
RELEASED THRU UNITED ARTISTS

produced by Lou Edelman; directed by
released; photographed by Ernest Hall
gert, William Holden, Flora Robson, Ma

Jack Benny's One Big Headache Finding a Tenor; Burns At Sponsor

Finding a sub for Kenny Baker, who happened to the Texaco show with Ken Murray, is providing Jack Benny with plenty of call for an aspirin. Comic is doing a load of sitting at his sponsor, General Foods, for letting Baker get away.

Not the least of his troubles on the Baker exit will be the flock of protesting letters which are anticipated. Following Frank Parker's leave-taking a few years ago, Benny was flooded with letters from irate listeners who said they'd never tune him in again for 'Irving Parker'. Inasmuch as Baker was built-up on the show even more than Parker, Benny doesn't relish the new kidbacks when he takes to broadcasting again.

As a result, he will in the future accept no more contracts except on a no-show basis. He wants complete control over the people in his company. Andy Devine, Rochester, and of course, Mary Rodgers, are now under his contract, but the rest of the cast is signed separately by the agency.

Baker is said to be getting \$2,000 a week on the Texaco show, a figure which many claim is being matched from his own pocket had the singer been under a pact to him, but he knows full details of negotiations on the switch to the oil company show.

A one-year-old warbler has been tentatively accepted by Benny for the Baker spot. General plan is not to announce his name until about the fourth week the Jell-O show is on the air. In the meantime, Benny has a variety of warblers who are definitely and comically bad. Public will be his opinion. Many of the audience finally 'discovering' the permanent replacement.

My Air From Honolulu

If proper seaplane connections can be made, Benny hopes during the winter to do two broadcasts from Honolulu, taking his whole troupe with him. In the event transportation will be arranged, Benny will shift from the Coast to Miami for part of the winter.

With the expiration of his present term next June, Benny will pay off for six months or a year. Part of the time will be consumed in making a Paramount film with his air-enemy, Ted Allen, and he'll vacation after that. Following the filming of 'Buck Benny Rides Again', which will get under way in November, Benny will make more pictures during the broadcast season.

Jell-O funster was in New York for a week, training out yesterday (Tuesday) for Chicago, where he will appear at the American Legion convention for four days and visit with his family for three more before returning to the Coast.

FINAL LINEUP OF 170 STATIONS FOR '39

Chicago, Sept. 19

Final network alignment for the World's Series has been set by Fred Goetz of Mutual and will include 170 stations, of which 42 are regular MBS affiliates.

The non-MBS stations are 36 are NBC affiliates and 11 are Columbia.

In addition, the Series will be carried on 33 Canadian outlets.

Kemp Kickoff for Co-op

Opening of 'The Show of the Week' on Mutual has been put off for a week to Sunday, Oct. 24. Hal Kemp is set for the program. Program has a cooperative contract and Redfield-Johnson is the agency.

Ohio State's Air Grant

Columbus, Sept. 19

WOSU, the Ohio State University station, has been given a grant of \$8,750 from the U. S. Office of Education to continue a federal education radio project being carried on all.

Eight persons will be employed on the project to find new uses for radio in education.

Fatherless Plot?

The radio trade will listen with professional curiosity to the first broadcast of General Mills' new program, 'By Kathleen Norris', which starts Oct. 9.

Word is out that radio's first infant-san-pan-see will be boldly treated as a plot.

Drop German Hour in San Antonio; Brewer Saw Product Bearing Onus

San Antonio, Sept. 19.

Because of the Polish invasion, the German Hour which has been heard each weekday morning on KMAC here in the interest of Grand Prize Beer has been taken off the air. Fear of it would prejudice many against product.

Curt Frillman, German announcer, is continuing his full hour program of spot announcements in German on Sunday from 8:00 until 9:00 a.m.

GLENN MILLER HOT FOR CHESTERFIELD

Chesterfield is giving thought to adding Glenn Miller to its radio payroll. In the past, the big band leader has offered dance aggregations on the networks, Paul Whiteman and Fred Astaire, who clear through Young & Rubicam, has been dropped.

OMITTING FLOWERS

Valley Program Scraps Next Thursday's Sans Formalities

Standard Brands will bow off the Rudy Vallee show next Thursday (28), after a run of 10 years short of two weeks, without celebration or fanfare. The event will mark the passing of radio's noted and lone showman, among whose discoveries have been Ben Penner, Bob Burns, Edgar Bergen (Charlie McCarthy), Tommy Riggs and Betty Lou and Alice Faye. Included among the writers that got their original hour through this series were Milton Geiger, Agnes Ridgeway and Arch Oboler.

Due to the music publishing business the spot for many years also had a special import. Publishers and writers have introduced the numbers, not merely because of the program's plug standing but because of the much faith in Vallee's judgment in song material.

'Dick Tracy' Dropped

Quaker Oats cut loose from 'Dick Tracy', Sept. 30 after carrying the serial on its payroll since January, 1938. Berle bows on for the same amount and through the same agency, Sherman K. Ellis, Oct. 7.

Cereal company started the G-Man off on a five-week quarter-hour arrangement and early this summer put him on a Saturday half-hour schedule. It was NBC red in either case.

Bands for the Berle show will choose each week. First four set by Joe Rines, Oct. 7; Emery Deutsch, Oct. 14; Ben Carter, Oct. 21, and Don Boster, Oct. 28.

LOYOLA GAMES SPONSORED

New Orleans, Sept. 19

Zeta 7-4-10 of the school has signed to sponsor all Loyola University games through WNOE.

First year Loyola games will be carried for the complete series.

CBS SHOW BOOBS POP N' NBC

Latest Example of Long List of Once-Inflexible Network Rules That Have Been Ignored, Stretched or Dropped

'BIG TOWN' PUSH

Frequency with which policies and rules have dissolved at NBC and Columbia during the past year or two has inspired ways in the trade to remark that the networks now apparently set up policies and rules merely to break them. The intensity of their drive for business, to meet competition and retain important accounts, the way they have abandoned so many of the old, rigid rules that the time buyers themselves have a high time keeping up with the changes.

Most of these shifts have so far taken place within the NBC sales camp. Not so long ago this organization abandoned what was once an inflexible rule against the changeability of supplementary groups associated with the red or blue work. The device was found working to the detriment of one or the other links so it was chucked overboard. In the absence of the question of removing impediments to getting national or local transcription business. In the absence of a still more rigid rule against clearing transcripts on NBC's two New York keys, WEAF and WJZ, at the same time. Then came the top-topper. To compete with other Coast-to-Coast regional business NBC took off the blanket completely in the matter of feeding a network from a CBS talent.

CBS Latest

What the trade will possibly rate as the most drastic shift in policy (Continued on page 38)

Radio Maintains Strong Biz Pace; Several Accounts Seek Expansion, But Only 1 Cancellation in Past Wk

CBS Stymied

Despite the circumstance that practically all its other evening time is served up, Columbia has so far failed to induce any advertiser to pit programs against the Jack Benny-Jell-O and Bing Crosby-Bob Parks-Kraft shows, which are on the NBC red link Sunday and Thursday nights, respectively. Outside of this hour and a half, CBS can only make available the 10-10:30 niche Tuesday nights and the 7:30-8 p. m. period Saturdays.

All that's left of evening time on the red is 10:30 to 11 Sundays and 10:30 to 1:30 and 10:30 to 11 Saturdays.

Shepard Station Drops Bone-Cracker Program On M. D. Disapproval

Bridgeport, Sept. 19.

'Miracles in Health', scripter-up, downwriter, by Connecticut Chiropractic association, was announced by WICC for preem Sunday (17), but John Shephard headquarters in Boston checked on copy with Massachusetts Medical association, later disapproved and WICC had to cancel.

Larry Chamberlain, author and producer of 'Miracles in Health' moved show to WELI New Haven, which will also feed quarter-hour of WYBC, New Britain.

Understood Shepard nets submit all health scripts to Massachusetts Medical association.

Mark Williams, copywriter, closed sustaining-personal engagement at WGY, Schenectady, and went to WHO, Des Moines.

Network Premieres

(From Wednesday (20) Through Thursday (28).)

SUNDAY, SEPT. 24

FORD SUNDAY EVENING HOUR. WABC-CBS, 9 to 10 p. m. Lawrence Tibbett, Detroit Symphony Orchestra conducted by Eugene Ormandy, choir and W. J. Cameron. N. W. Ayer. Producer, H. L. McClint. Announcer, Ron Gamble. Originator from Detroit. Hookup, 77 stations.

BROWN & WILLIAMSON (Raleigh Cigarettes). WABC-CBS, Sunday through Friday, 11 to 11:15 p. m. (17 Eastern stations), 11:30 to 11:45 p. m. (8 Mid-west stations), 1 to 1:15 a. m. (8 Pacific stations). Paul Sullivan Reviews the News, B.B.D. & C. Originates from Louisville. Hookup, 35 stations.

GULF OIL CORP. WABC-CBS, 7:30 to 8 p. m. Screen Guild Theatre with Roger Pryor, Oscar Bradley's orchestra, Cary Grant, Announcer, Joseph Hill. Announcer, John Conte. Originates from Los Angeles. Hookup, 64 stations.

BLUE COAL. WOR-Mutual, Sunday, 5:30 to 6 p. m. 'The Shadow' with Bill Johnston, Marjorie Anderson, dramatic cast. Ruthrauff & Ryan. Producer, Bill Tuttle. Announcer, Ken Roberts. Originates from New York. Hookup, 6 stations.

MONDAY, SEPT. 25

GENERAL MILLS, INC. (Wheaties). WEAF-NBC, Monday through Friday, 5:30 to 6:15 a. m. Jack Arnold, 1000 sleeves. Producer, Edwin H. Morse. Originates from Chicago. Hookup, 18 stations.

MILLS LABORATORIES, INC. (Alka-Seltzer). WEAF-NBC, 9:30 to 10 p. m. Alca-Temptation, with Alice Templeton, William Miller, chorus, Daniel Saldenberg's orchestra, guests. Wade Agency, Originates from Chicago. Hookup, 32 stations.

QUAKER OATS CO. WEAF-NBC, Monday through Friday, 5 to 5:15 p. m. Girl Alone with Betty Winkler and Pat Murphy. Ruthrauff & Ryan. Producer, Ros Metzger. Originates from Chicago. Hookup, 39 stations.

MALTEX CO. WOR-Mutual, Monday, Wednesday, Friday, 5:30 to 6 p. m. Dr. Dan DeLoach, with Samuel C. Croot Co. Originates from New York. Hookup, 5 stations.

TUESDAY, SEPT. 26

PEPSODOL CO. WEAF-NBC, 10 to 10:30 p. m. Pepsodol Program with Bob Hope, Judy Garland, Skinny Ennis' orchestra, Jerry and the Three Deuces. Producer, Tom McAvity. Originates from Hollywood. Hookup, 56 stations.

Broadcasting continued to maintain a strong business front during the past week. In contrast to one cancellation influenced by the war, there were several accounts intent on expanding their present radio obligations. The product which withdrew from radio because of the effect that war has had on the cost of its raw materials is Plutonium, the low-priced shortening manufactured by Procter & Gamble. Among the accounts seeking to spread out the media are Cluett-Peabody (Sanitized Shrink Products), Jell-O Pudding and Jell-O Biscuits Co. Later is considering going network again if it can get the time, while the other two are working on local programs.

Plutonium had confined its transcription campaign to the south. Cluett-Peabody has been using a shopping counter, 'Nancy Dixon', to plug locally the good of manufacturing the Sanitized process. The stunt has been tested in several markets and the results have encouraged the process owner to spot 'Nancy Dixon' in numerous other markets across the country. Local shows for Jell-O Pudding and Jell-O Biscuits are being worked, the 'Nancy Dixon' is being supplemented by the Sanitized process. Both are Young & Rubicam accounts. Newsweek and news comment continued to be premium articles of sale to advertisers. Dodge gave Bob Hope a \$10,000 contract for a Saturday night news quarter-hour over WABC, and the supplementer, 'Ruthrauff & Ryan' is the agency.

Bandleader Winston To Fairbanks, Alaska, As Station Manager

Jack Winston, bandleader who headed a regional outfit in the south and later on the Pacific Coast, has been named to head the new station KFAI, in Fairbanks, Alaska, where he will be the manager of the new station. Winston's band spent the summer at Cal-Neva Lodge, Lake Tahoe, Calif., and has been taken over by Merle Howard.

KFAI is owned by the Midlight Broadcasting Co. and will operate with a power of 1,000 watts on a 400 kHz. The company is owned by a Capt. A. E. Lathrop, who also has a theatre, two newspapers, a radio station, a brewery, two banks, apartment and business buildings in Fairbanks.

COCA-COLA THINKS ABOUT WEB RETURN

Coca-Cola is mulling the idea of return to the networks with a program supplemental to Singing Sam pancakes. Three types of orchestras, one the hot calibr, the second, sweet and the third, of rhumba persuasion, are considered. As usual no dialog.

D'Arcy is the agency.

4TH CAMEL PROGRAM?

Rudy Vallee, Jack Haley Under Consideration for Show

William Ely agency is working on the presentation to Camel of prospective material for a fourth network series. Among the under consideration as top names for such program are Rudy Vallee and Jack Haley.

Account has currently two shows on CBS, Bob Crosby's 'Blondie' and the 'Benny Goodman' on the NBC-red.

BBC Television on Holiday

Platters being spotted around the nation by the Kudner agency in New York.

Washington, Sept. 19. Station managers are due to receive a 'handbook' interpreting the new NAB code before it goes into effect.

The committee, which will include members from all sections of the country, is expected to reflect the point of view of people in various parts of the country. It will not be held often, it is expected, but the individuals will be polled by mail or, in urgent circumstances, via mail or telegraph, for their reaction to programs and conduct of major importance. Important angle is that most of the committee will be on the board of directors, which will be the first

IRNA held two important get-togethers, and immediately killed off early talk about hiring a paid head to direct the activities of the organization. Most

Miller stated that it was impossible to forecast what was going to be the outcome in the present record sales year, in spite of the results to date. He said that conditions from existing records and in view of this the stations should sit back and await developments.

Sales Managers division of NAB held a general meeting under the guidance of chairman Carl Lawrence of the Iowa network. Sam Henry, formerly of the World, and now appointed chief of the Bureau of Radio Advertising for NAB, attended the meeting. Lawrence is retiring shortly as head of the Sales Managers group due to the pressure of business and a new

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FCC DISFRANCHISING PROMISES EXTRA GRAND WAR NEWS BASIC PROGRAM

Regulators Feel Part-Timers Should Instead Assume Responsibility for Full Operation and Petition in Regular Way

Washington, Sept. 19. Campaign to prod part-time stations to take advantage of policy changes allowing many to request full-time assignments came to light last week after Commissioner Fred L. Thompson denied several requests for permission to run beyond regular limits in order to air war news. Partially reflecting FCC feeling that there is enough coverage of the European tilt, Thompson nixed the requests for special authorization although in previous fortnight virtually every similar application had been granted. When quizzed, Thompson refused to give any explanation beyond remarking "stand was in pursuance of Commission policy."

Although idea has not been followed invariably, general understanding has been reached that part-timers should not receive permission to run extra hours for several days except under unusual circumstances. Entirely different situation when some smaller station to run a little beyond closing to cover some outstanding local event or celebration, sports event or more than ordinary interest, or election returns.

Thought in the minds of the regulators is that modified rules opened the way for many part-timers to run on full-time basis. Possibility of duplication offers a solution to many of the 100-odd day-time plans, while other revision in the technical principles will help the 150 plans on a sharing basis for the four hour basis and the 25 with limited time. (Latest figures showed approximately one-third of total plans are restricted.)

"If there is sufficient public need for these outlets," says Commissioner, "the stations should be given a good hearing on a considerable period, the proprietors should attempt to improve service by going to the full basis whenever the rules permit. Commission members believe, rather than seek to shield stations from decisions, dodging the responsibility of doing the job steadily, and wasting facilities that might otherwise be put to better use."

Gradual elimination of the clock-watching was suggested by the Engineering Department nearly three years back and was flatly recommended in the report of the committee headed by Commissioner Norman S. Case several months ago. This crew felt it was unbecoming to nurture such outlets, while Commissioner T. A. M. Craven, when Chief Engineer, declared that not only do many of these stations have difficulty in deriving proper economic support which would result in continuous good program service from the stations, but more important is the fact that the public will in the listening radius of the station is given only intermittent service."

CHAMLEE, NEWELL ON COILER'S OPERA PIECE

Hollywood, Sept. 19. After months of auditioning, Union Oil finally hit on an opera theme, and gives it a wholehearted endorsement. Pacific network early next month. Marie Chamlee and Jimmy Newell will warble the main tunes and highlights of standard operas will be dramatized.

Tom McAvilly supervises production for Lord & Thomas. Jon Slett, who scripted the successful audition, may be retained in that capacity.

Ashley Joins L.&F.

Ira Ashley has joined the production staff of the Lambert & Feeley agency, replacing Paul Munro. Letter has been switched to the New York office. Ashley will direct "Grand Central Station," weekly dramatic show. He has recently been handling radio promotion for the Little Foxes, legit drama at the National, N. Y.

Was previously with CBS and the William Eddy agency.

TOMMY DORSEY FREE

Mutually Agreeable Cancellation Six Weeks Ahead of Expiration

Though his contract originally had until Nov. 8 to run, Tommy Dorsey drops out of the Raleigh-Kool program following tonight's (Wednesday) broadcast. His time will be taken by Red Skelton's show, now on NBC Red Friday, shifting over to the new key spot (8:30-9 p.m.) next week (27). Dick Todd is to be added to Skelton's entertainment, which airs from Chicago.

Dorsey and his sponsor mutually lifted the band show prematurely, after three straight weeks, because it effects a considerable coin saving for the backer, and makes Dorsey eligible sooner for another big commercial in case one comes his way. Clause in his contract forbids him taking up for another week make within a certain length of time.

BILLY HOUSE SET FOR DOLE-AL PEARCE SHOW

Billy House, who shaped up as an up and coming radio comic a year ago, has been signed for the Dole Pineapple show with Al Pearce on full-time basis. Possibility of duplication offers a solution to many of the 100-odd day-time plans, while other revision in the technical principles will help the 150 plans on a sharing basis for the four hour basis and the 25 with limited time. (Latest figures showed approximately one-third of total plans are restricted.)

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OCCASIONAL GUESTS FOR ALBERS PROGRAM

San Francisco, Sept. 19. Inauguration of a new policy under which guest stars will be presented at least once a month will bring Ann Jamison, concert soprano, to the "Good Morning Tonite" program sponsored by Albers Bros. Milling Co. over the Coast NBC-Red next Tuesday (26). On that night the half-hour music program will be to its former spot after a stretch on Friday nights. Miss Marjorie Cullen of the Edwin Wascy agency is the producer of the program, which regularly includes Gyuia Ormsby's orchestra and a group of singers, and Albers Bros. cereals.

Albers will begin sponsorship of a quarter-hour transcription, "Sunday Night Love," on Oct. 2, three days weekly over KFO. Contract placed through Edwin Wascy, runs through March of next year. Albers Placard Flour and Oatmeal will be plugged.

Venuta Due Back

Benay Venuta resumes her Sunday night music program on CBS, New York, Oct. 1, at 9-9:30 p.m. Her show replaces the current "New York Tonite" broadcast by Albers Bros. Milling Co. over the Coast NBC-Red next Tuesday (26). On that night the half-hour music program will be to its former spot after a stretch on Friday nights. Miss Marjorie Cullen of the Edwin Wascy agency is the producer of the program, which regularly includes Gyuia Ormsby's orchestra and a group of singers, and Albers Bros. cereals.

Charlesters, Bob Stanley's orchestra and guest stars will back Miss Venuta on the new program.

British Sponsors

Continued from page 33

London omnibuses. They were refused on the grounds they were a competitive advertisement. When it was pointed out that the big London dailies and magazines used such questions, the reply was: "That's different, and we don't care to argue the matter."

Once the first confusion of having been Wrigley's only successful radio program, but last fall, after the show had been on the air for a year, the summer, the sponsor pulled it off the air.

Direct From Cemetery
San Antonio, Sept. 19. Colored choir in San Antonio and vicinity will be given an opportunity to display their talents in a series of broadcasts to be heard over KGO.

The East View Cemetery Co. is sponsoring the programs, which will emanate from the resting grounds.

Inside Stuff—Radio

Bones that G. W. (Johnny) Johnstone, press and special-events director for WOR, Newark, pulled last summer came in good stead when Bob Landry (Johnny) wanted to tip off his family as to which ship was bringing him back from Europe last week. Johnstone made the ship while taking part in ship-to-shore maiden voyage of the Cunard Line's Mauretania. He referred to the boat at the time as the "Aguilina," and in subsequent Variety comment on the broadcast Johnstone was kidded about the ship.

After boarding the Aquilina, Landry recalled the incident and sent Johnstone a radiogram in which he stated that he was on the way back home on a ship that he wasn't present at the time and then the line, "Error your last crossing correct." Johnstone got the connection quickly and passed on the info.

Col. Charles Lindbergh's talk Friday night (15) from Washington on "America and the European War" was originally set for the Mutual net only, according to the latter. NBC and CBS were worked in because NBC is supposed to have called Lindbergh and reminded him of a verbal promise he once made to use NBC facilities if and when he did any such public speaking. Lindbergh subsequently informed Mutual of this situation and the latter then invited CBS to participate also.

Talk was scheduled to emanate from Mutual's Capital outlet WOL, but a news agency was selected at the Carlton Hotel on the insistence of NBC.

"Information Please" will be aired over KFBC, Sacramento, an hour before the show is carried by KGO, the blue line San Francisco release, Tuesday night. The program's rebroadcast gets the west coast at 8 p.m. PST, but occasionally other commitments KFBC will carry a takeoff of the original broadcast at 7 p.m. PST, with the initial broadcast scheduled to be taken over by the rebroadcast of Turner-Horner show, Sacramento is about 75 miles from Frisco, and Radio listeners will be able to get "Information Please" on a mid-town station an hour before it comes to them by way of a local outlet.

World Broadcasting System is currently making a scale of prices for cutting and pressing transcriptions calculated to interest independent radio producers in its facilities. World currently gets \$4 per disc, with studio time factored in. The price by wire for discs has been prepared at a standard rate scale, but since has changed to quoting per job price.

Breakdown of NBC's gross for last month (August) credits the red (WEAF) link with \$2,636,287 and the blue (WJZ) network with \$676,303.

From the Production Centers IN NEW YORK . . .

Adrian Samach, formerly radio director for Young & Rubicam on the coast, has been brought to New York as supervisor for all the agency's dramatic programs. . . . Bob Welch, another director, has been tapped as supervisor of all variety and comedy shows for the same agency. . . . Ray Hervey is scripting the New York show for the "Mr. Smith" series. . . . Stewart Hawkins back from his Fairhaven (Vt.) home and again for the "Myrt and Marge" series.

Ruth Adams Knight is back in New York from her summer place at Redding, Maine, Conn., and will resume scripting for the "Death Valley Days" and "Dr. Christian" series.

Donald Shaw, of WMCA, N. Y., west on business gathering junket. Station has added Gordon Lloyd in the sales department. . . . Will Winton, who has supplied WDEL, same city, with part of the Interchly chain headed by WMCA. . . . Joan Edwards' option hoisted another 13 weeks for Chesterfield, Mele. . . . Merle P. WNEW-LD in the sales department. . . . New York Friday (15). . . . Kay Reed of same station out with appendix removal day. . . . Ruth-Carhart does return guest on the Al & Lee Reiser Schafer Beer program, Sept. 26. . . . Ruppert Brewery renewed San Lomax for another 13 weeks on WOR as of Sept. 30.

Arthur Kurlan, who did the "New York Town" show on WOR, Newark, has joined the writing staff of Transamerican and is working on the Texaco show. . . . Edward J. Wines, who did the "New York Town" show on WOR, Newark, has joined the writing staff of Transamerican and is working on the Texaco show. . . . Edward J. Wines, who did the "New York Town" show on WOR, Newark, has joined the writing staff of Transamerican and is working on the Texaco show.

IN HOLLYWOOD . . .

Irene Rich will do her broadcast from the east for three months. Wants to stay in New York for her daughter, Irene Rich, who is in the N. W. agency will have a hand in the production of the Al Pearce program here for Dole pineapple. . . . Truman Bradley taking time out from his picture "The Night of the Hunter" to do a radio play. . . . Spencer Chiles, Jim Bannon to call the shots for the sponsor on Joe Penner. . . . Lineup of talent on second Gull-Screen Guild show Oct. 1 will include Clark Gable, Irene Rogers, Marjorie Reynolds, and the "Shades of the Kellings Cielie." . . . Bill Goodwin brings champagne for an impending event. . . . NBC staff producers have grouped for a presentation of demands to the front office. . . . Columbia waxes. . . .

Acting on the theory that its air troupe would like to be seen as well as heard, Signal Oil is routing its Carnival crew up the coast. . . . Richfield Oil personally personalized its newscasters. . . . NBC auditioned Alexia Thers. . . . The "Night of the Hunter" is being produced by the N. W. agency with his accompanist. He was Albert Coates, English symphony conductor. . . . Charlie Vanda and Orson Welles (some call him Orson because he is a radio personality) will be the main attraction. . . . "Finally glad to meet you again, twisted Vanda." Welles gave him a Mercury token, flipped over to him a "KCEA-A." . . . Francis Farmer, Wilder named educational director of time radio editor of L. A. Times, has a new program on KCEA tagged "You Explain It." He tells tall tales and the dialers are asked to figure it out. . . . "The Night of the Hunter" is being produced by the N. W. agency with his accompanist. He was Albert Coates, English symphony conductor. . . . 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*Speaking of desserts—Kraft-Phenix Cheese and Standard Brands' Royal Desserts have been on the NBC Red Network exclusively since 1933—General Foods' Jello since 1936!

13,000,000 radio families "listen most" to the *NBC Red* NETWORK

Yes, we realize that is a startling statement. But frankly, it is not really as startling as the simple facts which prove why these 13,000,000 families prefer the NBC Red—the network most people listen to most!

YES, WE MADE A SURVEY—and one unique in radio research. For the first time, it measured the network listening habits of people not only in the cities where the leading networks have stations—*BUT* in every city in the United States of 25,000 and over. Unique—because for the first time it explored *not only* that part of the rural audience conveniently located close to station-cities—*BUT* probed into one out of five of all the rural counties in the country!

The Story of "The Other Half"

To you who have been judging network values on the basis of program ratings—to you who have been estimating national program audiences on the basis of ratings made only in station-

cities—the results of NBC's study of "The Other Half of the Radio Audience" will reveal facts which no advertiser can afford to overlook.

Advertisers and agency men who have heard the story agree that here is no promotional exploiting of "another survey." But for the first time a factual presentation of *why* and *how* radio works the way it does—the ABC's of radio transmission—the translation of millivolts and listening habits into extra sales and profits. How to evaluate one network against another—station by station. Why daytime coverage differs completely from night-time coverage. *Why* a CAB rating on the Red Network means a greater nation-wide audience for your program than the same rating on another network!

May We Tell You the Story?

We believe the fact that 13,000,000 radio families listen *most* to the Red Network, means a bonus of tangible, extra sales results for Red Advertisers. Perhaps that explains *why* 79 national advertisers spent over \$31,000,000 on the NBC Red Network last year—more money than was spent in any other single advertising medium in the world.

Perhaps that also explains *why* a majority of the leading programs—day and night—are on the Red—and *why* this has been true every year since network broadcasting began.

May we tell you a few of the many important reasons *why* the NBC Red is the network *most* people listen to *most*?

NBC Red NETWORK

The network *most* people listen to *most*

NATIONAL BROADCASTING COMPANY • A Radio Corporation of America Service

WMCA Denies Decoding Any Official DX Stuff; FCC Fears 'Censorship' Cry

Washington, Sept. 19.

Further investigation of the alleged 'decoding' of British and German war messages is planned by the FCC before any course of action is determined. Inquiry may be broadened to include newspapers and press associations, despite desire to avoid any step which bears appearance of censorship.

Flat denial that WMCA, New York, violated the 1934 Communications Act failed to end the matter and regulators Thursday (14) declined to make a more detailed study of the incident. Reply to the order to show cause why the station's license should not be revoked was insufficient in the eyes of most members, who still want to know the facts surrounding the reported rebroadcast of 'secret' instructions to military and naval forces.

The WMCA answer was essentially in accord with statement last Tuesday (12) by Donald Flamm, of WMCA. Placing responsibility on the press, William Wiseman, general counsel, said in his response to the FCC indictment that the station neither directly nor indirectly in-

tercepted nor caused the interception of secret radio communications sent by the governments of Germany and Great Britain, or any other government, containing orders to the naval or military forces of any said government to govern the movement of said forces in time of war.

Wiseman declared the only purpose of using daily press stories about the feat in ads in radio trade papers was to demonstrate the alertness of WMCA management in keeping its listeners posted on latest European developments. Clips were reproduced merely as proof, he told the FCC, that the plant 'did broadcast the news items in advance of other radio stations or in advance of their publication in the daily newspapers in New York City.'

WMCA Ignores FCC

The WMCA management paid no heed to the FCC's demand for recital of 'all facts and circumstances pertaining to said alleged interception and broadcasting.' Failure to do into details irked some regulators, who still want to know exactly where the news originated, whether it was picked up through eaves-dropping, whether the bulletins were merely

What Code Is That?

Adropose the charge that WMCA, N. Y., picked secret government stuff off the shortwave and decided it, the skeptic wants to know what kind of a code the governments are using if it's so easy.

One wag suggests it's the code used in the last 'Bulldog Drummond' picture.

discussed-up versions of gossip available over-seas, etc.

Possibility that the inquiry will be broadened was suggested by the FCC's informal agreement to continue seeking answers to these questions. Besides making a request to WMCA, it is probable the Commission will call on the New York Herald Tribune, New York Mirror, and International News Service—cited by Flamm as source of WMCA's news reports—for such information. Since the law forbids any individual—not merely a license-holder—from disclosing private communications, these could be held liable if it is proved they had a hand in disclosing without proper authorization a confidential message.

If WMCA did not employ a code expert to decipher the message—as claimed in published accounts of the 'scoop'—the Commission is puzzled at the station's use of clippings to this effect in its advertisement. Wiseman denied flatly, however, that Knickerbocker 'at any time, under any circumstances' picked up code messages of any government. Denial stated that the station never had knowledge of the secret lingo used for military purposes by England or France.

Whether the entire incident will be referred to the Justice Department remains doubtful. Unless the investigation shows that the incident committed a violation, the FCC is not disposed to call the prosecutors' attention to trade gossip. The D. J. at the same time is treating the matter as a problem for the FCC until the regulators officially pass it along.

NBC Adds 8

Washington, Sept. 19.

War coverage chores led to the addition of eight persons to the local NBC staff last fortnight. Three reporters, two-announcers, two-page boys and a phone operator were taken on.

New legmen are Rex Lampman, former NBCer who lately has been working for the Treasury Department, and Bob Henderson and Ralph Falvey, employed by Central News when it folded. Additional mikemen are John McKnight and Charles Appleby.

'Our Culture Rule in Abyeance

European War, New Chairman Makes Forgetfulness of Delicate Question Expedient

Washington, Sept. 19.

Because of the tense world situation, prolonged continuance of the 'temporary' suspension of the as-sailed goodwill-culture rule for international stations is anticipated by industry watchers. European tiff apparently has preoccupied the FCC with an out for the present, although an eventual show-down is unavoidable.

While resignation of Frank R. McNinch and induction of Chairman James L. Fly is the ostensible reason for delay, delicacy of international relations is the more important explanation why pulse-feelers do not look for any decision in the near future. It's more convenient all around, besides exempting this Government from possible embarrassment.

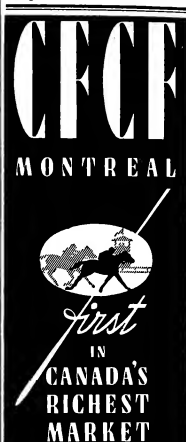
Pressure from reformers and some Commission quarters has not disappeared, but the disposition of most members now seems to be to let sleeping dogs lie. The rule which directed international operators to plan programs 'typical' of United States culture and calculated to promote neighborliness, was suspended in mid-July when the industry mobilized at special hearing to protest against dictation and roundabout censorship.

Freedom of Speech

As things stand, there is fear that the United States might be involved in unpleasant incidents if the rule should be put into effect again, even with minor changes to meet the chief objections. Under existing policies, the State Department can answer any yells from other countries by pointing out that American radio runs on the freedom-of-speech principle. But if the FCC should require international broadcasters to shape programs in accordance with fixed standards, it might be difficult to wiggle out in the event some other country registered a complaint about statements DX'ed from U. S. trans. Some degree of responsibility presumably would attach to the Government, which would have sanctioned the operations in advance.

Although outwardly things are calm, the fuss has not ended in the minds of some officials the European conflict makes it more desirable—not less—to impose restraints on the international outlets. During discussion about controls to prevent hy-

teria, the matter has been brought up, although each time it has been shelved with the idea of leaving well enough alone.



MONTREAL

first

IN CANADA'S RICHEST MARKET

Your broadcast advertising over CFCF reaches an audience of over 100,000 people with time regularly to CFCF for their radio entertainment.

Your advertising can be delivered economically by using CFCF, Montreal's most listened-to radio station.

CFCF and Short Wave CFCF
Owned and Operated by
CANADIAN MARCONI COMPANY
Representatives: U.S.A.
All Canada Radio Facilities West & Canada
NBC Affiliate

WHEATIES, CHEVROLET—SIGN UP GRID TILTS

Detroit, Sept. 19.

Both the Detroit Lions pro games and the U. of Michigan grid contests will be aired over WJR this fall, with Harry Wismer mixing both series.

Chevrolet Motor is bankrolling the eight home and out-of-town games on U. of M. card, while the General Mills (Wheaties) is sponsoring the 10 Lions contests. Understood U. of M. gets \$10,000 for broadcast rights of its games.

570 KC. NBC
RED BLUE
WSYR

IT'S HARVEST TIME IN CENTRAL

NEW YORK STATE—and that means

a harvest for sponsors who use

WSYR to reach this great combined

farm-city audience.

SYRACUSE
NEW YORK

500 PROSPECTS

EACH WEEK AS A RESULT OF ONE 15-MINUTE BROADCAST ON SATURDAYS AT 9:15 A.M.

YES, SIR! We Bring 'Em In Alive Right Into the SPONSOR'S STORE

MOST SPONSORS

Want a Program with

"A HOOK IN IT"

WELL HERE IT IS!

Ed East entertains with guest stars and offers his booklet on "How to Play the Piano by Ear" FREE to listeners.

AND DO THEY FLOCK TO THE STORE TO GET 'EM? IT'S A NATURAL.

EXCLUSIVE RIGHTS GRANTED AS USUAL—BECAUSE IT'S UNUSUAL IT'S PRODUCED BY

Harry S. Goodman

19 EAST 53rd STREET AT 5th Avenue NEW YORK CITY

91,260 Telephone Calls...

IN 12 DAYS

91,260 completed calls and "busy signals" recorded on "CHestnut 99 Forty-Four," a new All Request Program currently featured each week day evening over KXOK, St. Louis.

This Enormous Audience Response Is Available for Your Advertising Message to the Rich St. Louis Area

Radio Station

KXOK

ST. LOUIS, MO.

Owned and Operated by the St. Louis Star-Times
1520 K. C.—1000 Watts—Full Time
National Advertising Representatives:
Weed & Co., New York, Chicago, Detroit and San Francisco

COUGHIN' NOT OKAY WITH CANADA

Detroit, Sept. 19.

Although the amenities have outwardly been observed, and the withdrawal of the *Fort Wayne* Coughlin-identified Social Justice programs from CKLW, Windsor, Ontario (across the river) have been announced here as a case of the priest not wishing to embarrass the station, there seems no question that Canada has clamped Coughlin as pro-Nazi. The fadeweb was out a clear hint.

Coughlin has often denied the charge of favoring German philosophy. Largely based on his quotations from Nazi documents and his attack on "Jewish bankers," all of which is Nazi stock-in-trade, the impression has been strong in spite of his heretofore such sentiments despite denial. Canada has seemingly taken this view officially. Coughlin himself is a former Canadian.

Also cancelled was the series of weekly broadcasts by Rev. Walton E. Cole, sponsored by the Unitarian Fellowship for Social Justice, who took his anti-Coughlin speeches to CKLW two weeks ago after WJR here had refused to air his "personal" attacks. Although the FCC promised the Rev. Cole an investigation of his charges that WJR permitted only one side of a controversy, WJR officials pointed out that FCC's letter to Rev. Cole advised that he take his trouble to court if a contract had been broken, and that the latter asserted stations are required to offer facilities to both sides only in a political campaign. WJR declared that it had no contract with Rev. Cole and that it did not permit his broadcast because of its "personal attacks" phase. WJR is originating station for Coughlin's regular Sunday afternoon program, which are unaffected by cancellation of the Social Justice's broadcasts on CKLW.

Social Justice's early evening program over CKLW was devoted to current news and editorial comment approved by Coughlin. CKLW officials explained that wartime censorship imposed by the Canadian government required that the program of the Social Justice programs be submitted to government censors in Ottawa before each broadcast.

Also cancelled was half-hour daily afternoon program, sponsored by the Social Justice magazine, and devoted to "homey" philosophy and recitations. Coughlin said that "Social Justice" did not want to become implicated in any controversy now that Canada is at war and for that reason, out of courtesy to CKLW, the programs were cancelled. We did not want to embarrass the station.

Rev. Cole Back

Pittsburgh, Sept. 19. Station WJAS, which last week cancelled a scheduled broadcast by the Unitarian Fellowship of Social Justice opposing Father Coughlin, put the organization back on the air for the last talk in a six-week series following the circulation of thousands of petitions to the FCC annulling the broadcasting outfit's standing. WJAS's speeches were broadcast by Rev. Walton E. Cole, Toledo, whose criticism of anti-Semitic statements by Father Coughlin were purported to be the reason for the WJAS ban.

R. M. Thompson, manager of the station, which regularly airs the Coughlin speeches, denied that the petitions, carrying thousands of signatures, had any bearing on WJAS' attitude toward Rev. Cole.

Godwin Has New Orleans Insert on Pepper Show

New Orleans, Sept. 19.

Al Godwin will fill the local five-minute period break on the new Dr. Pepper House Party, which was signed this week to run from Oct. 7 to March 20.

Program will be 30 minutes originating in WFPA studios at Dallas and piped to "Dietz Network" which feeds the local Columbia web outlet for the show.

WHY LEAVES WLW

Cincinnati, Sept. 19.

King Whyte, narrator on WLW's Moon River program in recent months, has left the Crookley fold. He is a citizen of Canada and holds a pilot's license.

Croghan New Sales Mgr. Of WJBK; Altschuler In

Detroit, Sept. 19.

Art Croghan, formerly of WTOL, Toledo, and Minneapolis, becomes sales manager at WJBK here. Succeeds Paul Y. Clark, who's been at station for past four years and formerly held sales post at CKLW here. Stanley Altschuler this week took over newly-created post of director of station's foreign-language programs, of which WJBK has many. Was with WOY, Schenectady, for nine years prior to going to WJW, Akron, six months ago.

Bloomington's store on WOR

Bloomington's dept. store in New York has bought the 5-6 p.m. slot on Macy-owned WOR, N. Y., Monday-Wednesday-Friday for transcribed series of "Adventures of Pinocchio" produced by Radio Attractions, Inc. It's set to start Sept. 25. Series is the first air time Bloomington's has bought.

Radio's Scoop

Washington, Sept. 19.

Preview of the stiff competition which will be waged during the coming months between radio and the press was given in Washington Thursday (14), when a radio newsmen beat regular White House reporters to the phones for a scoop on the President's announcement of the convening of the special session of Congress.

Ralph Falvey, new addition to the WRC-WMAL news room staff, was responsible for the flash, which enabled NBC to put the news on the air before the press associations could get it on their wires. Special broadcast was made, few minutes later, over the shortwave and combined networks of the system, notifying members of Congress in all parts of the country that they must return to Washington and dust off their desks before Sept. 21.

Free Stations of Clerical Load; Lighten Log Rules on Wax

Washington, Sept. 19.

Liberalization of the new log rule, relieving stations of the burden and expense of making scores of entries to cover programs made up of transcriptions, resulted last week from NAB protests that the FCC had insisted upon useless detail and might be playing into the hands of disc companies seeking to impose licensing system upon broadcasters.

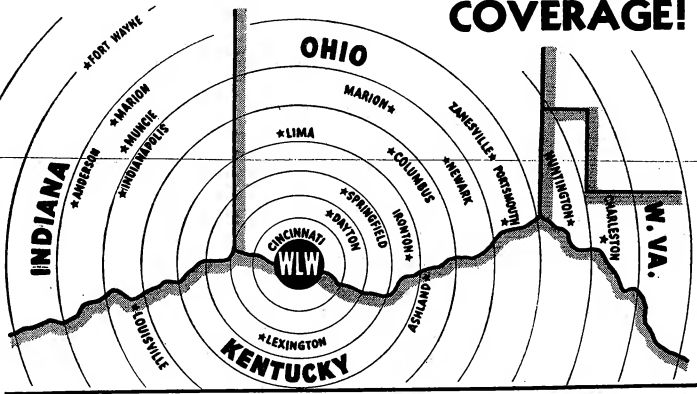
By two phraseology changes, the FCC yielded to pressure, indicating a new attitude toward the industry and a willingness to give further consideration to regulations which work a hardship on operators. As revised, Section 2.90(a) (2) now calls for only an entry which describes the type of program, the title, the sponsor's name, and the time. In case of programs of recorded numbers—whether picked by

the station or in packaged form—an additional note must show the time when the proper identification was made.

The Commish dropped the words "together with the name or title of each," which has occasioned a rumpus and irritated managers of dozens of low-power and part-time stations largely dependent upon canned music. Previously, Secretary T. J. Slowie and Assistant Secretary John B. Reynolds had held the rule necessitated the listing of the title or some other indicative symbol from which the Commish could ascertain the particular piece played.

Mark Warnow pinch-directing for Harry Salter on "District Attorney" and "Hobby Lobby" bands while Salter grabs a vacation. Warnow also leads the Hit Parade band.

159,299 Calls in 20 Markets To Assure You "MERCHANDISE-ABLE" COVERAGE!



WLW's Nighttime Half Millivolt 50% Contour extends over approximately half the entire United States. Yet, that fact alone may guarantee little in actual "circulation," because it tells you little or nothing about the listening habits of the people living in the metropolitan areas who conceivably do hear the WLW signal.

Facts which we believe to be of even greater interest to advertisers than that our signal may be heard in the remote corners of the United States, are those revealed in the recent 20 Market Surveys conducted by the Ross Federal Research Corporation and the Alberta Burke Research Company—namely, that an average of 41.2% of those listening to their radios in the 20 markets studied were tuned to WLW, while the audience tuned to the next dominant stations averaged only 29.3%. Facts that conclusively divorce WLW's known circulation from the doubtful category of abstract potentialities—submitted in the form of unbiased, factual data upon which successful sales plans may be based.

WLW...

The Nation's Most "MERCHANDISE-ABLE" STATION

For detailed information concerning the markets studied, and breakdown of the facts revealed, please write or phone Transamerica Broadcasting & Television Corporation, or

CBC NOT IMMUNE TO LEGAL SUIT; CANADIAN BROADCASTERS SEE RELIEF

Believe Gladstone Murray's Standard Trick of Defense — 'You Can't Sue Me!' — May Be Taken Away by Court

Toronto, Sept. 19. Ignoring the claim of immunity presented by the Canadian Broadcasting Corp. the Court of Appeals here has ordered CBC to file a defense within the ensuing week in action brought against the radio network by Gooderham & Worts, litigators, for damages of \$250,000 for alleged breach of contract. When served with the writ of summons, Gladstone Murray, CBC's general manager, originally had contended that, as an emanation of the Crown through the nationalization of Canadian radio, CBC could not be sued. That defense has been dismissed and the three Supreme Court justices, ob-

viously annoyed at such time-consuming quibbles, have ordered CBC to file statement of defense within the week.

Case goes back to May 14, 1938, when CBC vacated the leased premises of CKGW, Toronto, which the Government-controlled body had leased from Gooderham & Worts in 1934. At that time, Murray wrote the plaintiff that, with the completion of CBL, Toronto, latest unit in CBC's trans-Canada chain of high-powered stations, the 'venues of activities of the corporation have been considerably changed.'

CKGW, however, demanded specific performance of the lease and served a writ of summons for \$250,-

000 damages. Murray retorted that the Canadian Broadcasting Corp. is a department of the Federal Government and, therefore, cannot be sued.

Test case is being watched with considerable interest by other independent-station owners and operators across Canada who feel that they have grievances against CBC but whose legal chances have, heretofore, been blocked by the claim that CBC cannot be sued. That item of jurisdictional liability is now to be clarified.

At the time of the formation of the now defunct Canadian Radio Broadcasting Commission in 1928, stations were needed in Toronto and Montreal to serve as pivotal points in the proposed trans-Canada set-up of a nationalized radio. With no stations of its own, CRBC was forced to lease transmission facilities. One station at Vancouver and another at Ottawa were acquired, these linked at inter-

mediate points by small outlets in the Prairie Provinces.

Most popular Ontario station, outlet in the Toronto area for both the Red and Blue networks of NBC, most powerful station then in Canada, and enjoying some 75% of listener-audience in the Great Lakes area, CKGW, Toronto, was asked by the new government-appointed body to turn over daily three hours of evening time at a monthly lease that worked out to \$11.11 an hour. Even at that early date, the card rate of CKGW was several hundreds of dollars an hour for the period the Commission was asking for. The offer was refused.

Gooderham & Worts claim in its damage suit for \$250,000 that the terms of the covenant later made were not kept and that its transmitter and other equipment, which was allegedly to be kept up-to-date, is now obsolete. They would go on the air again but the cost of modernizing the station and bringing the equipment up to 1939 standards would be at least \$125,000. Should CKGW win the action, they will go on the air again in competition with CBL, Toronto, the government's station here.

WFAA, Dallas' short wave mobile unit, KAXD, will become KFAA to match station's call letters.

HIGH STATION FEES LOOM IN CANADA

Toronto, Sept. 19. Canadian Broadcasting Corp. has under consideration a proposal to increase its franchise fee for privately operated stations drastically. Current levy is a flat annual fee of \$50, but under the suggested setup there would be a sliding scale ranging up to \$10,000 a year, with the yardstick being listener coverage. Through the new tariff device 100-watt stations would pay from \$50 to \$500; outlets with 250 to 1,000 watts would be taxed from \$100 to \$700, while a 10,000-watt station would contribute from \$4,000 to \$10,000 a year.

Rules Fit Needs

Continued from page 31

them all is the bit of yielding that Columbia has done under pressure from its No. 1 customer, Lever Bros. This account is extending its supplementary coverage on the 'Big Town' dramatic show (Lifebuoy) to the point where two stations, affiliated with competing networks, are releasing the program in San Francisco.

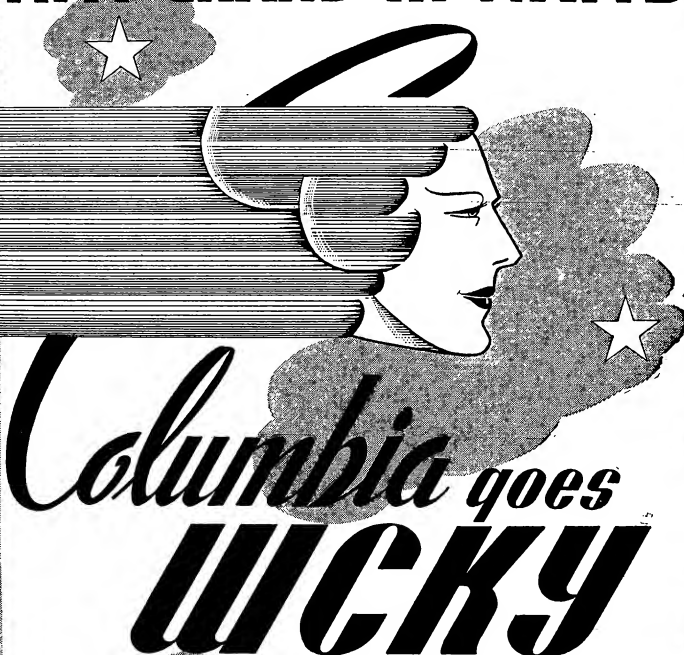
While the duplicate release is not new, it is the first time that the doubling-up process involves both an NBC and a Columbia station. KSFO, CBS' own San Francisco key, carries the series as part of this network's Tuesday hook-up, while KPO, NBC's 50,000-watt key for the Pacific red link, broadcasts a transcribed version of the same installment the same day. The twin setup for Frisco became effective with the return of the series to the air last night (Tuesday).

The duplicating arrangement has been in operation in the New York area for over a year. When synchronously clears several NBC commercials, while the same idea recently became effective on WIND, Chicago, with relation to WBWB, local CBS key. Neither WIND nor WIND has a network affiliation.

In its drive to get 100% national coverage for 'Big Town' this season, Lever Bros. will use two-fold stations outside the Columbia network by the transcribed route. The account has been running like versions of last season's installments on quite a number of these outlets during the past summer.

The Frisco situation rates as an important landmark in the breakdown of the network's position just permitting their programs to be released over the opposition web's affiliated stations. Colgate-Palmolive-Peet last season got away with it in the case of a couple CBS-originated serials and once the bars were down Lever Bros. which has tried to put through the same idea for years, quickly followed suit by arranging to have recorded versions of 'Big Town' run on NBC outlets during the summer.

FIFTY GRAND IN WATTS



L. B. Wilson

WHATA JOB WE'LL DO FOR THE ADVERTISER

In SALT LAKE CITY

When buying power is as high as in Salt Lake City, the advertiser's opportunity is great. The advertiser's opportunity is great. The advertiser's opportunity is great.

WICKY

POPULAR STATION

WICKY

SALT LAKE CITY

Representative: John B. B. & S.

You Mr. **WINCHELL**

Walter Winchell
On Broadway
(Trade Mark Registered Copyright, 1939, Daily Mirror)

On April 5.
New Yorkids: The Ink Spots' recording of "If I Didn't Care"—our new favorite torch!

On May 31.
Scallions to the way all the recordings (except the Ink Spots) spoil: "If I Didn't Care."

On June 2.
In the meantime the Four Ink Spots came across "If I Didn't Care" and made a recording of it for Decca. The platter became an immediate click and elevated them into top-salary entertainers and into the steady-work brackets.

On June 21.
New Yorkids: The best of the new platters: The Ink Spots' version of "It's Funny to Everyone But Me."

On June 27.
Bing Crosby wants the 4 Ink Spots for his next flicker.

THE 4 INK SPOTS

WE ARE Now Appearing at the N.Y. PARAMOUNT Theatre

AFRA Conditions Established On Regional Basis in 11 Far Western States; Under National Scale

Union contract covering regional commercials from and in the 11 far western states was signed last week by the American Federation of Radio Artists, NBC, CBS and Mutual, and the advertising agencies. Runs until Feb. 12, 1941, with an agreement that negotiations for a renewal will begin 60 days before the present pact expires. Went into effect immediately.

Defining regional commercials as programs that originate in Los Angeles, San Francisco or any of the 11 western states and that are not available to other states, the agreement establishes a wage minimums and working conditions somewhat below the national network commercial scale. If any program originating on the Coast is available to stations other than the 11 specified ones, it becomes a national network and must be regular national rate. Wage and working conditions agreement supplements the regular code adopted by AFRA, the agencies and networks last spring.

In general the scale parallels the national rates, although they are nearly all somewhat lower. Basic rate for actors for a 15-minute program is \$10, for solo actors \$20, for group singers lesser amounts, for dramatized commercials \$7.50, for announcers \$8.50, for "word" \$7.50. There are also minimum rates for various spots broadcasts, in general the fees running \$50 per gram for

announcers and \$20 for commentators. Also specified that sponsors must pay or supply "spotlers" to assist announcers at football games. There are various discounts for guaranteed one-week contracts, 5% added fees for specialads, minimums for rehearsal, and other provisions.

KNX's Special Pact

Contract was also signed by AFRA and CBS for the staff announcers, directors, assistant directors, sound effects men and writers at KNX, Los Angeles. Involves wage boosts, a 40-hour, five-day week, with two weeks vacation. Under its agreement with the Radio Writers Guild, however, AFRA will turn over the writers involved to the latter group within 30 days.

Union likewise signed contracts last week for the staff sound effects men of all CBS stations and inked an agreement with WINS, New York, covering the entire performer staff and calling for a basic rate of \$47.50 to \$75.00 for announcers, extra fees for all commercials. Now dickering with WMCA and WHN, New York.

Radio Writers Guild, which is still gramicing at AFRA over the question of jurisdiction, has also signed writer-performers, held a membership meeting in New York last week and called for a new contract, calling for regional representation on the board. Another meeting will be held soon to elect the new board members.

ABSORB MCINCH

Administration Takes Care of Ex-Chairman of FCC

Washington, Sept. 19. Frank R. McInch, retired chairman of the FCC, now on the Justice Department payroll in the capacity as special consultant on communications problems, has assumed charge of the slumbering Government trust suit against Western Union and Postal Telegraph as his first chore. Announcing the retainer, Attorney General Murphy said McInch will be an "expert in communications problems." While no major broadcast matter is before the D. C. court, the statement indicates Murphy expects the former FCC head to aid him in handling any cases related to the commercial operators.

Retention of McInch prompted speculation that the Justice Department may be planning to launch a drive to enforce various features of the Communications Act especially affecting broadcasters. Such as the clauses banning obscenity, lotteries, etc. It was recalled that some months ago suggestion was made when turore followed FCC's attempts at ex post facto censorship that all controversial matters about programs should be turned over to the Justice rather than handled by the commission. McInch said such a move had not been discussed during his talks with Murphy, but did not deny it is possible.

WBAL STEPS UP BALLY

Miles Shultz, Newspaper Merchandiser, to Handle Staff

Baltimore, Sept. 19. WBAL has installed an ambitious merchandising layout with Gratton W. Shultz, formerly of Baltimore News-Post and the Pittsburgh Sun-Telegraph, in charge. Opening runs will be fired by in the feature of an eight-page tabloid newspaper, scaled to appear monthly. Titled, "The Baltimore Tab," will be mailed to retailers in the local area and will include material from the U. S. Dept. of Commerce and the Assn. of Commerce and other retail news sources. Time buyers will be given a copy of the feature as well as editorial mention for items of interest to advertising or merchandising.

Tying up with NAB's "Curtain Raisers" campaign, the station will use five full-page ads in the local News-Post, a Hearst affiliate. Set to run, once a week, ads will be laid out in editorial matter, with a copy mentioning strength of current airings.

A questionnaire has been sent to radio stations and advertising agencies requesting angles on merchandising and a digest of the replies will be utilized for further promotion.

Station is managed by Harold C. Burke.

WGAR Stresses Pro Football; Cancels Sponsors

Cleveland, Sept. 19.

Half a dozen Columbia network shows are being shelved in one big sweep for the next eleven weeks by WGAR in favor of sportscasts of the Cleveland Rams' pro football games. Special local news-interest in a home-team "team" was reason given for unusually large number of cut-offs, which drew some grumbling from Columbia until station manager John Patt went into a mysterious Cleveland train brasserie.

Last Friday (15) when local Rams kicked off against Chicago Bears, WGAR chopped five network shows from 8:30 to 11 p.m. to handle Bob Kelly's play-by-play accounts. Amos and Andy, Lums and Andy, "Tyn Night," "Grand Central Station" and Ripley were programs that got the axe. Although plenty of kids are expected from fans, station declared that it got only a minimum at the scoreboard.

For second grid event, airing Rams-Brooklyn tussle in Brooklyn, N. Y. WGAR is brushing off Helen Menken, Edward G. Robinson, Walter O'Keefe, "We the People" and Bob Crosby's band Wednesday (20). Using a direct line here, Kelly, who is traveling with team, will monopolize station's time from 7:30 to 11 p.m. with football stuff. Series of pictures plugged by General Mills, make a first time sponsored pro football.

Humble's 5th Yr. of Grid Due for Quality Network

Dallas, Sept. 19. Southwest Conference Football game will be broadcast over Texas Quality Network under sponsorship of Humble Oil for the fifth consecutive year. At least twelve games are set.

Microphonics by Hal Thompson, WFAA; Kern Tipton, KPRC, and Cy Leland, Fort Worth.

KSL Still Seeks DX

Salt Lake City, Sept. 19. Turned down for the second time, KSL will again petition the Federal Communications Commission for the right to construct an international shortwave outlet. Iver Sharp, KSL official, confirms the new try.

KSL had wanted to buy WAXA, the echo for WCFM, Chicago, a Federal Labor station, and to equip the plant with directional antennas which would beam DX programs of American culture into Central and South American areas. Original application for the license, Sharp said, was made on the claim that WCFM was not using its frequency to the hilt.

Air Credit for Authors Looms As All-Important Demand As And of Guild-AFRA Harmonize

Number of problems have been placed on the agenda of the Radio Writers' Guild for discussion as soon as its present jurisdictional dispute with the American Federation of Radio Actors is settled. Among the questions to be taken up are:

1. Air credits for members.

2. Who owns material turned out by the writers?

3. Revision of the waivers which now must be signed by writers before submitting material to advertising agencies.

4. More equitable method of payment, perhaps a percentage of the player's salary.

Question of air credits, many of the writers believe, is more important to them than anything else, for in getting public recognition they are the solution to most of their other problems. What rankles deepest, as one writer put it, is: "When a radio show is good, the actor is great," when it's bad, the material is no good."

"We want to put a stop to this business," one writer of a major network show declared, "of putting all the blame on us when a program is not good and giving us none of the credit when it is. Other groups get credit and no credits because they command them, and now it is our turn. If credit for a song can be given to a motion picture at the end of the show, recognition can certainly be given the men who write that show."

Problem of who owns the material turned out by radio writers is a complicated one with many legal facets. It depends, fundamentally, on whether the writer works on salary or assignment and on his contract with agency or actor. Writers on assignment claim the material should be theirs and only provided for one-shot use. Their squawk is that much of the fee is paid for only one, but is used over and over in perhaps slightly altered or even the same form. They believe a separate payment should be made for each use.

In the case of writers hired by the networks on a salary basis, the matter naturally owns the material. All agency contracts also specify that the agency has sole future rights in scripts. Facts, however, between artist and writer usually skirt this question and it has never been settled in court.

Later situation arises because neither writer wants to bring up. Comics don't want it publicly known they are so dependent upon someone else for their jokes and the writers avoid it because they usually use their own eggs over and over again, probably for a different comic, by twisting them slightly.

Scribblers claim there is no difference between writing a joke and writing a radio script. If it is turned into a film, the author gets an additional fee. If a comic later uses in a picture a joke written on his air show, the writer gets nothing.

There is a particularly potent interest now in the question of retaining material because the writers have their eyes on television. They foresee many present scripts being revised in only minor detail and telecast over and over again within the next 10 years.

Waiver slips which writers must

now sign before submitting a script or idea to an agency "cause us to give our souls away or sell them at a price which the agency decides," they declare. They will seek the use of waivers which their own attorneys will draw up.

Writers may also seek contracts with radio talent which will get 10% of the salary of the person or persons who use their material. That's a relic of vaude days, when writers leased their material to an act at 10% of its salary.

KCMO's Staff Promotions; KITC Adds 3 Announcers

Kansas City, Sept. 19. Jack Stewart, KCMO, has made some staff changes effective immediately. Jimmy Goy has been named program director of station, with Grayson Enlow, announcer, assigned to assist on production of spiritual musicals. Previously, Goy was in charge of special events.

Charles A. Lewis becomes a member of the announcers' staff. He comes from KMTB in Los Angeles and was formerly associated with KMOX, St. Louis, and WTAM, Cleveland.



Radio Station Representatives

KAY THOMPSON
and her Rhythm Singers
for **ETHYL**
with **ANDRE KOSTELANETZ**
and **TONY MARTIN**
CBS Every Monday, 4-5:30 P.M. EDT
Management
WILLIAM MORRIS AGENCY

WBAL
means business
in Baltimore



Radio Station Representatives

JOHN BLAIR & CO., Representative
5000 WATTS DAY
1000 NIGHT
IN BALTIMORE
ITS
ON THE NBC RED NETWORK

TUESDAY NIGHT RADIO HEADLINERS
Drama
EDW. G. ROBINSON
Starring in Rino's "Big Town" with **WALTER O'KEEFE** and **WALTER O'KEEFE**. Mr. Robinson, dynamic star of stage, screen and radio, returns to the air in his brilliant, hilarious, political, scawlaughs, unscrupulous crooks, big-time racketeers. A half-hour of thrills, excitement and dramatic action.

Music and Comedy
WALTER O'KEEFE
Starring in Lifebuoy's New Tuesday Night Party with a surprise guest star and Bobby Dolan and a musical variety program featuring the sparkling wit of Walter O'Keefe. This has everything—fun, laughs and smooth music!

OVER COLUMBIA NETWORK
See local paper for time and station.

WALTER O'KEEFE
Starring in Lifebuoy's New Tuesday Night Party with a surprise guest star and Bobby Dolan and a musical variety program featuring the sparkling wit of Walter O'Keefe. This has everything—fun, laughs and smooth music!

OVER COLUMBIA NETWORK
See local paper for time and station.



By JANE WEST
NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS
Presented by Ivory Soap 99% is a pure

LISTEN TUE DAY
NBC Red Network, 12:15 to 12:30 P.M. EDT
NBC Red Network, 5:00 to 5:15 P.M. EDT
IN COAST TO COAST
Dr. CONQUEST ADVERTISING AGENCY
MGT. ED WOLF—RKO BLDG., NEW YORK CITY

THE BATTLE FOR POTTSVILLE

FIGHTS AGAINST CURE IN ABSOLUTISM

Washington, Sept. 19.

Still another move has been made by the FCC to get the District of Columbia Court of Appeals to take its views on the matter of "economic interference" and the weight the regulators should give to potential competition between stations.

Irrked by the opinion of Justice Justin Miller in the recently-decided *WMXZ*, Boston, case, the Comish staff has presented another strong argument to the effect that nothing in the Communications Act warrants denying an application merely because granting might work financial injury on an existing operator. Brief renewing this argument was filed by General Counsel William J. Dempsey and his assistant, William C. Kopolovitz, in the Tri-State Broadcasting Co. case, involving *KTSM*, El Paso.

Realizing they made an unfortunate admission in their brief in the *WMXZ* matter, the Comish barristers centered their attack on Justice Miller's remarks about the obligation of the regulators to weigh the economic consequences of new stations and insisted the Court has interpreted the Communications Act erroneously. In the latest document, they do not concede the Comish must measure public interest with a dollars-and-cents yardstick. Diametrically opposite view is set forth in the supplementary brief.

Principal points made by the FCC lawyers are (1) the Comish is not authorized to reject applications because of prospective competitive effect on going concerns and (2) there is no way of distinguishing between "nondestructive and destructive competition." The court is told the Comish does not believe that the Communications Act of 1934 either expressly, or by implication, authorized the Commission in any case to refuse a license to a person financially and otherwise qualified under the statute, because such person through competition for advertising clients will cause financial loss to an existing station, regardless of the extent such loss may be.

Basic Point

The governing consideration, after applicants have passed all technical fitness tests, is whether public interest will be served by granting a request, the attorneys argued, Congress, in mentioning "public interest, convenience, and necessity," did not refer to the economic well-being of present licensees, they continued, and in the absence of in-

structions to consider the financial success of radio enterprises the Comish must rely on the basic policy of "the maximum amount of fair competition between persons engaged in similar businesses."

The lawyers tartly remarked the FCC does not regulate advertising. Agency of business a station does depends upon the management, enterprising showmen attract listeners and a suitable audience attracts accounts. Congress, by no means declared that the advertising business is an activity which should be regulated in a way to insure immunity from unlimited competition.

In denying the right to decide between "nondestructive and destructive competition," Dempsey and Kopolovitz accused the court of meddling into the field of speculation. Justice Miller's remarks that the Comish they might encourage monopoly are "wildly beside the point," they maintained. Furthermore, the American concept of commercial radio is based upon full competition.

The FCC is required to consider competitive effects in licensing new stations, it logically should look at financial results in handing out renewals, the lawyers ironically suggested. This might mean that certain plants should be deleted merely because they were taking business from others. Carried to a rational conclusion, this theory would result in rate control, which is beyond the jurisdiction of the Comish under the 1934 statute, they protested.

HERB SWOPE, JR., IN TYLER SPOT AT CBS

Herbert Bayard Swope, Jr., whose father is a member of the CBS board of directors, will shortly relieve James Tyler as head contact man on "Trade publicity for CBS." Tyler moves up with the network's promotion department as copy and presentation writer. Young Swope has been CBS's assistant.

Senior Swope was executive editor of the *New York N. Y. World*. For a while he represented the Mike Meehan interests on the RKO board of directors.

Dept. Store Uses Radio

Baltimore, Sept. 19.

Radio program was inaugurated this week by Hochschild-Kohn dept. store over WBAL. Class store will utilize a half hour every morning for "Around the Breakfast Table," a program of semi-classic recordings, time, temperature and weather reports and shopping hints tied in with price items currently on tap.

An elaborate window display publicizing the new setup.

SEE BULOVA CASE AS VERY TELLTALE

Washington, Sept. 19.

Careful review of the evidence offered to support Arde Bulova's request for permission to take over WPG, Atlantic City, and get clearance for full-time operation by WBLL, New York, was hinted by the attitude of FCC members at oral arguments last week. The regulators' proposed decision is unfavorable, despite political hatching.

Although none of the threatened accusations were made, opponents of the move felt encouraged when the oratory ended. Chiefly because of the record and ponder all aspects and issues, which are more important academically than in any case involving a prospective merger.

Central issue is whether the clock man should be permitted to get another piece of the spectrum. The frequency is divided by WBLL and WPG, so that no additional interference problems of any magnitude are raised by the prospective merger. Only real opposition is because of more competition in the New York area and although the legal question about license trafficking is before the Comish.

Argument against the grant was made by Louis G. Caldwell, on behalf of WEVD, and Herbert Bingham, on behalf of the prospective merger. Both the views of the other no-likers.

After Bingham had gone into the economics and pointed out the unfettered condition in Gotham, Caldwell laid the legality matter squarely before the Comish. Pointed out that in view of all the rumormongering, multiple ownership and frequency-swapping, the Comish ought to be painstaking and think once more about the public interest. Granting would be a very serious mischievous intent of Congress, he insisted.

Economics of the situation seemed to intrigue the new chairman, who posed many questions and expressed legitimate listeners with his curiosity about such policy matters. At one point, one newcomer felt that if Bingham believed the FCC should show concern about the financial welfare of every licensee, he should follow the theory to its logical conclusion, which means rate regulation.

The frequency barter aspect also aroused Fly's curiosity. When Caldwell was rhetorically explaining he does not believe the Comish has any right to judge whether the price is fair or excessive, the chairman inquired whether the barrister meant he thought there was no safeguard, in view of the anti-traffic trading principle, against horse-trading of radio facilities. If the Comish does claim the right to use a yardstick on the cash involved—as it has in some instances and conspicuously has not in others—the WPG-Bulova deal is a proposition where such scrutiny would be extremely appropriate, Caldwell retorted. Most of his remarks related to the legislative history surrounding Section 310B and the aim of Congress.

Some quizzing by Commissioner Fred L. Thompson, who has been in favor of the proposed decision and normally is the pal of non-web outlets and uncompromising foe of chains. Otherwise, the Comish gave no sign whether any members have been converted or were likely to nullify their previous ballots, when the sale was conditionally approved on a reported 6-to-0 tally.

Uhalt Honeymooning

New Orleans, Sept. 19.

Joseph Uhalt, president and part owner of WDSU here, left today (Tuesday) for New York on a honeymoon with his secretary of several years, Marion Bonomo.

Surprise ceremony took place last night.

Versatile

New Orleans, Sept. 19.

At one of his free lance activities, Al Godwin, WWL announcer has taken to appearing on advertising shorts as a model. His first trip before the camera saw him modeling men's silk pajamas.

Meanwhile Jimmie Willson, program director of WWL, is acting as m.c. of the Fall Fashion Show of the D. H. Holmes department store.

UNGLOSSING BRIEF RAPS PRACTICES

Washington, Sept. 19.

Definite ruling from the United States Supreme Court on the vital question is up in latest maneuvering in the hard-fought Pottsville case, in which the Comish is trying to reopen the entire record, despite issuance of writs of prohibition and mandamus telling it to settle the fight between Pottsville Broadcasting Co. and Schuykill Broadcasting Co. on the basis of the original testimony.

The case presents an issue of great importance, since a decision adverse to the Comish probably would set the procedure of a host of quasi-judicial agencies, mostly the powerful New Deal creations. On the other hand, a Government victory unquestionably would provoke new suggestions for the Logan-Walter bill, standardizing administrative routine and insuring automatic court review in all regulatory fights.

The Comish has applied for a writ of certiorari to the District of Columbia Court of Appeals, seeking review of the intermediate judges' right to order the FCC how to handle applications and a positive answer to the question of how much authority the courts have over the regulators. The original decision, reversing the FCC on finding that Pottsville Broadcasting Co. was not financially qualified to obtain a license, but leaving open for reconsideration (Continued on page 42)

THOMAS' AMBITION TO BUCK SHEPARD

Bridgeport, Sept. 19.

Watch Thomas, operator of WATL, Colonial affiliate in Waterbury, will be bucking John Shepard 3rd's WICC in Bridgeport if FCC grants Thomas permit for 1310-kilocycle 250-watt in Bridgeport. Thomas, who also owns WBRK, Pittsfield, Mass., opines that WICC's commitments to NBC-Blue, Mutual, Yankee and Colonial deny Bridgeport local concentration he feels his projected exhaler would give city.

Washington overcasters will have next month.

KOVO, Utah, Starting

Provo, Utah, Sept. 19.

Utah's newest broadcasting unit, KOVO, 100-watt, begins operation at 5 p. m. Sept. 21. Howard Johnson is chief engineer.

Premiere program will originate from the stage of Columbia at Brigham Young university here.

I wouldn't THINK of trying to sell this market without

WHAS...



...it's the MUST station for anybody who expects to open the pocketbook of this rich listening area!"

LOOK AT THESE WHAS POTENTIALITIES:

Urban Population	2,288,915	Radio Income	\$2,214,000.00
Radio Homes	1,482,000	Value of Manufactured Product	\$1,716,000,000
Retail Sales	\$1,000,000.00	White Families	1,716,000
Telephone	5,000,000	White Families	1,716,000
White Families	1,716,000	White Families	1,716,000

Louisville, Kentucky

50,000 WATTS, 820 K.C. C.B.S. BASIC STATION

Nationally Represented By Edward Petry & Company
Owned and operated by

The Courier-Journal, THE LOUISVILLE TIMES.

Dear Radio Directors:

Omar Incorporated wanted the **FACTS** about radio listening in the Omaha-Council Bluffs and Lincoln markets. Omar's **own** salesmen, therefore, conducted a door-to-door incidental survey of the area... made 16,623 personal calls.

The results of that survey tell a powerful story for **WOW**—a story that you should consider carefully when buying time in this market. Write for "Omar's Buys WOW."

Yours very truly,

W. C. Swope, Jr.
Manager,
RADIO STATION WOW
Omaha, Nebraska

OMAHA, NEBRASKA

PHIL SPITALNY
With Evelyn, Maxine, Rosa Linda
and Lela Thore Lane, Woody
Anderson, Ed Shearbit
Oceana, 10 p.m.
30 mins.
GENERAL ELECTRIC
Sunday, 10 p.m.
WEAP-NBC, New York

Phil Spitalny is back with his successful season for his new series, "The Phil Spitalny Show." This time he's taking a little break from his usual formula, which has its drawbacks as well as its assets. While he has been successful in the past, Spitalny's program follows two half hours of popular music not so far removed in style from the popular and listener appeal. They are Mahatma, Merry-Go-Round, and the new series, "The Phil Spitalny Show." Still it's a better bet than having a show like the "Lux Radio Theatre" (Monday night) as was Spitalny's predicament last season.

Regardless of the day of the week or the hour, the Spitalny type of entertainment projects its own music. The introduction of music not only pitched this mood quickly, but neatly registered Spitalny's flair for combining the music with the smart showmanship. The show was brightly paced and tightly knit into a sequence of shifting musical notes of the current popular field. There was a rumba, a fast rhythm number, a waltz melody, a standard ballad, a string quartet, and a highlighted violin, while the fade-out item took a strong trend with Irving Berlin's "God Bless America." Effective use was made of the talent of such specialists as "The Three Little Words" and the pianists, Rosa Linda and Lela.

In recent seasons the fad has been to rush columnists to the mike as m.c.'s whether they are friends or allies beloved or otherwise. This one appeared to be an open season for dramatic critics. John Anderson, who is a play critic for the "Journal-American," holds the m.c. assignment on the Spitalny stanzas. Aside from a happy and good spot, from the question whether his reputation extends beyond the "Journal-American" circulation of his paper, Anderson adds to punch, color or meaning to the program.

The new GE series has a "Woman of the Week" feature, which is the occasion Mrs. Harrison Austin, founder of the "Woman's Eye," which organization trains dogs to lead the blind. Anderson interviewed her. His reading of the paper passed muster but the trained voice and m.c. manner of the "Woman's Eye" program's plug disfigure the fit for the interview.

The ad copy is tersely and smoothly-fashioned, and is nicely in putting over the idea of the ad and good lighting.

In the home, together with the slogan that good and adequate lighting is not only cheap but is beneficial to health.

Ode.

COFFEE POT
With Toby Novus, Vera Salzman,
Gene Tushnet, Chuck Miller,
Alma McKelney, The Butternuts
Variety Club
12 mins.—Local
Butter-Nut Coffee
Mtn. through Fr. 7:45 a.m.
KFAB, Lincoln, Neb.

In the interests of Butter-Nut coffee, the Paxton-Grove, Ill. radio program is produced at KFAB and aired via 10 stations in Iowa, Minnesota, the Dakota, Nebraska, and Kansas. A farmer-aimed show, with Toby Novus acting as m.c. and producer. He handles intercom, talks funny two or three times per hour, and does most of the non-commercial.

Two singers are Vera Salzman and Gene Tushnet, who are singing to audiences in the territory. Gal is an effortless voice, and is a success on the ear, and Tushnet is likewise a soothing. Chuck Miller is the commercial man. Alma McKelney is featured on the xylophone, and the band, The Butternuts, is a good one well on the musical grinds.

Commercial gets in about three and sometimes four commercials in the stint, but they're not too long.

—Bern.

DON ORLANDO ORCHESTRA
30 mins.—Local
Slightly, 8 p.m.
WGN, Chicago

Formerly at the Chi Chez Paree and following up on the "Chi Chez Air," this band has added to a fine musical aggregation, and comes over the ether in exceptionally fine form.

Don Orlando and his accordion are the outstanding distinction in the musical arrangement of the "Chi Chez Air" with the push-box rhythm giving much of the novelty and the "Chi Chez" Orlando impresses as pretty much of a whiz on the wind pump, with a style that indicates considerable showmanship.

Orlando also comes up with the vocalizing duets with the band, and while the warbling is not terrific, his progress is not to be denied.

There is nothing curly about the band, with all tempo veering towards the smart, and the occasional song is a cornet wah-wah indicate any jitterbug tendencies. Musicalistic, it is certainly a good one, and as such figures to garner a steady radio following.

JIMMIE FIDLER
With Gary Breckner (Announcer)
Film Gossip
15 mins.
WABC-Radio, New York
Tuesday, 7:15 p.m.

PROCTOR & GAMBLE
WABC-Radio, New York
Tuesday, 7:15 p.m.

(H. W. Kantor & Sons)

Fidler started out his series (12) with the advance reports in new-papers columns, edited by Gary Breckner, who kept off and on the set, and he was returning to the set, and he was returning to the set, and he was returning to the set. The initial sample of the show was incoherent enough. The film "Missing Daughters" did not get the best of the show. Beyond that, the stuff was fairly harmless and not subject to any criticism. It is doubtful whether the kind of spotlight focused by Fidler and his colleagues on the love-making, divorcing, child-bearing and decorating of Hollywood's great and near great is an asset. Familiarly breeds contempt. But the inception of this type of candid camera snooty, and the introduction of privacy was perhaps not Fidler's idea any more. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

Fidler's voice is good, clear and understandable. The show is a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

Fidler retired Shiley Temple as of 1941, and positively had it first-hand. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

The idea of breaking his stanzas into sections of gossip, film reviews and news, is a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

Gary Breckner spits the commercials, which are peddling Drene (a hair cream) and a hair cream. This chatter could be read (a little) and the show was a good one, and the seeds and, now they are reaping.

Earl R. Shappell, announcer at station WGBU, Reading, Pa., ran for democratic nomination for county commission in 1938, and lost to the candidate he finished seventh.

—Bern.

Unsung Brief vs. FCC

Continued from page 41

consideration the matter of denying non-residents permits for local stations, is not directly involved.

The real issue, stated by the FCC, is whether there shall be any judicial review of the FCC's actions. The FCC's actions are not subject to judicial review.

The FCC's actions are not subject to judicial review. The FCC's actions are not subject to judicial review. The FCC's actions are not subject to judicial review.

Under the 1934 statute, the Commission is empowered to observe the orders of the D. C. Court of Appeals and has the alternative right of action. Lovett contended that the intermediate court is upheld, the right of review will be valueless to litigants before the FCC, in his opinion.

"Favoritism."

In comprehensive argument, Lovett contended that the Commission wishes to reserve freedom to treat applicants with discrimination and favoritism. He contended that the Commission is unwilling to bind themselves to "do what was done without discrimination" in what was done without discrimination.

RADIO HARRIS
With Betty Davis (Guest)
Film Gossip
15 mins.
WABC-Radio, New York
Tuesday, 7:15 p.m.

PROCTOR & GAMBLE
WABC-Radio, New York
Tuesday, 7:15 p.m.

(H. W. Kantor & Sons)

On CBS, just prior to the Radio Harris stanzas on WOR, Jimmie Fidler returned to Shiley Temple. Harris a few minutes later put Fidler on the air, and he was returning to the set, and he was returning to the set.

Radio Harris has been commenting on Hollywood and Broadway for some time. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

Mrs. Harris emphasizes leg it good idea for the New York crowd. Her fan club is another angle that rivets the proceedings more solidly.

WATTS HOYT
Baseball
15 mins.—Local
WABC-Radio, New York
Monday, 7:15 p.m.

PROCTOR & GAMBLE
WABC-Radio, New York
Monday, 7:15 p.m.

(H. W. Ayer)

If Mutual hasn't yet entirely set its staff for the Gillette-sponsored show, the show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

His vaudeville experience reflects itself in his easy m.c. manner. The show was a good one, and the seeds and, now they are reaping. The show was a good one, and the seeds and, now they are reaping.

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Television Review

'ART AND MRS. BOTTLE'

With Harry Packer
NBC-RCA, New York
Thursday, 8:30 p.m.

THE SURRY PLAYERS

With Harry Packer
NBC-RCA, New York
Thursday, 8:30 p.m.

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THE SURRY PLAYERS

With Harry Packer
NBC-RCA, New York

CONTACTEERS' UNION MEETS TONIGHT (20)

Labeled for Domestic Use

Licensing agreement which has been worked out between the United States Record Corp. and Harry Fox, agent and trustee, provides that the company's product will have a legend on its labels reading, "Licensed by the publisher for non-commercial use in phonograms in the home." It makes the first time that a phonograph record company has agreed to the principle of such restricted use. Previous restrictions, as carried on record labels or envelopes, have limited disks to home use and or not licensed for broadcasting.

Under this expressed limitation a record with the above legend could not be used for broadcasting or in coin-operated machines. The new license also stipulates that the record company may not interpolate anything in the work of a copyright owner without permission and that a special license is required before a composition may be re-arranged.

Friendly Test Suit Develops Other Way As WB Suspects RCA of Switcheroo

What had started out to be a nice, friendly test suit between the Warner Bros. music interests and RCA Victor has given promise of developing into a sizzling court battle, with both sides determined to press their case to the highest court. The present issue concerns the technical interpretation of a special arrangement under which RCA, a WB subsidiary, is predating its issue on "Rendezvous Time in Paris" from "Streets of Paris," having arbitrarily selected the Tommy Dorsey version for the legal test.

Warner is already accusing Victor of pulling a double-cross. Latest charge arises from the fact that Victor last week filed with the N. Y. federal court an amended answer to a test action by Harms, Inc., which answer was so phrased as to make a quick trial of the issue impossible. The two litigants several months ago agreed to test out Warner's contention that the copyright law gives the copyright owner full control over special arrangements made of his work and that because of such control the copyright owner could determine how a record containing his work was to be used. Under stipulations were consented to by counsel on both sides and after the basis of a suit was laid Warner filed its action. Victor sought a second extension of time in which to file its answer, but Warner became suspicious of hedging and informed the defendant that the granting of more time was out. Victor's counsel burned at the refusal but filed the papers on the final day, Aug. 21.

Surprised Warner figured that Victor would move in later with an amended answer but it didn't expect the contents to be anything like those contained in the papers filed last week. Victor, though, would not adhere to the agreement to stick to the questions of law in the case so that it could come up for a quick trial. At the time of the filing of the answer, but for the amended answer brings up for the first time questions of law under which the action must be relegated to the ordinary trial calendar. The case now must come to trial for at least another year.

In its new defenses Victor claims that Harms has for years solicited other record leaders to perform their works on Victor records and that the very fact fulfilled in the case of "Rendezvous Time in Paris" (on May 22, 1939), the tune which had been selected for the test action. Harms contended that the record was a version as part of the case so as to avoid the compulsory clause of the copyright law and that Victor contends that when Harms solicited Tommy Dorsey to record tunes for the publisher, in effect, had given the leader an invitation to perform "Rendezvous Time."

By reason of this premise, states Victor in its new set of defenses, Harms is stopped from denying the fact that he arranged for the selection and also stopped from barring Victor from making recordings of his composition. In his amended answer Victor concentrated its defense on the question of whether the copyright provisions of the copyright law, which limits the royalty payment to 2c, does not also grant the recorder the right to make special

arrangements without permission from the copyright owner. Harms is contending that the compulsory clause implies no right as it hopes by virtue of a court decision in its favor to force recorders to take out special licenses for records to be used in coin-operated machines and thereby collect more than the 1c to 2c it is now getting on phonograph disks.

STARR'S PACT WITH WRITERS REJECTED

Standard writers' contract, which has been worked out between the Songwriters Protective Association and Herman Starr, head of the Warner Bros. publishing group, is currently in the hands of the association's westcoast membership. Agreement was ratified by the SPSA's New York membership at a special meeting last week.

Following the completion of the pact, Starr received phone calls from several publishers who expressed surprise at his action and inquired for details of the agreement. It was reported around the industry that the contract not only made it mandatory for WB to consult the writers involved on the price quoted for visual vocal uses but in certain instances made the terms retroactive to June 1, 1937. The period of consultation is 72 hours. If WB can't get to touch with the writer within that time it is free to accept the price it deems best in the case of works owned by film and show writers the latter must approve the licensing price whenever a publisher signs a contract with title of a song for film titling purposes.

Starr declared Friday (15) that the details of the contract would be disclosed in a joint statement after the agreement had been approved by the Coast SPSA membership. He added that most of the terms reported around the industry are distorted and that when the true terms were revealed the industry would be convinced that they were fair to all concerned and workable.

MCA Dominates Philly

Philadelphia, Sept. 19. MCA has a corner on the hotel and booking in this town with every first rate act signed to one of the firm's terms.

Scheduled for MCA bands for the fall season are the Benjamin Franklin, the Bellevue-Stratford, the Ritz-Carlton, the Warwick and Adelphi hotels. All but the latter will only feature bands.

Adelphi is planning floor shows in its Café Marguerite.

Victor Young scoring "The Light That Failed" Paramount.

AFNCAIS IN 3 GROUPS FOR TALKS

Once-Caught-Once-Forgiven Boys Warned—Big Offices Told of One-Nighter Attitude in N. Y. Area—Club Bookers Under Scrutiny

NO KICKBACKS

All New York bookers were called in three separate groups to head-quarters of the Musicians Union, Local 802, last week for a sub-rosa dressing down for past mistakes and lecture what is expected of them during the coming season. Jack Rosenberg, prez, and the trial board did the talking.

Group one consisted of those bookers whose licenses were lifted by the A.F.M. last spring and later restored on the agreement that they will operate with stewards to watch over payoffs.

Second group included reps of Music Corp. of America, Consolidated Radio Artists, General Amusement Corp. and the William Morris office. They were principally given instructions to negotiate travel bands. Wandering crews will be stringently restricted from staying around New York and competing with local outfits, it was said. It will, of course, be okay for them to take hotel and ballroom space, but they will not be allowed to compete on one-nighters in close succession in this territory.

Third group to be called on the carpet were the club bookers. They were told that the Union has full intention of taking every possible advantage of the Desmond law, passed by the last assembly session, which forbids kickbacks in any form.

All the bookers were informed that 802 will not hesitate to take up any matter it thinks amiss with Commissioner Paul Moss, who is to revoke the bookers licenses, or Attorney Attorney Dewey.

John Gart at Ciro's

John Gart has the orchestral spot at Ciro's of London, Central Park south, which opens next Wednesday (27). He will have an NBC wire.

Lucille Linwood will be the vocalist.

ASCAP Begins Day in Neb. Court

Buck, Mills, Paine, Nevins' Widow Tell of Performance Society's Past, Nature

Lincoln, Neb., Sept. 19. Trial of the application of the American Society of Composers, Authors and Publishers for a permanent injunction against enforcement of Nebraska's anti-ASCAP law opened yesterday (Monday) before special Federal statutory court of three judges with Gene Buck, the Society's president, explaining the nature of his organization. E. C. Mills, who followed him on the stand, justified told of the situation which existed prior to ASCAP's formation in 1914 when composers' works were freely pirated and also of the subsequent legal battles with phonograph recorders, theatre men, cafe owners and other night standers.

In 1926, when money Buck frequently took advantage of state counsel's services to put in much gratuitous information concerning the controversy between ASCAP and users of music, John G. Paine, ASCAP's general manager, and Mrs. Ethelbert Nevins, the composer's widow, told the stand today (Tuesday).

Louis Richel heads ASCAP's legal

Druggists' Assn. Asking Members To Lay Off Bootleg Sheetmuses

From the Best

Attitude of bandleaders toward culling the classics for song hits is reflected in the retort of batonman when asked his opinion of such songs as the current "Moon Love."

He cracked: "What would you rather have your kids listen to, 'Flat Foot Floogie' c. 'My Rev-erie'?"

Retail drug business, through its trade association and trade press, is currently waging a campaign to pressure druggists to clear their magazine racks of bootleg sheetmuses. With several druggists in New England already involved in civil suits brought by copyright owners over the sale of such sheetmuses, the National Assn. of Retail Druggists has become actively interested in breaking the trade's connection with the contraband folk racket.

The subject is expected to come up for discussion at the association's annual convention in St. Paul, Oct. 9. Meanwhile, Rowland Jones, Jr., Washington rep for the trade outfit, is being exchanging letters with Walter G. Douglas, chairman of the Music Publishers Protective Assn., on the situation, with a view of gathering material in the racket's operations, the laws involved and the penalties to which traffickers in bootleg sheetmuses subject themselves.

In one of his communications with the MPFA chairman stated that his association had agreed to release any druggist from legal liability he is in turn will furnish the leg sheets' wholesaler or distributor. The matter was made in answer to the claim of a Hartford, Conn. druggist, currently being sued by the MPFA for selling bootleg sheetmuses from the same distributor who serviced him with magazines.

Another MPFA spokesman stated that starting with Oct. 23, the MPFA would intensify its campaign against druggists handling the contraband product and that in addition to bringing civil suits, it would ask local federal authorities for criminal warrants against such retailers.

CHARLES WARREN MAY JOIN BUDDY MORRIS

Charlie Warren, who quit Remick as professional manager last Friday (15), may go with Edwin H. (Buddy) Morris when the latter enters the publishing business shortly. Morris is currently putting the finishing touches to his purchase of the Joe Davis catalog.

Johnny Whaley, who was Warren's assistant, becomes Remick's professional head and Nat Freeling takes the title of assistant professional manager.

WAR-CANCELLED TIME OF LUNCEFORD FILLED IN

Open dates left by cancellation of Jimmie Lunceford's European tour, which was dropped due to the war, have almost all been filled in. Starting tomorrow night (21) at the Renaissance Ballroom, New York, the band swings through the south, Middle west and one or two dates in New England until Oct. 15.

Week of Oct. 27 band goes to Earle then to Philadelphia, Dec. Buffalo, Dec. 8-11, State theatre, Hartford, Christmas Eve hop at the Renaissance Club, N. Y., New Year's week at the Apollo theatre, N. Y. Feb. 2 it starts four weeks of Texas, Tennessee, Kentucky, Dallas, San Antonio, Houston and Austin.

HOOP ON HIGHWAY To Raise Funds for Utah Cemetery's Wire Fence

Magna, Utah, Sept. 21. A transcontinental drive was roped off and waxed for jitterbug and square dance outings Monday (18) through Wednesday (20) to construct a wire fence for the Pleasant Green cemetery.

Two local bands donated their services gratis.

Order Subdued Music

Cleveland, Sept. 19. Swing music any louder, relating to it is out at WHK and WGAR here. Staff crews of both outlets have been ordered to refrain from playing brass. At WGAR, Walter Brown, leader, got orders to revise his set up to seven strings and two pianos. Loud brass came at WHK. It is now an all string affair. He has started a new "Three Quarter Time" half hour Saturday afternoon.

As Featured in
the Warner Bros. Hit
"THE ROARING TWENTIES"
REMICK MUSIC CORP.

How TA Started

Contrary to popular belief, the control of benefit shows, leading to the formation of the old Actors' Betterment Assn. and subsequently to the present Theatre Authority, was started by Bill Robinson, James Brandon and Dan Healy, from a suggestion offered by James J. Hines, the Tammany politician, under sentence in N. Y. for conspiracy.

According to the story, Hines had for years held benefit shows for his Monongahela Democratic Club to provide Christmas baskets for the poor in the election districts. One night at a benefit show, the political leader was talking with Robinson, Barton and Healy, who had appeared on the bill that night. It was Hines who suggested the idea that actors, who always played benefits for others, should do something for their own charities.

As evidence of his gratitude to those who had helped his club, Hines gave \$1,000 in cash to Robinson, Barton and Healy, who turned the theatrical charity as the three saw fit. Robinson distributed his share to needy performers in Harlem, while Barton and Healy turned theirs over to the Actors Fund. Later, as the three were talking over the idea of continuing actor charity, Dave Vine heard of it and joined the group. He subsequently formed the ABA, and after several meetings, Ralph Whitehead became secretary.

With the dissolving of the ABA, Whitehead became executive-secretary of its successor, the American Federation of Actors, the position he still retains. Following its expulsion from the Associated Actors & Artists of America recently, the AFA withdrew from the Theatre Authority. Charges of misuse of charity funds by the union were involved in both actions.

Vaude Looks Up

Continued from page 1

Artists of America and the International Alliance of Theatrical Stage Employees, pledging greater co-operation between the two unions, may pave the way for theatres to get better breaks through the efforts of both unions to provide more employment.

This may already be reflecting itself in the fact that there are now more vaudeville open, or planning to open, than there were at the same time last year, or for two years before that. Part of this was down in the fall of 1938, for one, is showing a definite stage time upward, but the major reason is the fact that the industry is the most important in key-noting the sentiment of theatre open-concerns.

No. 1 in this category is the four-week route in metropolitan New York. The Broadway theatre, this indie operation first experimented with stage shows late last winter at its Flatbush, where it was known as the Brandts and was convinced that they had found the bottom they needed for the third- and subsequent-run film product they had been getting. Last Friday (15) the Flatbush, after a week of duals, resumed the full-week name stage show policy, with the new lineup: Broadway, Manhattan; and Carleton, Jamaica, all in straight pictures for years, and similar policies this Friday (22).

Fisher's Indie Book

Arthur Fisher is booking the Brandts houses and in addition has lined up three and a half weeks of indie indies. These are the Capitol, Lynn, Mass., full week; Empire, Fall River, Mass., three days; Freeprest, L. I., three days; Liberty, Elizabeth, N. J., three days; Plymouth, Worcester, Mass., three days and Cort, Springfield, Mass., three days. He's also spotting vaude acts, including the burlesque show, a full-weeker. This lineup of theatres is giving him the biggest indie vaudeville book since the days of Fally Mark.

Another major indie book is Lawrence Goldie's of the William Morris office. He's got She's, Toronto, full-weeker, and the Palace, in Alton and St. Louis, town, splits. Besides these he's spotting occasional shows into the Indianapolis, Centerville, Springfield and the Palace, Ft. Wayne, full-week spots.

Goldie and Fisher claim that indie theatre operators appear to be turning toward stage shows to hypso business and to play a similar pulse last season, but union difficulties in many spots stymied any such stage show advance. But now, with war abroad and its resultant boosting effect on American industry and employment, theatre owners feel more secure in committing themselves to stage shows, and claim that the public has more money to spend and can stand higher ticket prices. The union, they do not appear to be as tough as they were last fall.

Concord theatres represent another group eyeing vaudeville. Circuit, booked by Abe and Joe Feinberg, is already playing two-day shows at the Family, Scranton, Pa., and three days at the Irving, Wilkes-Barre, Pa., and at the Erie, Pa. Feinbergs also book Fays, Providence, full-weeker, as well as the shows at the Erie, Pa. Sherman's one and two-day route for intact variety shows in the midwest.

Later, now totals around eight weeks in all, but is only paying \$100 and slightly less per day for showings. The Duke, which is one of the leaders in the indie booking field in amount of playing time, is showing this week at the Duke, two weeks. These are the Paramount, Newark, and the Paramount, Springfield, Mass., both with Kalmachin in N. Y. last season.

OK, WB's Elaborate Plans

OK, major indie book, with OKO and Warners are going ahead with rather elaborate stage plans. RKO already has 100 spots in the pipeline, open and playing, very little considering the circuit's former vaudeville emphasis, but still only states that it had last season at this time. RKO spots are the Golden Gate, San Francisco, Palace, Chicago, Palace, Shubert, Cincinnati; Colonial, Dayton, and Keith's Boston, the latter for a three or four-day stand and the others full-weekers. Along with this, Bill Howard, RKO booker, is spotting complete film product for full weeks at the Palace, Columbus, and Orpheum, Minneapolis. There's probability this will also be the case with the Albee, Providence, Rhode Island, and Boston renewing its former status of a full-week, big-time vaude house. RKO's billable unit, says one spot, namely Albany, Rochester, Syracuse and Troy, are committed to only one-day stage shows, but still states that here also the vaude policies will be amplified if his warrants.

Many vaude houses vaude booker, besides buying shows for the Strand on Broadway, also spots 'em for full week at the Zerk, vaude house in Philadelphia and Washington. Another WB house, the Stanley, Pittsburgh, resumes stage shows Sept. 29, opener being the Eddie Cantor unit. Other WB stage houses are the Regal, Reading, Pa., one day; Strand, York, Pa., one day, and Capitol, Lancaster, one day. York and Lancaster open Saturday night, as flock of Philadelphia nab situations are also expected to join WB's vaude book.

Loew's May Try Again

Loew's, which has been out of the Loew's Century, here, may again attempt stage shows after considerable sagging-out since the last past seasons. Understood that new stage policy will be transient, with spotlight on stage shows in when available to bolster weak-stellar film product.

Some previous difficulty with musicians has been satisfactorily adjusted, with local union making scale progress to accept the union's templated policy. Only local house using vaude at present is Izzy Rapaport's combo Ilog.

DANCER LOSES SUIT

Roxane Abell's \$19,300 suit for damages to her dancing legs non-suit.

Dancer claimed she couldn't find key to her room in a Catalina Island hotel and put her legs on the balcony to enter through skylight. Judge said it was her own fault.

Texas Nitory Out On Bond in 2d Shooting

Galveston, Sept. 19. Vincent Vallone, 35, of Houston, was released under \$10,000 bond, after indictment charging murder of Thomas, railroad man, who was shot to death on stairs leading to 21 Club, nitory operated by Vallone in Houston.

Vallone was also indicted in shooting of Sam Ferrugia in beer tavern, March 8, 1937, a case which has never been tried.

LEGION MAKES FEAT DEAL WITH TA

American Legion, Chicago, Sept. 19. American Legion, for its coming convention here, has signed an agreement with the Theatre Authority to appear locally by the Legion, giving the TA a flat \$3,000 for all free appearances of acts. Also, for the first time, the Legion will pay acts for a giant show at Soldier Field on Sept. 24.

Among the guests coming to Chicago for appearances will be Eddie Cantor, who will address an Americanization rally, Jack Benny, Kate Smith and Ann Sheridan. Halperin set the TA agreement after several days of negotiations between the Legion and Victor Mackenzie, Russell O'Connor and E. P. McGinnis, with the local AFA. The Legion is offering to that secured on the Coast by the TA. Show at Soldier Field, which will play to 100,000, to remain indefinitely. Austin must come to terms with Billy and Marlene White, tent owners, who claim, through their local attorneys, the aforesaid sum for equipment which they aver is borrowed from them under an agreement to pay them 20% of the daily gross receipts. Austin has said he will fight the statement.

BOXIE VAUDE OPENING

Charlotte, N. C., Sept. 19. The Broadway will resume vaudeville Sept. 22-23 with the 'Fine Ridge' and 'The House of the Future'. The house will play units on alternate weekends throughout the season. The unit booked is 'Pleasures of Paris'.

Other southern Paramount houses to open vaudeville soon are the State, Winston-Salem, N. C., Oct. 13; Carolina, Durham, N. C., Sept. 20-21; Granby, Norfolk, Va., Oct. 1. These houses all are booked out of Charlotte by T. D. Kemp, Jr.

F.M. AGAIN MULLING VAUDE FOR ST. LOUIS

St. Louis, Sept. 19. Fanchon & Marco interests here are preparing for another whirl at stage shows in the \$300-seat Fox in midtown. In the last several years stage shows have been tried with varying success and last spring four of five weeks were given over to stage presentations. Al Pearce and his Gang, Benny Goodman, Bob Cole and Blackie's, have been among those who made p.a.'s at the huge house, but there was little profit. The stage shows in when acquires a stand-in band and this is a heavy nut in this town.

The A. B. Marcus unit is tentatively scheduled to open the season Oct. 6 and another unit, still unidentified, is expected to make a one-week stand starting Oct. 20.

Outside of the Garrick (burlesk), the only other house where vaude shows are presented is the American (legit).

RUSS MORGAN'S PAR DATE

Russ Morgan's par date has been handed a three-week stage ticket at the New York Paramount via the Concordia. Band will be coupled with 'Rulers of the Sea' (Par).

AFA's Continuance Doubly Hit By Tucker's Withdrawal and Greens Denial of Outdoor Jurisdiction

Tools Shor's Radio City Located Chophouse

Tools Shor, former operator of the LaHit Tavern, N. Y., has leased spot on 51st street, opposite the Music Hall, for a two-story restaurant. The 21-year lease, involving a total rental of about \$300,000, entails the location of two brownstone buildings on the site for the chophouse. New spot, expected to be open by Christmas, is known as 'Tools Shor's No. 51.' It will be patterned after Simpson's Chop House in London.

\$8,500 Plaster On Gene Austin Tent Vaude Show

Because of a matter of some \$8,500, Gene Austin's tent show, 'Models and Melodies,' with its 40 people and 10 pieces of motorized equipment, which completed a two-day engagement here Friday night, has been obliged to remain indefinitely. Austin must come to terms with Billy and Marlene White, tent owners, who claim, through their local attorneys, the aforesaid sum for equipment which they aver is borrowed from them under an agreement to pay them 20% of the daily gross receipts. Austin has said he will fight the statement.

Austin continued through his attorney that the Whites lent him a plaster on the equipment he bought from them. The case is now before a Federal tax lien.

The Austin show was booked for Guilford, Conn., Saturday (16) and then a long western tour.

Lytic, Indpls., at Peace With Stagehands; Pit Leader Hurt in Crash

Indianapolis, Sept. 19. Lyric theatre, shuttered since July 6 when staghands walked out due to refusal of wage increase, will reopen Friday (22) with Ben Bernie's orch on stage. Property owners have reformed new Lyric operating Co., with Ted Nicholas, manager, handling the booking previously done by Charles M. Olson. Olson will remain at the theatre in an advisory capacity.

Stoolie Reimer has been given a compromise raise, which also includes musicians' salaries. House will be a compromise vaudeville.

Ed Reimer, stick waver of the Lyric's pit, was bruised and injured during the last week when a truck rammed his car. Two other passengers in Reimer's car were injured slightly.

Reimer's injuries, however, are not serious enough to keep him from booking over the majority of the week when house reopens Friday.

Bemis in Clev.

Dave Bemis, former stage producer for Paramount, is now at the Palace, Cleveland.

He's dressing up the shows booked by RKO out of New York.

Open Weekends

Chicago, Sept. 19. Two weekend vaude spots have reopened around here. Charlie Hogan is to book a Saturday and Sunday show at the Genesha theatre, Kenosha, starting Sept. 30.

Also set is a Sunday date in the westside Symphony.

Second knockout blow to the remnants of the American Federation of Actors is being dealt by the arrival of Sophie Tucker at Friday (15) delivered by William Green, president of the American Federation of Labor on Monday (18), when he informed the American Guild of Variety Artists that the complete jurisdiction formerly exercised by the AFA, including the privilege of organizing all circus and carnival employees. He added that the AFA now had no jurisdiction over any circus and carnival employees.

Outdoor routabouts were the last to which Ralph Whitehead, executive secretary of the AFA, was king as a reason for maintaining his organization.

Engines of AGVA, following their conversation with Green on Monday, indicated they would accept circus performers into their organization, but that other sawdust employees and no place in an actor's union. This perhaps leaves an opening for Whitehead to organize an independent 'Big Music Live' union, either the AFL or CIO will give him a charter. What is considered more important is that the AFA labor bodies will set up a union of their own accord to take in the circus.

Meantime, AGVA is going ahead with its drive to organize nitory and circus workers. It is currently stands at about 3,000 under an intense campaign being directed by Fred Musky, who is currently working in New York brought in 504 members in the past 10 days. Fred Musky, who is currently working in New York brought in 504 members in the past 10 days. Fred Musky, who is currently working in New York brought in 504 members in the past 10 days. Fred Musky, who is currently working in New York brought in 504 members in the past 10 days.

Dues Start Oct. 1

Dues of \$18 a year for party members and \$24 for chorus workers don't start until Oct. 1. Initiation fee of \$10 for variety and \$5 for chorus performers is payable only new AGVA members who can't produce an AFA card or one from the previous season. Dues of \$18 a year for party members and \$24 for chorus workers don't start until Oct. 1. Initiation fee of \$10 for variety and \$5 for chorus performers is payable only new AGVA members who can't produce an AFA card or one from the previous season.

Members must to the regular AGVA application was added last Thursday (14) and is being sent to members by mail. The application form contains part contains questions as to age, age, kind of act, number of people in the act, and the nature of the act. It was on radio, leg stage or in films.

Annual query is 'Were you a member of the AFA?' If so, it asks dues paid to AFA, whether \$15 was paid for last season's dues. If not, it asks dues paid to AFA, whether \$15 was paid for last season's dues.

At the AGVA exec board meeting on Monday, several standard proposals were made and approved. These are only for short (Continued on page 34)

JACK DELMAR FREED

Marion, O., Sept. 19. Embarrassment charges against Jack Delmar, show promoter, have been dropped by the Central Union of Public Employees, who had arrested in Centerville, Ia., on a warrant charging embezzlement of \$10,000 from a benefit show here Sept. 8.

No explanations for dropping the action were given.

STATE-LAKE, CHI

STATE-LAKE, CHI

Duncans are a neat trick to wind up the show. Always outstanding Chicago faves, since their year's run 15 years ago in *Topsy* and *Eva*, they continue as a bright item for the older folks who remember. They maintain the knack of handling their customers. There is no blacking out now by Rosetta for any *Topsy* business.

ness. In fact, there is practically clowning and no talk, with vocalizing constituting practically the entire act. They warble a couple of songs at the opener and close with two of the songs they have always been identified with. In between there's a comedy duet on 'Barnes Bill' and a rendition of the 'E-

...and a rendition of the De
trek song, which was introduced
this country by Gracie Fields
films. Rosetta is more subdued a
Vivian doesn't giggle as much as
used to, but they remain solid pe
formers and know how to get t
most out of their routine and m
terial.

Three quick singles are in the front half of the show. It's opened by Alice Cerf with a neat acrobatic dancing turn and followed by Russ Wayne, who sings pop songs in a high nasal. Ray Martell, besides singing in with some m.c. announcing, impersonates Fred Allen, President Roosevelt, Lionel Barrymore. Stern

Fetchit and Amos 'n' Andy. 'How to Undress Before Your Husband' was a freak box-office item vaude a couple of years ago, and the current 'How to Win a Husband' (New Acts) should figure as a similar coin turn.

the right way, and another gal who plays the wrong way in snaggins breadwinner. Act is playable anywhere as a novelty, and will be welcomed as something different from the standard stuff of songs, dances and crossfire talk.

MINNESOTA, MPLS.
Minneapolis, Sept. 16
Jack Malerich's orch. (18), J.
Griffin, Lew Brock, Patricia Wy-
Dancers (12) (house line). Gaumn

This fast show packs plenty dynamite, the four vaudeville act brought in to supplement the theatre's regular musical and dancing

Joe Griffin, robust tenor, and James Malerich's 18-piece house orchestra on the elevated platform, with Malerich also at the organ, a standard house turns along with Le Brock, m.c., and the line.

Latter uncorks several funny gags and stories prior to introducing the Wynn girls. (12). In long, white pleated skirts and with wide-brimmed hats and long gloves, the steppers regale the eyes as they prance through a modern routine featured by high kicking and acrobatic gyrations.

Gaynor and Ross, man and woman rollerskaters, perform thrilling feat on a specially raised platform. Pat Robinson produces various musical effects on harmonicas of all sizes which he extracts from his pocket. On one of the harmonicas he imitates Shirley Temple reciting 'Judy and Jill' and also a motorboat.

Allen, Stone and Allen, two men and a girl, are expert tapsters who give impressions of Bill Robinson, Fred Astaire, Pat Rooney, etc. In comedy, they illustrate, by means of the dance, how women in different large cities skip over a water puddle.

The orchestra scores with a special Malerich swing arrangement 'Swanee River' before the headline Chick and Lee, next-to-closing, take over with their music and to foolery. They take flings at mouth organ and banjo singing in

mouth organ and banjo, sing in a
billy fashion, burlesque various
broadcasts and poke fun at H
and Mussolini. Some of their g
have whiskers, but in the aggr
they deliver many laughs and
customers are loath to let them
The Wynn dancers, in colorful cr
quilt bodices topped off by Russi

Big lower floor about two-thirds filled at Friday (15) matinee. Rec-

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J. J. Shubert Shrieks Dissent At League's Meeting on TMA; Union Getting 3-Yr. Extension

The Theatrical Managers and Agents union will obtain an extension of its basic agreement with producing managers and house operators, but the status of the treasurer, who constituted the final "T" in the union's title, is not so sure because they left TMA to join up with the stagehands. There were fears that the union might be disrupted and it was claimed that managerial pressure had been used to that end.

However, at one of the hottest sessions in the history of the League of New York Theatres last Friday (18), it was finally decided to renew the agreement, but, as intimated earlier, company, house managers and press agents will not secure the terms negotiated for during the summer. Present idea is to date the pact for three years, but with provision for possible revision of pay scales.

Nemes were not called during the League's meeting, but bitter argument arose. J. J. Shubert was the main dissenter among the showmen and several times became so angry that his voice rose to a shriek. Gustav A. Gerber, counsel for TMA, was runner-up in the disputing, but appeared to have an edge when the meeting adjourned.

Shubert turned to Morris Jacobs of the TMA bargaining committee and asked if he was not going to get Sam H. Harris and the Music Box. When the answer was in the affirmative, Shubert declared that he had a money interest in the theatre and demanded what right Jacobs had to act with an opposition, as some showmen regard TMA.

Gerber, with some heat, said that he had heard that Shubert had referred to the union's people in most derogatory terms. The attorney was somewhat mollified when it was explained that no such words had been used and that the initials on the so-called "TMA" sign on the employment looked like the name of annoying insects.

Despite managerial denial of an attempt to break up TMA, the complaint of the union to the State Labor Relations Board still stands and is scheduled to be heard this week. League's assent to extending the basic agreement would not modify the union's feeling over the alleged attack. Early this week Gerber and Milton Weinberger, attorney for the League, were reported in accord as to the final draft of the extended agreement.

Treasurers Status

Managers and agents who now comprise the union's executive committee that TMA will be able to retain the treasurers group, which is now part of IATSE, may be settled during the American Federation of Labor convention in Cincinnati starting Oct. 1, union planning to put the matter up to the labor leaders from the floor.

Understood that the boxoffice group now known as the Treasurers and Ticket Sellers division of IATSE has given a "B" contract, but the autonomy will feature the new union is not certain. TMA claims to have an "A" checkbook which was granted directly by the A. F. of L.

Louis F. Werthe is pro tem secretary-treasurer of the union. He succeeded James Murphy, who withdrew when fellow boxoffice men switched to IATSE.

GILKEY-MACY MULLING 'MONEY' REVUE SEQUEL

Group headed by Stanley Gilkey and Gertrude Macy, who produced "One for the Money" at the Booth, N. Y., last season, are collecting material for the presentation of another intimate musical. It will be called "Two for the Money" and is described as a sequel to "Money."

Later attraction playing Chicago early in the season was tentatively slated to return to Broadway. Production, however, was sent to the storehouse.

WINNIEPICK SPOTKED

John Holden, who produced a stock holden here for the past five years, will reopen shortly with "Our Town."

Tagged Dominion theatre, house usually runs a 32-week season with an all-Equity cast.

Legit Calls Eve Arden

Hollywood, Sept. 19. Eve Arden is returning to legit and retooling in New York for "Very Warm for May" on Broadway.

New York departure may be held up if releases on Walter Wanger's "Send Another Coffin" are ordered. Actress also has a deal pending at Metro.

OPERA CO. JUST MISSSES B STANDING

What would have been the first standing of an attraction in a key city in many seasons was narrowly avoided during the mix-up in Boston. Show is an opera troupe billed as the New York Grand Opera Co., at Shuberta Opera House. Organization is said to have dealt directly with J. J. Shubert, but the latter is not backer of the project, promoted by Amedeo Passeri.

Later was dissatisfied with the company during the mix-up that followed when no salaries were reported paid. The American Guild of Musical Artists was approached and the union sent a representative to aid the company. It was agreed to operate on the basis of a show was placed in the hands of a committee of the cast's principals. Explained that the A.G.M.A.'s rules are not the same as Equity's, for which reason Passeri was not required to post a bond guaranteeing salaries and transportation.

Troupe opened Thursday (14). It was indicated that the company needed more vocal strength and Shubert is reported having hustled to help fill the void. Ralph Errolle is in an adjunct to the regular repertory duties, with the consent of their publications.

Anderson's debut Sunday (17) was with Phil Spitalino's program for General Electric. Anderson is under contract for 28 appearances, describing his own material.

Nathan was on Sunday evening (18) at the Metropolitan. He was a Wells company siring of "Ah, Wilhelms," written by Eugene O'Neill and dedicated to the critic. Nathan's talk was of a rather humorous nature. He dealt mostly with the dramatist.

Mantle joined the Texaco program Wednesday (13) of last week, commenting on the features of the broadcast of drama. Like Anderson he has a term contract. Nathan's radio work may be extended similarly.

Equity has issued a warning to all its members who may belong to the ousted American Federation of Actors. They were also warned that if they enter into contracts with the AFA, such action would cause their membership to be placed on Equity's unfair list and the union would be notified to that effect.

Blitzstein-Arent Plays

Blitzstein, currently at work at Yaddo, Saratoga Springs, on a new play, is expected to be completed by Oct. 15. Titled "No Answer," it is something on the order of his "Credie Will Rock" in its combination of music and dialogue, but will lean more heavily to the latter.

Arthur Arent, who authored "Third of a Nation," is also at work at Yaddo on a new play.

Say It Isn't So

Managers and agents continue conferring with the League of New York Theatres board last week were incensed over a report that the showmen had referred to them as lice. They called down when it was brought out that the showmen's initials for their proposed Standard and Independent Contract of Employment had provoked some smiles, but no cracks had been made.

As printed it came out SICE.

'COEVED' BRINGS \$55,000 FROM WARNERS

Picture rights to "No Time for Comedy" have been acquired by Warners for the purchase price of \$55,000, according to reliable sources. It is the first Hollywood deal for a Broadway property in several years. The S. N. Behrman comedy, starring Katharine Cornell, will conclude at the Barrymore, N. Y., this week and then go to the road.

Film version during autumn, as there is no restriction on the release date after Feb. 1, at which time the tour will start.

Miss Cornell's plan after that date are not certain, but she is considering a proposal to co-star with Maurice Evans in "Measure for Measure," a Shakespearean piece that is rarely presented on this side.

3 Drama Critics Get Radio Bug; Anderson, Mantle and Nathan

Three of Broadway's drama critics were on the radio in their own programs within the past week, they being John Anderson of the N. Y. Herald Tribune, George Jean Nathan of the News and George Jean Nathan, who covers shows for the magazines. All have been more or less in training for the new stint, having made lecture tours or public addresses. Their other contributions were principally in the nature of narrators or introducers of other talent. The radio work is an adjunct to their repertory duties, with the consent of their publications.

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Clare Booth's Bund Play in Rehearsal

"Margin for Error," which has to do with German-American Bund activities is due to be placed into rehearsal this week by Richard Aldrich & Richard Myers, who secured rights to the play. It is scheduled to present it until later. The Moroson and Lyceum are mentioned to be in rehearsal in October. Gordon is currently occupied with "Very Warm for May," an opera in three acts, which is being produced by Kern, which started rehearsals today (Wednesday).

Lewis' B'way Pair

Hollywood, Sept. 19. Albert Lewis has bought two plays for Broadway: legit production this week and "The Great Escape" by F. Hugh Herbert and Elmer Krasy, and "The Lion" by Robert Schuman and Arthur Burton.

Agents Expect Equity to Revise Rules This Season—Raising Higher Commish Based on Salary Levels

Air Fair for 'Du Barry'

Mabel Todd and Tony Romano, radio comic and cross-drumming singer, will be featured in the production by the B. G. de Sylva, musical, "Du Barry Was a Lady," which will star Ethel Merman and Bert Lahr. This fall on Broadway.

Their radio program, "Laff and Swing Club," may be resumed from the east for the Mutual network. Team has been airing on KTHJ, Los Angeles.

SAG WILL QUIT PAYING EQUITY NOV.

Screen Actors Guild will discontinue payments to Equity on Nov. 1, as previously agreed. Equity then will be informed of "one big union" of actor-artists groups brings in a proposal to pay salaries. In exchange for a loan made SAG by Equity when the film actors association was organized, latter group agreed to repay the stage actors association a percentage of the initiation and dues each member paid. For several years such payments totaled \$12,000 to \$15,000 annually.

Last winter SAG revealed that it was piling up an operating deficit and asked that it be relieved from further remittances. Equity then upon reduced the payments by 50% and the latter arrangement is still in force. SAG was eventually framed. Equity agreed that it be chartered by the Associated Actors and Artists of America, which was the stipulation that it could be recalled within 90 days. When the Coast organization rapidly developed, that stipulation was cancelled.

Equity was criticized for allocating its jurisdiction to another group, but it was pointed out that the stage end's attempt to organize Hollywood was a failure. Grouping of 11 Point A unions into one body is expected to eliminate complaints of members over multiple payments of dues.

Morris, Shurr Aggs. Must Refund Double Takes From Geo. Tapps

An unusual casting agency case came before Equity's council last week. It was charged that the agency collected from George Tapps and more than the allowable commissions were paid by him. Tapps had been appearing in the Hollywood cafe, now Ripley's Odditorium on Broadway, and by Lewis Shurr, the Louis Shurr agency. He then was spotted in "Id Rather Be Right" with Morris Aggs. It was agreed that the two offices split the fees.

It was pointed out that Tapps actually paid 15% of his earnings, exceeding the percentage fixed by Equity. usual commission is 10%. Council ruled that because of the dual engagements neither Morris or Shurr legitimately earned the 10% on commission payments, but they were ordered to refund the excess.

The coin will be turned over to Tapps, however, but will be placed in Equity's emergency fund. Equity was with "Right 54 weeks in New York and on tour. Figured that approximately \$850 excess commissions had been collected by the Shurr office, which must remit that sum to the association. A hear amount of \$1000 from the Morris office, as Tapps discontinued commissions to that agency during the show's run.

Wiman's Pirosch Play

Morrie Pirosch's play, "Grass Is Always Greener," has been acquired by Dwight Dreier Wiman for Broadway production. It will be produced by a summer troupe by the Surry Players, Surry, Maine.

Legit casting agents in New York are expected to demand that rules will be revised in their favor during the new season, with the raising of commissions to 10%, the principal objection. Matter is being discussed by part of the council who favored "casters' contentions" ever since the agencies failed to effect changes last season, when Equity not only refused but issued new restrictions.

Among the contemplated changes is the fixing of certain salary levels for the purpose of commission payment. Actors in the higher pay brackets would pay 10%, while the remainder would continue at the present 5%, fixed by Equity's permit system rules, except where casters so act. It was pointed out that at what salary the commish would be doubled is a point in contention, but the general idea appears to be that players earning less than \$200 would not come within the 10% classification, if and when the rules are revised.

Among professionals it is rather well known that agents get more than the 10% percentage, usually 10%. It is argued that the rules may be changed, but it will be changed therefore. Equity has been accused of taking goods on those members paying at the higher rate and agents who are not paid at that rate are liable to suspension without further notice. Equity has rescinded. Actors are not sure of their agents and proof of violations is difficult.

Casters Claim Losses
When the casters last made efforts to tilt commissions, they prevailed. Agents data to the council to prove they operated in the red on a 5% fee. Equity officials were not impressed and replied that perhaps they were not. Equity was pointing out that there were engagements secured for players other than the fee. Equity was not to be let down. Equity went forward and demanded quarterly reports from the agencies, listing the number of people and the amount of commission.

There are three quarterly reports on file to date and after a full year's operation, Equity expects to discover and broken down the matter of changing the rules would be in order. Equity desires to discover what agencies are active on behalf of its members and there is a possibility that too many agencies are casters will be shaken out. If so, that may afford an opportunity for some agencies who have been unable to secure permits.

Such agents have been operating through casters with permits and splitting commissions. There are 29 agencies in Equity's permit list. Previously that list was numbered 30, mark, some being dropped for inactivity. At the time the permits or commissions were issued, the production, another argument now being by the casters in seeking the permits.

Equitists who favor making the changes believe that the regulations will be changed. During the season, those opposed to raising commissions agree the other way—that the regulations will be changed. The agency should retain as much of his salary as possible.

EQUITY BACKS WEBB'S STRAWHAT WALKOUT

Cancellation of last week's engagement of "Burlinque," at the Olney (Md.) playhouse was due to the walkout of Burlinque. The walkout was a protest against the payment of a post a bond for the cast's salaries, according to Equity.

The walkout was cancelled because of a dispute over union's are contradicted by the union's president, who was quoted as saying that Clifton Webb and Libby Holman were paid at the last minute to go on with the show. The management hadn't put up sufficient coin to guarantee their week's salary. The walkout was called off for one week. Cochran, it's said, had planned to run it two. With the casters' action, he called it quits after a 16-week season.

FOOLISH TO RISK
COSMETIC SKIN.
LOVELY SKIN'S TOO
IMPORTANT. I USE
LUX TOILET SOAP. IT
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TO REMOVE COSMETICS
THOROUGHLY WITH
THIS SOAP WITH
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ACTIVE-lather care

These famous screen stars use cosmetics, of course, but they're always careful to remove them with Lux Toilet Soap's **ACTIVE** lather. They know **ACTIVE** lather cleanses skin *thoroughly*; helps prevent choked pores.

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ACTIVE LATHER HELPS
YOUR SKIN STAY
SMOOTH AND SOFT
—IT'S SUCH AN
EASY CARE**

Helen Vinson

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56 PAGES

AMERICAN SHOW BUSINESS

Moore, Pons, Martini, Swarthout, Tibbett's B.O. Enhanced by H'wood

By EDIE SMITH

Less than a year ago, with the release by Paramount of Gladys Swarthout's "Ambush," Hollywood ended a three-year experiment in the realm of grand opera. During this period five Metropolitan opera singers—Grace Moore, Lily Pons, Nino Martini, Lawrence Tibbett and Miss Swarthout—were signed, their film successes being few and far between. For the most part, in past cases, Hollywood has always been a fair barometer of a personality's success. If a flop, it indicated box-office appeal was gone. But, paradoxically, all five of these singers are today more popular than ever, and at the peak of their careers.

The question then arises—did Hollywood make these people, or were they stars which the Coast could not handle? An examination of the list will show that Tibbett had won acclaim before going to the Coast, but he was no more important than a number of other baritones at the Metropolitan whom the average public had never heard of, and was taking a back seat to the fading veteran baritone, Antonio Scotti, and to Giuseppe de Luca. Thus Tibbett's national reputation was tremendously enhanced by the glamour of a film star. Tibbett first had a brief fling in pictures 10 years ago, as did Miss Moore, both of them at Metro, but neither climaxed as expected.

Lily Pons also was well established as a coloratura, but her appearances in concert and opera outside of New York were not nearly as lucrative as (Continued on page 22)

ITALY CONTINUES PLANS FOR EXPO DESPITE WAR

Rome, Sept. 15. Italy is going ahead with preparations for its 1942 exposition as if no state of war existed in Europe. Mussolini has ordered Senator Vittorio Cini, Italian head of expo preparations, to continue his work, the same as he would in normal times.

The new city springing up on the outskirts of Rome will be, according to Il Duce, the "Olympics of Civilization."

Normal opera programs will also be held throughout Italy this winter.

Kay Kyser's Shrinkage; \$750,000 Gross, 120G Net

Kay Kyser, whose band got record high salaries for percentage dates in theatres, is reported to have grossed \$750,000 during 1938 from all appearances. Out of this, it's said, he only netted around \$120,000 for himself.

After paying off his musicians, Kyser found himself in the 60% income tax brackets. Deducting from the latter left him with the 120G, just about giving him a look-in on Woolworth's.

Fishell On Football

Dick Fishell is rolling his crystal ball of the mobtballs and again going into a one-man session calling the major grid tussler this season. Besides calling 'em right (we hope) for VARIETY, he's continuing his sports commentator stint for WHN and doing the play-by-play on the N. Y. (pro) Giants' games under General Mills (Wheaties) sponsorship over WABC-CBS.

Fishell, Syracuse '33, varsity fullback for three years, later playing pro grid with the Brooklyn Dodgers, will confine himself to the tough ones and traditional games, passing up the stupor. He starts this week on page 53.

Cheerful News

At Last: N. Y.

Cafe Biz Good

Whether it's the wartime stimulus, the market or the post-Labor Day season, the New York City niteries are sizzling. Business is slightly terrific these days, and bids fair to par the halcyon pre-'29 days.

Cafe men ascribe it to a combination of the market and generally improved conditions induced by the European war. Hotels further emphasize that, while the expectancy was disappointing, the World's Series, football and more business conventions in fall after this fall should attract considerable trade for theatres and cafes.

Theatre Authority's

New Role Calls For

Paid Standby Shows

The Theatre Authority today (Wed.) is instituting a national role on benefits that is the most revolutionary step undertaken to create paid employment for performers where paid employment previously did not exist. In essence, the regulation requires standby shows to supplement general entertainment playing bona fide charity promotions.

On the face of it, this new rule will work in much the same manner as the standby rule in effect with some musicians' and stagehands' union locals, which forces employers to pay for local extras when engaging musicians or stagehands who are (Continued on page 55)

BRITAIN BACKS SHAW'S GENEVA

Satire on League of Nations, a 1939 Cavalcade on Dictators—Set for Big Trans-Canadian Tour—Stalin Displaces Franco—Hitler, Mussolini As Is

LIVING HEADLINES

By ROBERT A. McSTAY

Toronto, Sept. 26. George Bernard Shaw's "Geneva," satirical study on the League of Nations, has been entirely revised and brought up to date by the playwright to include the declaration of war on Hitlerism and the subsequent European complications arising from Russia's intervention. World premiere of the re-written opus will be presented by the Colbourne-Jones company at the Royal Alexandra, Toronto, Oct. 9, according to cable advice received here by Ernest M. Rawley, manager of the C-J New Canada tour.

It is the largest English dramatic company that has ever visited Canada, and, significantly, from the standpoint of propaganda in the West, the tour is sponsored by the British Council of which the King is the patron. John Mashefield, poet (Continued on page 6)

SEEK A NEW 'TIPPERARY'

London, Sept. 19.

The music publishers here are industriously reading manuscripts of new war songs in the hope of finding another "Tipperary." This recalls a story alleging the original publication of "Tipperary" was an accident.

According to the legend, Bert Feldman, Shaftesbury avenue music publisher, prior to his holidays, put a bunch of compositions on his desk, with instructions to his manager to put them into press. He had another pile that he was unable to pass upon, and when George Curnock, of the Daily Mail, heard it. He commented on it in the Mail, and Feldman bought the song outright. After it was such a sensational success, he made the composer a weekly allowance until the latter's demise.

Not Enough Legit Shows Around As B'way Biz Spurts Bullishly

Crossleying the Calories

Marie Wilson, pie player current at La Salle, New York, is credited by Bob Oakley, her straightman, with another zanzyism.

Her first day in town, he claims, she phoned a friend in Hollywood for advice on a good restaurant in N. Y.

Broadway's ticket brokers are heartened by the steady upturn in theatre-going, last week seeing an increasing spurt. With September winding up there are far fewer attractions than the agency people would like to see operating, but the season is taking form slowly.

Aside from a revival, the month's only two premieres are on this week. October should see between six and 10 new productions, but it will hardly be until November before the real influx begins, which was approximately so last year.

What accounts for the current theatre crowds is not clear, but may be traceable to Wall Street's mounting quotations, also the betterment in general business, probably due to the war. Most houses cut their past lists to the bone, a satisfaction to the agency people, who always were opposed to free admissions and papering of theatres. Most nights last week, not one attraction could be had.

Agencies' High Prices Known in ticket circles that some agencies have been openly griping, indicating that attempts at enforcement have become lax. Reported that several brokers are trying to get \$8.00 for tickets, doubling the box office rate, or more, but a number of others are refusing to purchase and shopped in other agencies for locations not so favored, but at a more reasonable rate.

Upping of prices above the code premium limit is probably explained (Continued on page 51)

Jessel, Gest Plan to Tour Expo Shows

Plans are underway for part of the talent at George Jessel's Little Old New York, at the N. Y. World's Fair, to tour as a vaude unit when the concession folds with the expo Oct. 21. It would be billed as "George Jessel's Little Old New York," but Jessel probably won't be included in the cast.

Billy Jackson is lining up the show, featuring on the Chester Hale Girls (12), Bassett and Bailey, Ann Pennington, Sam Kramer, among others.

Morris Gest, who operated Miraculous Town at the Fair, is also said to be figuring on a theatre tour for his complement of 60 midgets. He's presently trying to get their visas renewed, almost all of the lower-case performers having been imported from Germany, or territory that is now German.

At the time Gest did the importing, as well as the present, there have been squawks from American showmen that there was a sufficient number of midgets in the U. S. without Gest going abroad for 'em.

Twin Cities Rivalry Causes St. Paul to Go For Show Biz Methods

St. Paul, Sept. 26.

St. Paul, which has been battling Minneapolis for some time to keep the patronage of its own population for its theatres and business, is beginning to book heavy draw names to grab off the Twin Cities' business. The lure are looked to indirectly by local business men themselves, through the Women's Institute or other groups.

Several years ago when the current St. Paul administration got into power, the town was closed tight as regards night life and other entertainment. A survey taken last (Continued on page 54)

HARK-BACK TO VAUDE'S GOLDEN ERA; UNIT IDEA

A reprise of vaudeville as it used to be is being attempted by Charles J. Freeman, of Consolidated Radio Artists and booker of the Interstate Texas' houses, in a unit to be titled "The Silver Jubilee." He's lining up names who were prominent during vaude's golden era, in a unit to be titled "The Silver Jubilee." He's lining up names who were prominent during vaude's golden era, in a unit to be titled "The Silver Jubilee." He's lining up names who were prominent during vaude's golden era, in a unit to be titled "The Silver Jubilee."

Act's Freeman has lined up include Jack Norworth in a revival of "The Raggedy Song," Avon Comedy Four (Smith and Dole), Mae Samuels, Four Mortons and York and King.

According to Freeman, however, the show will not go out unless at least 10 weeks time can be contracted for in advance.

Selznick Prowls Yarn

For Maude Adams Pie

Hollywood, Sept. 25.

Maude Adams makes her screen debut in January, according to David O. Selznick, who is hunting a suitable story for the former stage star. Selznick planned to start Miss Adams' career with a picture picked for her, "Made for Each Other," did not meet with her approval.

lack of reliable data on the future of film revenues from abroad. Goldwyn is still awaiting word from the

Carl Laemmle, Sr., Film Pioneer, Founder of Universal, Dies at 72

Carl Laemmle, Sr., who retired as president of Universal Film Co. three years ago, died at his home in Beverly Hills on Sunday (24) at the age of 72. Death was from a heart attack. He had been ailing for some time. In later years he had become seriously impaired.

The Laemmle life story is an absorbing tale of the immigrant boy who came to American shores in search of opportunity. He found the fulfillment of his ambitions and aspirations. From poverty he rose to riches, following a path of his own creating. In the crowded years of a busy life and vast experience, he built a film empire and his own design, and he leaves an indelible mark of enterprise and showmanship in the motion picture industry.

German-born, he became a naturalized American citizen in early middle age. The blood ties were strong throughout his life, and for many years he passed a vacation period annually in Germany—a pilgrimage that ended only with the rise of Hitlerism, against which he was a generous contributor of funds for various refugee projects.

Throughout his life, Laemmle conducted his affairs with shrewd acumen, shaping a course for the Universal company in the early years through the numerous crises of industry competition and the major economic upheavals, both here and abroad, which he punctuated the past quarter of a century. He held an artistry were close to the masses. Repeatedly throughout his career he revitalized the company by drawing upon the full strength of his financial resources for spectacular and speculative ventures, which invariably reestablished Universal's strong position in the world market.

Indefatigable, patient and persistent, Laemmle's voluntary withdrawal from active management three years ago, followed by the sale of personal holdings for a sum reported to be \$1,000,000, was explained to friends and close associates as a desire at the end of a long career to enjoy the fruits of work in a few years of rest and recreation. His two children, Carl, Jr., and Mrs. Stanley Bergman, and his grandchildren, Carol and Stanley Bergman, aged nine and seven, respectively, were near him when he died. He is survived also by two brothers, Siegfried and Louis. Mrs. Laemmle died in 1918.

Covered a Wide Range.
In every sense, Laemmle was a film pioneer. He opened new fields of endeavor; he kept pace with associated with the creation of an industry from the commercial collapse which followed the Government's dissolution of the General Film Co. His activities covered the full range of the film business, through experience of nickelodeon days, as an independent film exchange operator, as president and head of a vast producing and distributing organization, ramifications of which extended to the theaters on the globe where motion pictures are shown. He was one of the first executives to foresee the possibilities of the foreign market, and in the extension of his interests in distant countries he was particularly frequently to philosophize on the potency of the American film as the envoy of the American spirit of liberty and happiness. To a friend he once remarked that his greatest thrill was in the realization that his children, universally shown, paid off in part a personal debt he cherished for the rewards which had come to him from America.

Laemmle was born in Laupheim, Wurtemberg, Germany, on September 17, 1867, a small town which he subsequently abandoned financially. He was the 10th of 11 children, born to Julius and Rebekka Laemmle. Eight of his brothers and sisters died during a scarlet fever epidemic when he was a child. An older brother had emigrated to America, and he followed him.

Typical Alger Start
At the age of 17, Laemmle arrived in New York, and obtained his first job as a messenger boy for a magazine, at \$4 a week. From this small sum he saved enough to make the journey to Chicago, where he followed a period during which he (Continued on page 55)

Dust Bowl—Come \$ Signs—Switches Jeers

Sallisaw, Okla., Sept. 26.

The natives hereabouts expressed several bunches of wrath when they heard that 20th-Fox was sending a company here to film local color for the production of John Steinbeck's "The Grapes of Wrath." They weren't particularly thrilled about their dust bowl then.

But when Otto Brower and his company moved in last week to begin shooting the local color, and started passing out sawbucks for at-mosphere players and their jollies the lute change in attitude greeted the company's movements were a carefully planned reception of jeers had been talked about.

New Yorker Scraps Its Comm'l Short; Not Up to Standard

Between \$10,000 and \$15,000 spent by the New Yorker magazine on a commercial film short was thrown in the ashcan because it was thought the film "want up to the standards of the New Yorker in smartness." Filmed at Eastern Service Studios, Astoria, L. I., the picture was scripted by Marc Connelly. Connelly also appeared in it, as did Frank P. Adams, writer of the New York Post, and one of the brightest on the "Information Please" radio show.

E. M. Price, New Yorker ad manager, and other execs decided against the one-reeler, designed for advertising sales promotion, after it was completely finished.

\$250,000 LEGAL CLAIM ON PAR'S STEVE LYNCH

Suit of David Stoneman, Boston attorney, against Stephen A. Lynch, former Paramount reorganizer and now Par theatre producer, was unveiled in U. S. supreme court Friday (22). Judge Judd Wasservogel Monday (25) reserved decision on the application by the former Paramount officer for a bill of pacification.

Action seeks \$250,000 for unpaid legal fees to Lynch and Paramount Public Corp. From Feb. 1933-July 2, 1936.

SCRAM, DAMES

All-Male Cast for Warner's "Fighting 6th"

Hollywood, Sept. 26.
Warners answer to "The Women," which shunned mere males, is "The Fighting 6th," which shunned mere females. The picture, which was before the cameras yesterday (20), featured a female in the cast.

Studio is using 17 of its contract players: James Cagney, George Brent, Pat O'Brien, Jeffrey Lynn, Herbert Ross, and others. It was Hale, William Lundigan, John Littel, Frank McHugh, Henry O'Neill, Ronald Reagan, and others. Directed by Ridgely, James Stephenson, Frank Thomas and Frank Wilcox.

'I Take This Woman'

Down From the Shelf

Hollywood, Sept. 26.
"I Take This Woman," the Spencer Tracy-Judy Lamore starlet shelved last spring, is going back into production. Studio figures it can be ready for release in two more weeks of shooting.

Picture cost about \$900,000 before it was laid on the shelf. Metro hopes to get it back on the strength of Miss Lamore's recent work in study of the Tropics.

Vidor's 'Son'

Hollywood, Sept. 26.
Charles Vidor has the directorial assignment on Edward Small's "My Son, My Son."

Louis Hayward and Brian Aherne are the only players set.

Laemmle Estate Estimated to Be Around \$4,000,000

Hollywood, Sept. 26.

Carl Laemmle's estate is believed to total approximately \$4,000,000, of which more than \$2,000,000 in securities and the disposal of most of his real estate holdings after his sale of Universal, retaining only two parcels, the business office and home in Beverly Hills. Latter was purchased from the late real estate several years ago for \$650,000.

In the envelope containing Laemmle's will were found eight letters to his son and daughter, instructing them to continue the provisions he made for the numerous people he cared for. It is believed that Jack Ross, his personal secretary for years, be retained on the payroll for one year after his death.

Testament, to be filed for probate this week, provides also for Laemmle's two brothers and his family servants. His children are instructed to carry on the charity foundation he started to take care of refugees and also private pensioners. He personally provided for about 200 refugees he brought here in his German birthplace.

In the estate are several annuities from which he drew approximately \$200,000 in cash annuities now revert to his children.

David Tannenbaum, Laemmle's personal attorney, found the provisions of the body in the will. It will be placed in a vault in New York until the family makes a decision on burial here or in New York, where his wife is interred.

Laemmle's body lay in state at B'nai B'rith Temple for two hours yesterday (Monday) before services started at 12:30. Hundreds of people in all walks of life filed past the bier. While the Temple was completely full with mourners, hundreds of morbidly curious lined the streets outside. At the request of the Will Potts office, from 10 to 15 minutes of silence at the start of the services.

Local pallbearers were Ross, Tannenbaum, Sam Von Ronkle, an old friend, Herman Eisenlaupheim, a refugee, and Dr. Leland Hawkins, his personal physician.

KFWB tonight (Tuesday) broadcast a memorial program over the Warner Bros. station. The services were delivered by Arthur Ungar, editor of Daily Variety; Sid Grauman, L. I. Griffith, Henry McBee and others.

Two persons close to Laemmle died within a hour of his death. They were Ingle Carpenter, 67, who they handled his business affairs, and a woman, Mrs. Shirley, 42, Laemmle's masseuse for a number of years.

Center died in Hollywood Hospital following a heart attack while Hurley was killed in an auto accident near Ventura. He accompanied the film executive on many trips abroad.

Studio Contacts

Hollywood, Sept. 26.
Warners renewed Al Allerton's pact as unit manager.

William A. Wallace, chief scripter died at Metro.

Metro put Harry Friedman under contract to write.

Lynne Curver drew new timer at Metro.

Steuer, for Goldwyn, Denies Any Action Because of UJA Bonus Splits

Two More Roll For Total of 10 at 20th

Hollywood, Sept. 26.

no new pictures rolled on the 20th-Fox lot yesterday (Mon.), making a total of 10 currently at work. Newcomers are "Little Old New York" and "He Married His Wife."

Already shooting are "Sunrise Over America," "Daytime Movie," "Everything Happens at Night," "20,000 Miles a Year," "The Man Who Wouldn't Talk," "Adventure" and "The City."

Marshall In Both Stage, Pic Versions Of Parrott Novel

John Wildberg, who returned from the Coast on Sunday (24), inked Herbert Marshall while there to appear in both the stage and film versions of "For All of Our Lives," Novel, by Ursula Parrott, is being drafted to play the lead in "The Worthington Miner." It is expected to be ready for a Broadway premiere in November. Film version of second pic for New York production on the schedule of Wildberg and Jack Skutumpah at Eastern Service Studios, Astoria, L. I. It may be held up indefinitely, however, and another story planned for film production has a lengthy run. Like the other Skutumpah-Wildberg pic projected for 1939, the film will be released by Columbia.

Marshall will also very possibly appear in "Angels in 32," which is expected to be before the lot at Astoria about Nov. 7. Film player would take the role handed over to by Sinclair Lewis and his story, "Merivale." Starting date for shooting depends on the progress of casting, which will be done by Herbert at the Coast, and completion of the screenplay, being prepared by Zoe Stern and Don Arner has been signed to direct.

Lee Garmes, who will also produce a film at Astoria this fall, is in Hollywood with RKO for distribution of the picture, "And So Goodbye." He is presently on the staff working up details of casting and story. Charles Giltz, v.p. in charge of operations at Eastern Service Studios, is in Hollywood with Garmes, but is expected back east this week. Garmes won't return for the first weeks, at which time shooting will start. Studios are now preparing basic sets.

Garmes' former cameraman, is understood dicker with Edward Arnold, Jean Parker and C. Aubrey Smith for parts in the picture.

SEVERAL FACTORS SET BACK WELLES' 1st RKO

Orson Welles' picture for RKO, based on Joseph Conrad's "Heart of Darkness," has had its production start set back to Oct. 1. Original starting date was Oct. 10.

One reason for the delay is the fact that Welles has completed no script. His deal to write, direct, produce and star in the film. Another factor holding up production is the fact that RKO's deal to cut the budget in view of the European situation.

Welles received another setback last week when informed that Dita Parlo, whom he wanted for the female lead in the film, had been interned in France. Star of "Grand Illusion," she Austrian by birth and therefore considered an enemy ally by France.

PEGGY GARNER'S DAD'S SUIT

Canlon, O., Sept. 26.
William H. Garner, of Canlon, O., attorney for the Federal Surplus Corp., has asked for custody of the 12-year-old daughter of the actress, in a divorce action filed here against the mother, Mrs. Virginia Garner.

The father charges gross neglect of duty.

Declaration of \$100,000 in bonuses to United Artists producers by board, during the past week, was followed only four film-makers in the UA set-up understood participating. Sam Goldwyn being one that didn't, has resulted in reports that Goldwyn was threatening to consult attorneys as to why he was not included in the Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract.

Understanding is that, aside from whether Goldwyn is fretting or not, the shares he has owned since he accepted a bonus at this time on unknown grounds, as hinted in one quarter, the UA board voted shares, based on earnings of their pictures, to Alexander Korda, Seznick-International, Walter Wanger and Hal Roach. The shares were to have been accepted by rental returns for the calendar year of 1938. During that year, the shares came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract.

While Korda, Seznick and Wanger had more pictures on the market during 1938 than Roach, still mentioned to have been included. "There Goes My Heart." Under the sharing plan for UA producers, it is understood that the shares were to have been accepted by rental returns for the calendar year of 1938. During that year, the shares came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract. Max D. Steuer, Goldwyn's attorney in New York, stated he had not talked to the producer for some time, while Murray Silverstone came in five Golden-breach of his contract.

He stated that the board had no comment on his contract, since he has a five-year term in charge of UA operations throughout the world, and that he had not yet had a chance to go. There are no options under it, it is understood.

Quon of the financing for Korda was also not discussed, although Silverstone said the immediate problem was to get the money to get the Korda pictures without any delay. One of Korda's difficulties, being a producer in England, is getting people for production, the UA head added.

He has two pictures: finished now ready for early release, and a third coming up, while considerably more work is in the "Penny Pinchers." It is estimated that this picture, costing only \$300,000, will gross well over \$1,000,000 in rentals.

Goldwyn Topping Self With 9 Pix for Year

Hollywood, Sept. 26.
With five stories in the writing mill, three films delivered and one more in production, Sam Goldwyn threatens to break his own production record with a total of nine for the year.

Five in preparation are "The Outlaw," "City Without Men," "The Fleet's In," "The Girl Who Came From Over Europe." Already released are "Wuthering Heights," "They Shall Have Music," "The Sign of the Cross" in work is "Raffia," due for completion in about two weeks.

WB Tours Stars

Hollywood, Sept. 26.
Fritzi Lane and John Garfield, principals in a picture, are touring, opening in Chicago about 11. Jant includes New York, Philadelphia, Baltimore, Washington and Pittsburgh.
Opening of Ann Sheridan's tour has been postponed to Oct. 2.
Strand, New York, Oct. 6.

New European Headaches May Ease U. S. Attacks—The Film Biz Hopes

Major companies are hopeful that altered conditions caused by the European war may lead to a more lenient attitude by the Federal government towards the film business, especially as regards the anti-trust suit. The next few months probably will tell the story whether this will be an actual development or whether it is chiefly wishful thinking on the part of major companies.

It also seems doubtful if the theatre movement will be definitely downed, even if the case is hurried to a conclusion and the major companies victorious. This would leave the industry in much the same situation as winning a battle but losing a war because the present administration is expected to insist that theatre divorcement be taken up in Congress should it be defeated in court. Attitude of the Government is that there should be a divorcement of exhibition from distribution in the picture business, and if not obtainable via anti-trust action it will be effected by new legislation. Besides the pressure from the current administration Congress has already already have felt the reaction of their constituents on the theatre divorcement case.

Thus far major companies, excepting in one or two instances, have been inclined to support the theatre divorcement voluntarily. They apparently want a showdown on the issue in the courts.

UA's Cross-Queries to Keynote Rest of Majors

United Artists Corp. on Friday (22), filed 38 cross-interrogatories directed at the Government, the gist of which constitutes an attempt to secure the names and addresses of all U. S. witnesses who will support the various Government charges of monopoly and restraint of trade against the major film companies. It is expected that all other majors will follow suit, making OCT 7 the day when the defendants are to answer the questions submitted by the Government.

Question No. 1 requests: "State the addresses, identity and location of each person known to the Government having knowledge of relevant facts with respect to the Government's claims that the producer-exhibitor defendants have conspired and combined with each other and United Artists, to monopolize the market for exhibition of pictures first produced, etc." The start of each question remains the same, namely the request for names and addresses. Question No. 4 deals with the monopoly of quality high-grade features; No. 5, with the exclusion of independent from first-run theatres, etc.

The first question takes up the matter of the preventing by the defendants of independents from securing a competitive basis; planning of the independent in a pre-emptive position in competition with no matter if they are independent will be willing to pay more in a free market; book blocking; clearing and zoning; overbuying; discriminatory film rentals; admissions, and so on down the line.

Eisman Drops Suit
The \$1,000,000 action of J. M. Eisman, Clara Della and Robert Louis Grayson against Sam Goldwyn, Inc., the Censor and United Artists was discontinued and settled Tuesday (21), as Mr. Eisman, concerned, but remains as to the other two plaintiffs.
The suit which charged the plaintiff's in the plaintiff's play, "Oh Shah," in "Human Scandals," was dismissed by Federal Judge John T. Woodstock, but the decision was reversed by the court of appeals which remanded the action to federal court for new trial.

No Nut There

Hollywood, Sept. 26.
Least of Hal Roach's worries in "Of Mice and Men" is the wardrobe, chief item of which is \$110,000 worth of print dresses for Betty Fields. Her jewelry is \$5,000 to \$10,000.
Men in the east wear second-hand overalls.

REMED FOR VISUAL EDUC. PICTURES

Despite the action in laying the industry's initial plan of distribution for educational pictures before the National Education Association on Sept. 12, some San Francisco some weeks ago, two factors have prevented any such plan from being taken advantage of proposed visual-education plan. One is that nearly half of the attendance at the Coast convention were from California and did not represent the national coverage expected. Other is the importance of the setup failed to percolate through the nation's press.

The other phase is the remedied presently by the N. E. A. office. Distribution plan called for establishment of Teaching Film Custodians, with headquarters in N. Y., issuance of a catalog listing classified non-current pictures and setting exact release dates and cost of rentals. For black and white 16-millimeter pictures (for each 400-foot reel) \$5 will be the rental for two weeks or less; \$10 for half a school year; \$15 for a full school year; \$25 for two school years and \$30 for three school years. About 400 of these non-current shorts, appraised and set up by the special education committee, are now available while some 100 or more will be available during the next year. Additional films, besides those described in the official catalogue of Teaching Film Custodians, were released last month and about 10 more will be released before the close of the year.

Angle being stressed for educators is that classrooms can secure additional film subjects, at a minimum cost, without having to go to the cost of producing these themselves. Pictures listed in the catalogue owned by Columbia, Loew's, RKO, Walt Disney Educational Film, 20th-Fox and Warner Bros.

McCrea, Preston LEADS IN 'MOUNTIES'

Hollywood, Sept. 26.
Cecil B. DeMille's "The Mounties" and Robert Preston for two of the three top male roles in "Northwest Mounted Police" Paramount. Shooting starts on location next month, with studio filming slated for December.

Sturges Directing

Hollywood, Sept. 26.
Paramount added Preston Sturges to the director ranks and handed him his own yarn, "Down With the Old," as the first assignment. Scribe also did the screenplay.

Ohio ITO Meets Nov. 13-14
Columbus, Sept. 27.
B. J. W. Wood, secretary of the Ohio Independent Theatre Society, announces the annual convention for Nov. 13-14.
Theatre representing over 400 theatres will attend.

NEW ATSE PACT CANTONMENTES 2000, 6100

Film Studio Agreement Retroactive to Aug. 12—Mannix Acts as Spokesman for Producers in Announcing Decision for Common Weal

ASKED 20% TILT

Hollywood, Sept. 26.
Walkout of 11 studio crafts, set for noon today (Tuesday), was averted early this morning when producers agreed to a wage hike, retroactive to Aug. 12, with the signing of a closed-shop agreement. Camera and makeup artists, grips and other members of the locals share in the salary upturn.

At the close of the meeting, which ran past 3 a. m., producer spokesmen said that the increase was met with reluctance, so 200,000 men and women in the showing of films in order to meet competition from Indies in the Philly area. This decision was reached at a meeting here on Monday (25) between Joseph Bernhard, proxy of the Warner chain; Ted Schlager, Philly zone head, and other biggies of the organization. It is understood that only a few details have to be worked out before the action begins to operate.

Just which theatres will have double features has not yet been determined. It is believed, however, that those in competitive locations will get first crack with one or two smaller downtown ones also featuring duals.

The Warner office issued the following statement after the huddle between Bernhard and his aides: "The probability of a revolutionary change in the attitude of the Stanley Warner theatres was evidenced today when Joseph Bernhard, president of Warner Bros. Theatres, in conjunction with Ted Schlager, surveyed the competitive theatres in the Philadelphia area playing double features."

The showing of duals mushroomed after the decision of the U. S. Supreme Court in the Perlmutter case. Paradoxically, Perlmutter's lawyer, Benjamin F. Goldner, who successfully fought the case against the major distributors to the highest court, is now counsel for Warner Bros.

HOPE, 'ROCHESTER' IN PAR'S 'GHOST BREAKER'

Hollywood, Sept. 26.
Bob Hope and Eddie 'Rochester' Anderson, share top spots in "The Ghost Breaker" at Paramount, slated for November showing. Picture is based on the old Broadway stage comedy written by Paul Dickey and Charles Goddard.

Arthur Hornblow, Jr., will produce. **San Diego, Sept. 26.**
Broadway revived "Great Pastures" (WB) and advertised it as starring Rochester. It cleaned up. Cabot Clough, who staged "All Q. U. I. S. T.," the picture, billed it "Has Hitler Forgotten?" and clicked big.

J. P. McEvoy Scores Point
Waukegan, (Ill.), Sept. 26.
Court here last week set aside a judgment of \$3,255 recently against J. P. McEvoy by his divorced wife Mary B. McEvoy. Court was told that McEvoy had not been delinquent on his alimony payment, as Mrs. McEvoy had charged, and that he had not been given sufficient opportunity to engage counsel for the original hearing.

Exhibits Seizing on Conditions To Demand Union Op. Reductions

Down the Alphabet

Hollywood, Sept. 26.
Three marquee names of the silent era have been cast as 'B' girls in Columbia's "Street of Missing Women."
They are Betty Compson, Wynne Gibson and Peggy Shannon.

WB MAY SWITCH TO DUALS IN PHILLY

Philadelphia, Sept. 26.

Stanley Warner's theatre-long leaders in the fight against double features—are ready to give up and join in the showing of duals in order to meet competition from Indies in the Philly area. This decision was reached at a meeting here on Monday (25) between Joseph Bernhard, proxy of the Warner chain; Ted Schlager, Philly zone head, and other biggies of the organization. It is understood that only a few details have to be worked out before the action begins to operate.

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Except in isolated instances where business may have dropped since the war abroad began, according to claims purporting to have been made, exhibitors are getting upon the present state of affairs to try for union operating reductions. This differs markedly from the IATSE's winning fight on the Coast for a 10% wage tilt.

In some cases, negotiations for scale cuts are still on with operators for the 1939-40 season, which usually begins Labor Day with the unions, and the war is providing a trading point in the negotiations. Tendency of the unions is not to yield either on negotiations or on requests for contractual reductions.

In New York where Local 300, operators, are demanding a 25% increase retroactive to Labor Day last and the managers, under a clause in their contracts, are asking that the matter be arbitrated, the appointment of a neutral arbitrator is now awaited.

Major Leslie E. Thompson of RKO and C. C. Moskowitz of Loew's have been appointed as arbitrators on the matter. Retired Justice of the Peace, president of 300, and Herman Gelber, secretary, have been chosen for the terms of the seven-year contract for two years, but if failing to agree, the question must be submitted to arbitration.

The arbitration clause provides that neither side can agree to a fifth arbitrator, he must be chosen by the senior judge of the Federal court. In New York, the senior jurist in New York, was expected to name the fifth arbitrator Monday (23) or did not.

Expenses of the arbitration are to be halved by the theatres and 300.

PHILLY New Contracts

Pittsburgh, Sept. 26.
Circuit theatres here have just closed a new two-year deal with both operators and exhibitors dating Sept. 1, 1941, at slight increases over old scale. Contract followed several weeks of haggling between IA representatives and Harry Kalmine, Mike Cullen and Jimmy Balmer, representing WB, Loew and Harris interests, respectively.

At same time, theatre owners settled a one-year deal with dag-hangers. Tried to get them to sign a two-year pact as well, but finally forced to cut stipulated time in half. Two contracts ease possibility of any labor difficulties here at present since musicians contract, entered into last September, still has one year to run.

Deals open path for Stanley, WB, deluxer, to resume stage shows any time soon. Likely date for reopening is Oct. 6, although no attraction has been set yet. Loew-WB, Loew, UA, Par and RKO product.

Kostly Band in Martin Musical at Columbia

Hollywood, Sept. 26.
Tony Martin's first starrer, "Passport to Happiness," now in production Oct. 9 at Columbia, with the Kosteletzky and his orchestra featured. They're jointly on the Texas road program.

Joe Forrest and Dick Wright are doing scale numbers for the piece.

Another Moppet Moves Up

Hollywood, Sept. 26.
Joan Bradwell, 14 steps into the top frame in "The Girl in the Red Role" had been assigned to Pull out Weidner, who was forced to pull out because of illness.

Picture rolls Thursday (28) with Jack Hively directing.

War Fever Ups Magyar Pic Prod.; Time Pictures Ready for Release

Budapest, Sept. 10.
After almost complete stagnation for months, owing to general uncertainty, lack of confidence and changes wrought about by anti-Semitic laws, production in Hungary has soared within last four weeks.

Renewed activity has been started by getting bank capital interested in a few productions. The Commercial Bank partly financed three pictures which are now ready. Mokka Bank shares the expenses of two. Both are banking firms of the highest standing. Hunnia studio and Film-iroda studios have invested in three productions, the rest of the money coming from various production and distributing firms and private persons. Nine all-Hungarian features are ready for immediate release, production costs for each being around 100,000 pengos (about \$20,000).

Production fever has started to mark during the past week, since the declaration of war. Hungary, being neutral in the present conflict, is determined to keep normal conditions in the entertainment trade as in any other respect. The only fear shortage of imported pictures since the declaration of war. Hungary, being neutral in the present conflict, is determined to keep normal conditions in the entertainment trade as in any other respect. The only fear shortage of imported pictures since the declaration of war. Hungary, being neutral in the present conflict, is determined to keep normal conditions in the entertainment trade as in any other respect. The only fear shortage of imported pictures since the declaration of war.

It is expected that this year's production figure will jump to between 40 and 50 all-Magyar features. After the war the lowest production figure in the first half of the year, Hungarian production has gotten a break. Negotiations are about to make several Hungarian versions of several pictures for Yugoslavia. Similar arrangements with other Balkan countries may follow.

Radio, Film Equipment Spurred by War, Says W.E.

Thus far sound equipment companies, handling both radio and motion picture equipment, report through their New York office that the European war has caused a marked increase in business. Hite is the best reported as being the largest. Western Electric business has shown an increase of about 10% in the last six weeks. American Radio has sold \$1,000,000 of wire, the company probably will move its commercial department to Kansas city, where a change being deemed necessary to handle increased trade.

Radio telephone business of parent corporation, American Telephone & Telegraph, also was reported as being up almost proportionately.

Troupe's Play Once Delayed

Montreal, Sept. 20.
Colbourne & Jones repertory company advises date of Canadian air tour to England, Canada and the United States and that its opening date, Oct. 2, at His Majesty's, has been set back for the same date in New York city. They will now open in Toronto and play Montreal following week; otherwise its trans-continental tour would be affected.

MISS GOTTFELSMANN in U.S.
Sally Gottfelsesmann, who carried on at Warner Bros. Vienna office after Willy Simmenauer left for Berlin, is the same company, has been spotted in Warner's home office foreign department.

She managed the office after Simmenauer left immediately after the Nazi takeover and until the fall of Vienna, where she was joined by Warner Bros. Formerly had been his secretary there.

URUGUAY 1ST COUNTRY IN S.A. TO O.K. 'NAZI SPY'

Montevideo, Sept. 18.
First South American country to allow showing of 'Nazi Spy' (WB) is Uruguay.

Pic passed the board of censors last week and went immediately into day-date run at the Rex and Radio cities, where it proves to be one of the most successful box attractions in years.

LONDON CINEMA MAY STAGGER CLOSINGS

London, Sept. 28.
Cinemas here are operating more normally this week but exhibitors and distributors are hopeful for even more lenient wartime rules shortly. Worst end theatres still must close at 6 p.m., while those in suburban London and outside cities in so-called 'B' areas are permitted to remain open until 10 p.m.

Feeling here among distributors is that the situation will be considerably improved within the next two weeks. One suggested plan, if the government insists on 6 o'clock closing for all West End houses, is a stagger arrangement whereby one week half of the theatres would close at 6 p.m. and half until 10 o'clock, with the early closing ones allowed to remain in operation until 10 p.m. the following week and the others shifted to 6 o'clock shutting.

BURGER'S O.O. TRIP FOR M-G IN SOUTH AMERICA

Sam Burger, home office representative for Metro's foreign department, will not be sent to Europe for an inspection trip as was originally planned late last week. Instead, he leaves for a swing through Latin-American countries next month, Metro apparently believing that this market just now deserves the most attention and offers the greatest future possibilities.

Burger, who returned about a month ago from one of his customary trips through South America and South Africa, was being readied for a jaunt to France and England to size up changes resulting from the European war.

If Lady's rapid study Lawrence, Metro's manager for continental Europe, is called to the colors, some means must be found in the Paris office with Burger scheduled to supervise any shifts. This plan is off temporarily.

Clement Back, No Par Deal for Odeon, London

Roger C. Clement, legal advisor for Paramount's foreign department, arrives back in New York from London the last of this week.

He went to England ostensibly to handle papers on the Odeon circuit deal, returning now because the deal temporarily is cold.

'HARDY'S B. A. RECORD

Buenos Aires, Sept. 18.
The Gran Rex, with its capacity of 3,500 seats, has set a new record with 'Hardy's Ride High' (M-G).

Theatre Biz Curb Due to Air Raid Precautions—Coin Restrictions Start Returns to U. S. Companies

UPBEAT SEEN

Drastic steps to guard against possible air bombing raids in England and France, with resultant shortening of film theatres and subsequent restricted showings, has severely cut into revenue from these two countries, according to figures compiled in foreign departments of American film companies in N. Y. Estimated this week that revenue collected on product in Great Britain recently is running 35-45% behind normal receipts. This represents the business men of the second week of the war. Transmission of money from France is considered virtually impossible because of the severe restrictions so that U. S. companies rate revenue from that country's box office at the lowest.

With revenue from Great Britain figured as 45% of the total foreign revenue, the picture is not too bright. A 50% dip means a 23 1/2% inroad in total foreign revenue return, added to a loss of the French and Polish market, representing about 9 1/2% of total foreign revenue.

However, business is expected to improve here and the French and Great Britain once a more definite schedule of operating hours is worked out. As it is now, distributors lose one night show on the British Isles even in this period, where theatres remain open until only 10 p.m. Clamdown on cinemas in key spots such as London at 6 p.m. is an even heavier blow. Distributors are hopeful, of course, that a more lenient attitude towards theatre operation will be adopted shortly, especially, if the British and French are certain that there will be no indiscriminate bombings of larger cities.

Distributors do not believe that the British business will be cut more than 10%, if that much, once the business is swinging into operation. They fear more than actual cut in business is the possibility that currency restrictions will hurt in England and France. If revenue collected for film rentals is impounded in the United States, the currencies until the completion of the European struggle, it is certain to be a severe blow to steady income from the foreign market.

This is the biggest threat just now. If coin is allowed to size into the countries, it might conceivably mean that, when withdrawn, it would be badly depreciated in value and if exchanged into U. S. currency. Already, foreign departments have found that rapid done in the British pound a headache because it means a reduction of 15-25% in actual total revenue when such business is interpreted into American money. Dip in British pound means that Australian currency is cut much lower since the Aussie pound is always rated 20% below the Great Britain.

Neutral Biz May Perk
More cheerful side of the picture is that neutral countries are likely to pick up. Talk of restrictions in certain foreign countries, such as Italy and Argentina, is familiar, but it is familiar cry to foreign chiefs in N. Y. There have been few reports in so many months for the only question today is to prevent them from becoming any more severe.

Several independent producers admitted that neutral countries are over the possibility that the market for dual programs may be hard hit. That, of course, would hurt them, especially if double bills are eliminated in Great Britain, where indexes have exhibited duals considerably.

Film Biz Hopes for Equalization Of U. S. and Canadian Currency In Time; 10-11% Exchange Loss Now

NEW FILM SHIPPING RULES START OCT. 1

All picture companies and equipment manufacturers have been notified by N. D. Golden, head of the U. S. Commerce Department motion picture division, of new regulations regarding shipments to foreign ports. Regulation makes necessary a full declaration regarding cargo starting Oct. 1.

Notification also has been made that export shipment declarations are to be filed in triplicate instead of duplicate, with all cargo laden under the supervision of custom officers.

FLOCK OF INDIE WAR PIX FROM ENGLAND

Influx of war pictures, most of them independent British productions, in the last 10 days reflected in the vast increase in films submitted to the eastern production code division of the Hays office. More than 13 features, probably the largest number offered for rating since the Haysian production code seal in less than two weeks time, were inspected and approved in this period. Of this total, six were war themes.

Productions include 'Bombs Over London', 'War is a Racket', 'Torpedoes', 'Luck of the Navy', 'Trunchy on the High Seas' and 'Spies of the Air'. 'North Sea Patrol', an Alliance production, is being set for release and may be submitted to the Hays office for a code seal.

That so many indie features aim for a Hays seal indicates the distributors are hopeful of securing bookings in affiliated circuits. A code seal is virtually prerequisite for showing of any film, major or independent, in a major company circuit.

Gov't Finance Nears For Mex Producers

Hollywood, Sept. 28.
'Hitler—Beast of Berlin' rolled at Grand National with Roland Drew and Staff Dana in the top roles and Sherman Scott directing.

Film is adapted from Shepard Traube's 'Gosse Ship'.

Gov't Finance Nears For Mex Producers

Mexico City, Sept. 28.
A big boost has been given the production of a picture, which has slumbered for two years, of establishing a government-sponsored bank to finance the Mexican film industry.

Plans call for the government and the industry to supply the capital \$50-60. The war is believed to be a factor in the advanced step toward governmentization. With foreign film imports, excepting American, at a virtual standstill, the government sees itself making a good investment toward plugging home product for home consumption. American films constitute about 90% of the product in use here.

Britain Assures Its Reserves in H'wood

They're Not Needed Yet

Picture circles are still speculating on probable effects of Exchange Control regulation on film biz. Hopes are expressed that Canadian equalization fund may eventually bring Dominion currency closer to par with United States funds, but this is mere speculation.

With U. S. money currently at a 10-11% premium, some American districts are considering leaving Canadian coin here for time being, figuring that difference may be smaller later on. During last war American film and other industries used Canadian funds to buy Dominion Government bonds which eventually gave the U. S. firms 100c on the dollar plus regular interest in the meantime.

For time being there appears to be no indication that equalization fund will be used to balance Canadian dollar in relation to value of trade will swing in favor of America through purchases of materials there in the months to come. American purchases of newsprint and other commodities in Canada are a source of exasperating currency ties.

Problem of procuring funds from the Control Board, under new money licensing system, to pay for American films has not presented any serious problem yet. Hays has announced intention of providing coin for normal business requirements. That imports of films will eventually be on a restricted basis, since pictures are not a basic necessity, is not a new factor.

During last World War no American picture money was frozen in Canada because of money control, though difference in currencies then, also, kept smart money here until local currency was on a par with American.

FILMERS' MANPOWER PROBLEMS IN EUROPE

One of the biggest problems confronting foreign departments of American film companies since the European war broke out is maintaining sufficient staffs in London and Great Britain. Each company reports that many employees have been called up to fight in the armed forces, leaving replacements or temporary operators with only a skeleton staff.

Most U. S. film distributors have suffered in Paris and other exchanges in France because company employees there were called to the colors earliest in that country.

Heat Ruins Frisco, Where High Temp.

Is Unusual, Ginger-aude OK, 7,000

San Francisco Sept. 26.
Estimating receipts from day to day requires the services of a crystal gazer during this heat spell, which has broken all records for the month of the theatres have antiquated cooling systems.

At the theatres for the most part, however, are cooler than usual, but the heat has been smart to the idea. There was some on the exhibitors getting together talk of the creative display in the dailies, but this didn't get anywhere because of friction between some of the boys on the street.

At the Fox this is the 'Fifth Avenue Girl' which, with vaude, is giving the Golden Gate a better than average gross, consisting of the weather.

Estimates for This Week
Fox (F.W.C.) (5,000; 30-40)—'Thunder Afloat' (WB) and 'Everybody's Hobby' (WB). Timmerman (WB) and 'Beery picture is arousing curiosity of public to tune of \$16,000. It would undoubtedly have done great bit under happier weather conditions. Last week 'Rains Came' (WB) did \$123,000.

Golden Gate (RKO) (2,850; 35-45) Avenue (WB) (2,100; 30-40) vaude. Ginger scores again, although \$17,000 is sweet, talk held near \$22,000. 'Old Sam' didn't turn on the heat. Last week \$14,000, some \$10,000, some \$10,000, some \$10,000.

Orpheum (F.M.) (2,400; 30-40-40) 'Pup' (U) (2d wk). 'Night' (WB) (2d wk). Scorching weather has taken the heat out of everything, so this will have to be satisfied with painful \$4,000. Last week \$1,000, some \$1,000, some \$1,000.

Estimates for This Week
Paramount (F.W.C.) (2,740; 30-40)—'Fifth Avenue Girl' (WB) (2d wk). 'Weather holding to \$10,000. This week \$12,000, some \$12,000, some \$12,000.

Francis (F.W.C.) (1,470; 30-40)—'Rains Came' (WB). Moverover from Fox. Take of \$1,500. 'Night' (WB) (2d wk). Scorching weather has taken the heat out of everything, so this will have to be satisfied with painful \$4,000. Last week \$1,000, some \$1,000, some \$1,000.

United Artists (Cohen) (1,200; 35-75)—'Winter Carnival' (U). Willer average \$4,000—fair. Last week \$1,000. Four Feathers (WB) (2d wk), \$5,000.

Orpheum (F.M.) (2,680; 30-40)—'Touchdown' (WB) and 'Island Lost Men' (Par). Slim \$7,500. Last week \$1,000. 'Blackmail' (WB) and 'Shond' (WB) (2d wk). (Rep), way off at \$5,000.

Epidemic Hits Buffalo;

'Thunder' Nix \$8,500,
'Panama' Unit OK 12½

Buffalo, Sept. 26.

Grosses are leveling off again this week. Ban against children due to paralytic epidemic has taken toll in spots, particularly against kid-appropriate pictures. However, Ben Goodman last week managed to pull up a sensational figure in spite of all this.

Currently, the new 20th-century has slipped into the limelight, with smart salesmanship, a picture featuring the A. B. Marcus 'La Vie Parisienne' (WB). House has been on a large scale and is doing snappy business strictly on stage show.

Estimates for This Week

Buffalo (Shea) (3,500; 35-55)—'Rains Came' (WB). Doing stout business and should continue with better than average \$15,000. Last week \$15,000. (WB) and Benny Goodman, terrific \$23,000.

Great Lakes (RKO) (3,500; 30-50)—'Thunder Afloat' (WB) and 'Everybody's Hobby' (WB). Perking up indications of a picture. Last week \$15,000. (WB) (2d wk) and 'Blackmail' (M-G) and 'Glamor Girl' (M-G), offish \$7,800.

Hipe (Shea) (2,100; 30-40)—'Angels Face' (WB) and 'News Is News' (WB). Wobbling under \$6,000. Last week \$1,000. 'Star Maker' (RKO), second week for Crosby feature brought only \$5,400.

Lafayette (Hayman) (3,200; 35-55)—'Whispering Enemies' (Col). Rounding around \$10,000. Last week \$1,000. 'Under-Pup' (U) and House Fair' (U), hit hard by paralysis ban and under \$2,000.

26th-Century (Baill-Dipson) (3,000; 25-40)—'Panama Patrol' (Rep) and 'The V. Par' (WB). Bunting for probably better than fifty \$12,000. Last week \$1,000. (WB) (2d wk) and 'Smuggled Cargo' (Rep), dual \$2,700.

Key, City Grosses

Estimated Total Gross
This Week \$1,857,148
(Based on 20 cities, 158 theatres)
Last Week \$1,525,661
(Based on 24 cities, 158 theatres)

Tri-States theatres are spending extra coin for newspaper ads and apparently getting results. Normal weather, lack after the extreme hot spell.

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'Music' on Dual Nice

\$4,500 in Portland

Portland, Ore., Sept. 26.
'The Rains Came,' at Paramount, is the burg's biggest winner among new pix. 'They Shall Have Music' is nice at the Broadway. Paramount is in the money with The Old

Mayfair look 'In Name Only' for three days after its first week at the Paramount and will then leap with 'Swing Mikado.'

Estimates for This Week
Broadway (Parker) (2,000; 30-35-40)—'They Shall Have Music' (U) and 'Swing Mikado' (WB). Answering for satisfaction \$4,500. Last week, 'Angels Face' (WB) and 'News Is News' (WB), with personal appearance of Ronald Reagan, Claire Windsor, Lucille Ball, Banks and Lya Lys, managed good \$5,200.

Hamrick (Hamrick-Evergreen) (2,000; 30-35-40)—'Star Maker' (Par) and 'Swing Mikado' (WB). Answering for satisfaction \$4,500. Last week, 'Angels Face' (WB) and 'News Is News' (WB), with personal appearance of Ronald Reagan, Claire Windsor, Lucille Ball, Banks and Lya Lys, managed good \$5,200.

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Heat Wave Breaks, But Rains

Now Flood L. A.; 'Underpup' Big \$22,200 'Espionage' No Dice, 14G

Broadway Grosses

Estimated Total Gross
This Week \$259,706
(Based on 12 theatres)
Last Week \$249,706
(Based on 12 theatres)

Good film line-up, despite cloudy horizons. Infatinate picture scene is over and bit is approaching boom proportions in auto plants. Release of 'Al' King on Western Front' is getting nice play at the Adams; ditto on 'The Women' at the United Artists and Louis-Pastor fits pick at the Fox, which counted with second stars of 'Rains Came.'

Madison, downtown spot formerly run for good time in 'Rains Came' chain, reopened last week on dual policy playing subsequent run flicker at 15-20 cent scale. Now operated by indie group.

Adams (Balaban) (1,700; 30-40)—'All Quiet' (U) (reissue) plus Quick Mikado' (WB). Final reaction of war flicker, serial of which is running in Detroit Times, garnering nice play and good time in line with around \$6,000, best in long line. 'Under-Pup' (U) (2d wk) and 'Little Peppers' (Col).

Fox (Fox-Michigan) (5,000; 30-40-55)—'Rains Came' (WB) (2d wk). 'Night' (WB) (2d wk). Scorching weather has taken the heat out of everything, so this will have to be satisfied with painful \$4,000. Last week \$1,000. 'Star Maker' (RKO), second week for Crosby feature brought only \$5,400.

Hamrick (Hamrick-Evergreen) (2,000; 30-35-40)—'Star Maker' (Par) and 'Swing Mikado' (WB). Answering for satisfaction \$4,500. Last week, 'Angels Face' (WB) and 'News Is News' (WB), with personal appearance of Ronald Reagan, Claire Windsor, Lucille Ball, Banks and Lya Lys, managed good \$5,200.

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'ALL QUIET,' 6C,

NO REVEAL

IN DET.

Best bet currently is the dual of 'Underpup' and 'Coast Guard' (WB), running day 'n' date at the Pantages and RKO, is getting a big total of \$10,000. Another proli-matic is 'The Women's' third week at the United Artists Wilshire.

Estimates for This Week
Carthay Circle (RKO) (1,518; 30-40-55)—'Underpup' (U) (2d wk) and 'Design for War' (WB). Answering for satisfaction \$4,500. Last week, 'Angels Face' (WB) and 'News Is News' (WB), with personal appearance of Ronald Reagan, Claire Windsor, Lucille Ball, Banks and Lya Lys, managed good \$5,200.

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HELD OVER

**SECOND WEEK
RADIO CITY MUSIC HALL**

BUSINESS SENSATIONAL!

... First four days indicate another **RKO RADIO BIG ONE** shooting up into that charmed circle of \$100,000-a-week hits! ... Hailed by a nation-wide chorus of the most lavish critical praise ever accorded a picture, this story that shocked the world is all set for more big openings this week and next!

ANNA NEAGLE

in her first Hollywood appearance as

"NURSE EDITH CAVELL"



with

EDNA MAY OLIVER • GEORGE SANDERS • MAY ROBSON • ZASU PITTS

H. B. WARNER • SOPHIE STEWART • MARY HOWARD • ROBERT COOTE

Produced and Directed by HERBERT WILCOX • Screen Play by Michael Hogan

... Values. ... wear.

**KEEP ON YOUR TOES AND WARNERS WILL
KEEP YOU SMILING. THE BIG DRAMA THAT
FOLLOWS 'THE OLD MAID' IS BY THE
AUTHOR OF 'EACH DAWN I DIE', WITH
THE SWEETHEARTS OF 'DAUGHTERS
COURAGEOUS'.**

—A HONEY

A BIG SHOW!

—A MONEY

OF A SHOW!

YOU'VE SEEN

SHOW! IF

IT, YOU

**KNOW IT! AND IF YOU HAVEN'T SEEN IT,
FOR THE SAKE OF YOUR BOX-OFFICE
ARRANGE A SCREENING THIS SECOND OF
JOHN GARFIELD AND PRISCILLA LANE IN**



'DUST BE MY DESTINY!'

with **ALAN HALE**
FRANK McHUGH • BILLY HALOP
Directed by **LEWIS SEILER**
Screen Play by Robert Rosen • From a Novel by Jerome Odlum
A First National Picture

JACK L. WARNER • HAL B. WALLIS • LOUIS F. EDELMAN
In Charge of Production Executive Producer Associate Producer

THE THRILLING ANSWER TO

TEST ENGAGEMENTS... U-BOAT 29

NOT A RE-ISSUE...A NEW PICTURE!

SI FABIAN...

of Fabian Theatres,

Says: "U-BOAT 29"
is tremendous success at Grand Theatre, Albany. It's a sure box-office hit for any showman who capitalizes on its sensational timeliness. Warrants the top billing spot and the campaign we gave it!"

★ **ALBANY...**

Lou Golding,
speaking direct from Grand Theatre, Albany,

Says: "It is everything Columbia said about it. It opened big and is going strong!"



★ **HARTFORD...**

George Landers,
E. M. Loew Theatre, Hartford, Conn.,

Says: "Good opening followed 'big exploitation campaign...word-of-mouth excellent! Reviews fine! Everything points to fact that 'U-BOAT 29' is one of the best showman's pictures ever made. Its box-office is assured."



U-BOAT 29
CONRAD VEIDT
VALERIE HOBSON
SEBASTIAN SHAW
A COLUMBIA PICTURE

Produced by IRVING ASHER
A COLUMBIA PICTURE

These are the hard selling ads that were used in Hartford and Albany. They are in the press book!

SMART SHOWMEN ARE RUSHING DATES!

Good Ol' Climate Went Berserk, H wood Temp at Until the Rains Come

By GEORGE E. PHAIR

Hollywood, Sept. 26. For a solid eight days, for golden palomino, California Sun, for years the pampered pet of the Chambers of Commerce, suddenly went loco and stomped around the film studios at a cost of approximately \$100,000, disrupting shooting schedules, prostrated actors and general apathy. Everything slowed down to a walk in the longest and most violent heat rampage ever known in these parts. After a few days nobody had enough ambition left to bet on the thermometer, which at one time registered 107.2. Then the rains came on Sunday (24) 'n' how!

When the heat first started out, everybody thought it was a fluke, and smiled accordingly. When it developed into an 'A' production, and finally into a colossal crisis, even the gals on Hollywood blvd. laid aside their furs. For the first time in the history of the film colony, the mercury soared in the stratosphere for seven consecutive days. Day was turned into night in the studios, which caused a scarcity of customers in the night clubs. Production crews took to the hills, a la manana, in the daytime, and reported for work in the cool of the evening, which some were topped to 90 degrees. These shifts in the working arrangements caused the old suffering among the studio financiers who have been whittling expenses to meet the war crisis in Europe.

Too Hot to Handle

War films suffered the most, particularly "The Tower of London" in which 200 knights and men-at-arms were hired to lay down their lives for good King Henry. The picture, they laid down their armor and conducted a mastery retreat to the nearest oasis. Hoss opera was at a standstill. Cowboys mingled with rustlers, gringos with Mexicans, and soldiers with outlaws, all drinking cold coke together to forget the heat. The picture hero, who was supposed to be an artillery and ceased to count. Out in-the-valley, where "Warriors" Universal and Republic submitted to the desert's embrace, it was possible to fry an egg on the highway, but no body dared it. There were too many hams around.

With the riders unsaddled, the horses spent a week in their stalls and fattened on oats and alfalfa at the company's expense. Even tropical animals felt the heat. A lion of the actine rays. In "Green Hell" at Universal a jaguar was overcome and moaned in his den for the color of the actine rays. In "Green Hell" at Universal a jaguar was overcome and moaned in his den for the color of the actine rays.

Studio technicians put on some real technique to ameliorate the weather. Hurricanes, rainstorms and blizzards, not on the budget, were dragged out to soothe the rebels. Rebecca, a British film international, was cooled to 70 degrees with a battery of windmachines blowing over a truckload of ice cubes. All the tricks known to science were used on the picture, but it didn't help the boys in the heat outdoors, where the thermometer registered anywhere from 117 at Burbank to 130 at Universal City.

At Pasadena, where David Niven was doing a bit of cricket for "Raffles," the mercury at 118 simply isn't done in England, so David went back to the home of air-conditioned studio sets. Work was stopped on "The Hunchback of Notre Dame," where Charles Laughton was to play the story to Tolento's gate. Other films retarded were "Abraham Lincoln," Illinois; "Gay Days of Victor Herbert," "Escape to Paradise" and "Abraham Lincoln," Illinois; "Gay Days of Victor Herbert," "Escape to Paradise" and "Abraham Lincoln," Illinois.

Again kept on riding with the aid of free beer in the tavern scene. All the extras drank, and the picture of the house while Marlene Dietrich went through her song and dance. Phoney, but it worked.

Louis King at Paramount revised his "Typhoon" schedule to shoot all the rain scenes, and the picture was satisfied, including Dorothy Lamour, who was a sarong. At other studios, the femme employees were permitted to toil in shorts.

In downtown Los Angeles, the only popular picture is the one in air-conditioned theaters. Big names on the marquee meant nothing unless there was a sign: "Twenty De-

Con. Films' 3d Quarter Net, 2326, Tops 1938

Consolidated Film Industries, Inc., last week issued a statement showing that net income for the third quarter ending Sept. 30, 1939, amounted to approximately \$232,000, or about \$100,000 ahead of 1938. Official third quarterly statement is not due until some time in October. Company placed July and August net at \$151,416.

Because the estimate for the quarter ending this month would represent 58c on preferred stock, a Consolidated will easily cover \$2 dividend requirements unless there is a severe dip in income during the final quarter. Company reported 74 shares for the third quarter last year.

Herbert J. Yates, Consolidated president, revealed that adverse conditions of the foreign situation on the film industry would be offset in a newspaper. He believed increased employment and rising national production would result in an acceleration of business in this country would be reflected in increased attendance during the 1939-40 season.

Calif. Gale Kills Four WB Employees; Threat To Film Execs' Yachts

Hollywood, Sept. 26. Four Warners' back-lot employees were drowned Sunday (24) when their fishing boat capsized in the gale which whipped the coast and buffeted perilously the yacht of film colony celebrities. Among the victims, Gilbert Monahan, Jack Holm and Stanley Smith. A boat was felt for several inland leaders, but all turned up dead. Heat spell, which ran the mercury past 100 for eight straight days, an all-time record for "unusual" California weather, ended Sunday (26) with a blizzard. The rain played havoc with outdoor picture shooting and flooded parts of town. Location troops were ordered to camp, as two more days of rain are forecast.

Constant Wins Over Bro-in-Law, Mike Barovic

Tacoma, Sept. 26. In a suit that has been hanging fire in the local courts for some time, Mike Barovic, theatre operator, was ordered to pay Peter Constanti, brother-in-law, \$16,810 by superior court Judge William E. Campbell. Barovic, who lives in the Sunset court where judgement in favor of Barovic by late Judge W. O. Chapman, Jr. was reversed. Claiming full partnership in the theatre club, Constanti filed suit after Barovic had discharged him. Chapman held no partnership except, but higher judges said it did exist. Barovic was ordered to pay \$16,810, but higher judges said it did exist. Barovic was ordered to pay \$16,810, but higher judges said it did exist.

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Hollywood, Sept. 26. Vagrants of the weather, which such as Grauman's Chinese theatre installed an electric heater in the boxoffice Sunday night (24) after running in ice cakes the day before.

Smaller Dailies Still Squawking Pix Neglect 'Em

While the motion picture editors on the bigger dailies concede that film publicity is improving, so far as filling their needs is concerned, the lesser dailies still have their same old squawk. Dearth of feature stories about stars and film production, coupled with the fact that new dailies continue to handicap the picture industry in getting breaks in smaller newspapers. Situation is expected to become more aggravated in the last 18 months, with papers in communities of 100,000 population neglected for large metropolitan dailies.

Increase in newspaper prices and other upped costs have forced all dailies to watch carefully every word of white space. Instead of recognizing this condition, the deluge of billboards and newspaper ads, many editors aver that apparently few studio staffs employ good newspapermen. Many added numbers of editors capable only of turning out windy essays. Result is a serious lack of crispness and clarity in the publicity yarns.

Don't Dramatize Real News. One newspaper editor opined that picture publicity men are overlooking a real bet by continuing to meter all their mail, even on most air mail. He said that the picture industry's envelope and air mail stamps if the studios wanted to attract attention and save space. At it is now, the effectiveness of air mail publicity is lost.

No question is that publications of these smaller cities feel the radio competition. They also are cognizant of the trend towards pictorial mass media. Life and picture magazines, many seek to seek the reader's eye. This means more space for headlines and smaller text. To save space, several editors whittle copy submitted by picture companies into a few lines, and sometimes below. Average two-column half-inch frequently winds up two inches wide. Even though this gets away from artistic technical proportioning, exhibitors go for it. It means pictorial representation for their attractions. If publicity staffs did this themselves, they would save time for the editors and probably get better breaks in the paper.

Other beefs of editors include bad headlines and copy. Some are attempting to write unusable headlines, sending out stories on mimental subjects, and others are writing their own headlines, and failure to condense the gibberish of the publicity.

Newspaper scribbles also feel that they are neglected by the editors when they assign their crack writers in Hollywood strictly to doing special columns and special events, leaving the routine matter for smaller publications to allegedly inordinately overwork their editors. Practices have been eliminated for small newspapers, they claim. Lesser publications may as well stop trying to press book stories submitted by exhibitors.

Not was there any refuge at the beaches, which are usually assailed by the trade winds. At Occidente the thermometer leaped up to 75, enabling anyone to catch boiled fish in the surf, if anyone had enough energy to be an angler.

Social decor was completely ruined. The old Brown Derby was filled for the first time with guys in shirtless and gals in negligee, and in manner of neglect. No Hollywood hostess dared throw a party unless she had a swimming pool and a hot tub. Silks, ermines and soup and fish were at the time.

Film colonists for once ceased to brag about the climate. When last heard they were trying to lend it. Astoria for a cake of dry ice.

3 Coast Indie Exhib Groups Merge, Sponsoring Move for Distrib Unit

Leo Atanasoff, 51, Dies; Championed Trust Quizzes

Milwaukee, Sept. 26. Leo Atanasoff, 51, Milwaukee exhibitor, one of five brothers who were among first preceptants of the Federal anti-trust probe in major companies, film monopolies, died of several weeks, it was learned this week.

It was in January, 1936, that the mortgage on the Atanasoffs' World Theatre, Milwaukee, was foreclosed, and the brothers consequently going to Washington, where they complained to the Department of Justice. Interstate Commerce Commission that their financial stress was caused because films were withheld from exhibitors by major firms. They listed other asserted acts of conspiracy and of the brothers and two of their wives staged sitdown sieges in City Hall to emphasize their demands that they get behind a Federal investigation.

Widow and four brothers survived.

Exhibs, for Once, Put OK on Gov. Dickinson; Endorse Bingo Taboo

Detroit, Sept. 26.

Gov. Lauren Dickinson's latest "war," against the "evil" of all forms of bingo, keno, etc., has the undivided backing of local film palaces and other amusement centers, even though they may not have favored his previous attacks on everything from the "hush" of the picture industry to the "hush" of the picture industry to the "hush" of the picture industry.

Bingo, keno, etc., however, especially as sponsored by churches and charitable organizations, has been one big thorn in the side of entertainment b. o., especially theatres, for many years. Police have already stepped on commercial projects of that sort, never got down to churches and lodges because of the difficulties and political dangers involved.

However, last week after getting a request from Dickinson asking support of private legislation, Commissioner Henrik Pickert ordered Detroit police to halt all fund-raising games run by clubs, schools, etc. While Pickert ordered an "educational" drive against the picture industry, with arrests of those who lower if games aren't stopped, it became apparent immediately that the drive would have at least one supporter, the Catholic Church in Detroit. Catholic parishes, many of whom conduct bingo and keno games regularly during fall and winter, will obey the governor's orders, according to Mr. Rev. Stephen S. Woznicki, auxiliary bishop of the Detroit archdiocese, even though the church does not hold gambling intrinsically immoral.

Churches and charitable organizations, however, have dependence on regular bingo games, are planning appeal to state supreme court. Mr. Dickinson and theatre operators are watching with interest indie bingo, keno, etc., have been in their sides for many years.

Mercy Hall, private institution for the blind, and the Michigan Center for the blind, is leading fight against ban, claiming that its weekly bingo, which is open to the public, and its expenses and that it had no other way of raising funds.

Back in Gumshoes

Hollywood, Sept. 26. "Nick Carter" came back yesterday (Mon.) as the first of a series of detective yarns at Metro, starring William Powell and Jacques Tourneur is directing.

SAFER OVER HERE

Hollywood, Sept. 26. War caused a farmers' strike in the picture industry. The "Private Lives of Elizabeth and Essex" from London to New York. The picture is being shown tomorrow (Wed.) will be the only showing prior to the release date, Nov. 25.

Los Angeles, Sept. 26. Paving the way for improved conditions and solidarity for some 1,500 to 2,000 unaffiliated exhibitors on the Pacific slope, Pacific Coast Conference of Independent Theatre Owners has been organized by headquarters in Los Angeles. Organized move is biggest and most important step of indie exhibs ever launched, and may eventually spread to take in other far-western areas.

Nucleus of the new conference, which has no national affiliation, are the three already powerful indie exhib organizations of the Pacific coast, viz., Independent Theatre Owners of Southern California and Arizona; Independent Theatre Owners of Northern California and Nevada; an affiliate of Motion Picture Theatre Owners of America, and Motion Picture Theatre Owners of the Pacific Northwest, also affiliated with the MPTOA national office.

Bob Paole Expects See

Governing board of the new conference will comprise two exhibitors elected by each of the three indie organizations; with Robert H. (Bob) Paole, Pacific Coast representative, and J. J. Southern California, representing temporary executive secretary.

Paole, who has been in the business under discussion for some time, was perfected at a meeting held in Sacramento, Calif., where he was elected president of the Northern California association, and L. O. Lukon, who was elected president of the Northwest exhibitor organization.

Aside from benefits which conference will bring to unaffiliated exhibitors, the new organization will work toward a progressive industry, and will sponsor a constructive unity drive among exhibitors and distributors all along the far-western slope.

Initial meeting of trustees of newly formed conference will be held here within next couple of weeks. The new group will be organized and will be ratified and program of activity mapped out.

Cover All Phases

Indie exhibs of the Pacific Coast, in a move toward a progressive industry, have launched an ambitious campaign expected by observers to bring about a new era of constructive legislation, applying to all phases of the industry, and particularly to the exhibitor's position. Under the new business, will come under scope of activities planned. The new group will be approached from a new perspective, with the best interests of the entire Pacific slope in mind, rather than having each individual exhibitor handle complaints individually.

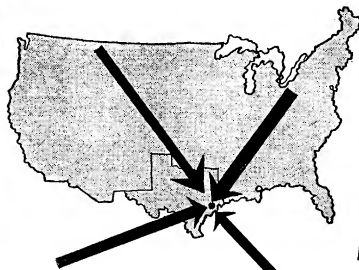
Three indie exhib associations, which form nucleus of the Pacific Coast conference, have long been active in the industry, but each has heretofore pursued solo policy in handling exhibitor-distributor relations. The new group has not been to the best interests of all exhibs in the territory. Under the new group, there will be coordination of action, and greater harmony is predicted for every branch of the picture industry.

Echoes of Ambassador, Conn Pict's Bankruptcies

Federal Judge Alfred C. Cox in N. Y. Friday (22) granted an application by Benjamin Liehenfeld, president of Conn Pictures, Inc., and of Conn Productions, Inc., and allowed him to inspect the assets of the bankrupt Conn Pictures, Inc. and of Conn Productions, Inc., and allowed him to subpoena witnesses and records.

Those who called for the bankruptcy of Conn Pictures, Inc. and of Conn Productions, Inc., and allowed him to inspect the assets of the bankrupt Conn Pictures, Inc. and of Conn Productions, Inc., and allowed him to subpoena witnesses and records.

**WORLD
PREMIERE!
BIGGEST
IN
5 YEARS!**



EYES ON HOUSTON!

**EXTRA! 2nd BIG WEEK
AND STILL S. R. O.!**



MICKEY ROONEY & JUDY GARLAND
in "BABES IN ARMS" with Charles
Wininger • Guy Kibbee • June
Prulier • Grace Hayes • Betty
Jaynes • Douglas McPhail • Rand
Brooks • Emil Lynn • John Sheffield
Screen Play by Jack McGowan and
Kay Van Nipoy • Based on the Play
by Richard Rodgers and Lorenz
Hart • Directed by Busby Berkeley
Produced by Arthur Freed.

Watch the First Engagement of M-G-M's "BABES IN ARMS"

Here's what Houston means for you!
Take a tip from Houston's hysteria!
Start your planning now!
Clear the decks for your run!
No attraction like it in years!
Ask M-G-M for Extra Time immediately!
"Babes in Arms"! Oh baby!

Cole's Deal.
San Antonio, Sept. 2.—
Mart Cole recently made a buying and banking deal with Jensen Amuse, Co., of Dallas covering Cole houses in Rosenberg, Yoakum and Richmond. Remaining houses at Hallsville, Eagle Lake, Needville and Wallace will be handled over to Cole's office at Rosenberg.

You're right, Wanda Hale!

(Critic New York Daily News)

Everybody Can Enjoy "Honeymoon in Bali"



Madeleine Carroll and Fred MacMurray are cast for comic roles in Paramount's "Honeymoon in Bali."

By WANDA HALE

"Honeymoon in Bali," Paramount picture, story by Grace Sargwell Mason and Katherine Brush, directed by Edward H. Griffith and presented at the Paramount Theatre.

THE CAST

Bill Burnett... Fred MacMurray
Gail Allen... Madeleine Carroll
Eric Sinclair... Allan Jones
Lorna Smith... Helen Broderick
Noel Van Ness... Osa Massen
Rosie... Carolyn Lee
Window-washer... Akim Tamiroff

Mr. Hays must have just finished a goose dinner and settled down with a brandy and a big cigar when he put the stamp of approval on "Honeymoon in Bali." It isn't that the censors were off guard; there is really nothing in it to make anybody blush, except, possibly, Gov. Luren Dickinson. And, most likely, he'll never see it.

The new Paramount picture, a smart, sophisticated comedy, co-starring two delightful people, Fred MacMurray and Madeleine Carroll, with lines that border on, shall we say, the suggestive.

Madeleine Carroll Stars

Miss Carroll throws off her reserve and enters into the spirit of the picture with an unexpected flexibility of face and voice as an efficient business woman whose well-set plans for independence and freedom are gradually broken down by Fred MacMurray. The dialogue, furnished by Virginia Van Upp, keeps your interest.

MacMurray is a guy who lives the life of Riley in Bali. On a visit to New York, he is repulsed by her notion that career and marriage don't mix. Allan Jones is the other man. Yes, he sings, one aria, much to the delight of the audience. He is very much in love with the lady, but in accord with her modern ideas of marriage, if any.

Tries to Persuade Her

Helen Broderick is Miss Carroll's friend who tries, in a very matter-of-fact way, to make her friend see that love and children are necessary to make a woman happy. She ought to know—as she represents a woman who has had neither. Akim Tamiroff is seen briefly as a window-washer who has had the chance to study Miss Carroll, unobserved. Nice work, if you can get it. He puts in his two cents' worth of advice to the woman from Bali, which she figures is well worth taking.

Paramount's new find, Carolyn Lee, a cute little trick about 4 or 5, makes a bright addition to an already bright cast. The credit for the able direction of "Honeymoon in Bali" goes to Edward Griffith.

This Daily News review is typical of the unanimous views from the Broadway critics on this Paramount hit!

Everybody in New York is enjoying

Paramount's "HONEYMOON IN BALI" for the crowds gave Paramount Theatre biggest week end, (including holidays), in a year! Second biggest week end in 5 years!



"E.C." UNUSUAL

Unhook KECA From KFI as Step Others on Coast May Follow; Say Pacific Slope 'Undersold'

While in New York last week Harrison Hollivay, general manager for Earl C. Anthony stations, named Fred & Peters the new rep for KECA, Los Angeles. The shift from Edward Pety takes effect Oct. 1.

Split was made on the theory that the same rep can't represent two stations in the same town and do an effective job for both. Pety has represented KFI, Anthony's other L. A. station, as well as KECA, since 1933.

It was reported last week that the operators of KEX-KGW, Portland, Ore.; KJR-KOMO, Seattle, and KGA-KHQ, were considering putting through a similar split in the same representation of their stations. Pety has all these on his list. If the proposal materializes, it is likely that Pety will have but one station in a town as far as the westcoast is concerned.

It has been suggested by the operator of one of these three north-west stations that they pool the representation of their NBC-blue outlets, along with other Pacific stations in the same network group, into a central sales and promotional organization. The argument advanced is that the westcoast as a potent radio market has not been properly sold and that concerted effort in this direction was the solution to this long-felt need. The suggestion still voice the opinion that indie broadcasters along the Pacific, with few exceptions, are "undersold" when it comes to selling their markets and facilities.

N.A.B. Rates Hannagan A Time-Chiseler

Washington, Sept. 26. Finger is pointed at Steve Hannagan, the great agent. Latest warning to members from the National Association of Broadcasters says Hannagan is seen as a time-chiseler. He wants the broadcasters to plug—without compensation—paint, rugs, and insulating material.

Curse also was put on the Angelus marionettes, while Cross (anti-tobacco) campaign. Parents Magazine and Mademoiselle mag.

BESDINE "CONSPIRACY" OUT, LIBEL STICKS

Supreme court justice Ernest L. Hammer in N. Y. Monday (25), dismissed the first cause of action. Donald Besdine's which sought \$500,000 against the Metropolitan Life Insurance Co., Edwin C. Hill, Lefroy A. Lincoln, Wodam Corp. and the Bamberger Broadcasting Service, Inc.

The first cause of action which claimed conspiracy to defame, was found to have no new facts, but the second cause, also for \$500,000, remains to be tried. This deals with libel.

The plaintiff claimed the statements made regarding him took place April 1, 1936, over WNEB and WOR.

Paul Ross Moves

Paul Ross, who was with the Columbia Artists Bureau for over eight years, has joined the Jack Cuccia-Lee Morrison broom in C. W. Ross will head that firm's radio department.

SALES OF MUSIC UNUSUAL

Major Networks View 'Curtain Raiser' Campaign by N.A.B. as Stressing a Seasonal Factor They Have Spent Much to Offset

Major Networks View 'Curtain Raiser' Campaign by N.A.B. as Stressing a Seasonal Factor They Have Spent Much to Offset

SALES VEXED

Networks express themselves as both puzzled and irritated over the promotional stunt of the National Association of Broadcasters which, in lifting a leaf from the motion picture industry, is selling the listening public on a bigger and better radio season. The drive, conceived and steered by NAB, is described as "The Curtain Raiser Campaign."

As the networks view it, the NAB promoters are by their present efforts undoing something that NBC and Columbia have spent hundreds of thousands of dollars to do and have succeeded to some extent in accomplishing. That is selling advertisers out of the idea that there is any particular listening "season" in the radio business. They have sought to prevail upon listeners to continue on a year-around basis and buying that the value of broadcasting as a sales-medium cannot be measured by any period on the calendar.

The web site that they have always discouraged any tendency with respect to seasonal advertising, and they feel that the NAB promotion thinkers by indelicately designing such a seasonal season in radio are, at the least, not going to make it any easier for the selling end of the industry.

Stuart Dawson's Revised Duties as Brown Leaves

Chicago, Sept. 26. Stuart Dawson becomes acting program manager for Columbia-WBBM here following the departure of Bobby Brown to the west coast to take over supervision of the new "Gateway to Hollywood" club. Dawson has been on the Columbia-WBBM production for several years and is handling several shows. However, due to the pressure of his new activities, will allocate several of his programs to other members of the production staff.

NBC Disinclined to Sanction Wax Repeats of Blackett Shows on KXOK

After negotiating contract with KXOK, St. Louis, for the time, Blackett-Sampum-Hummett last week announced a new position to clear the way with the plan of having that station repeat in the evening by the transcribing of the night show. The new series which American Home Products Corp. and Sterling Producing Co. are producing, will be broadcast on KXOK during the day. NBC tossed in the monkeywrench when it advised the agency that KXOK might cancel the show because of the air of such programs without permission of the originating station and the network.

Herzog Upped at WTMJ Milwaukee, Sept. 26. WTMJ continued Saturday (23) the appointment of L. W. Herzog as manager of the station. Don Alber, former station manager, had assumed an executive position on the Milwaukee Journal, station owner.

Herzog has been close to WTMJ for years as Public Service Manager of the Journal. He has directed much of the company's experimental radio work, as an assistant to Walter J. Dunn, general manager of all Journal radio activities.

Legal Steps Taken to Set Up N.A.B. Music Publishing Firm; Behind-Scenes Stuff Reported

WMCA Pickets End

Picketing of WMCA, New York, has stopped. It had gone on without interruption since Dec. 19, 1938, when the station pulled the "Father Coughlin broadcast" off the air. No pickets were on hand past Sunday (24) afternoon and, according to Michael Flanagan, who's been leading the parades past several Sundays, it will probably be permanent. It was stopped without explanation.

When picketing started there were as many as 2,500 in line at one time, with never any fewer than 125. However, for the past several weeks it's been confined to four parades. This was after N. Y. Mayor LaGuardia's emergency plan was issued following outbribe of many in Europe. "Among other things he forbade large scale political picketing."

Radio Men on Congress Floor Enjoyed Jump Over Newspaper Tribe

Washington, Sept. 26. Special session of Congress was held day after day. All webbed their neck muscles trying to get an exclusive on each other and to show up the other fellow.

With extremely strict regulations in effect, the microphone legmen were somewhat "handicapped" but still enjoyed an advantage over their competitors in the press gallery. They had access to the floor of the House of Representatives and could ask legislators for opinions before the scribes were able to break through the police lines.

For first time in history, NBC broadcast daily summary of legislative activities direct from the Capitol. With Earl Godwin, byliner for the Washington Times-Herald and president of the White House Correspondents' Association, doing the talking. He's on the web at 6:15 (E.S.T.) each evening—if the legislators are at work. Selling side of a regular period for news of what Congress does during the day is a major innovation reflecting the interest of public interest in the U.S. out of war.

Sidney Kaye, special copyright counsel for the National Association of Broadcasters, expects to have the registration statement, prospectus, etc., of the NAB publishing venture, Broadcast Music, Inc., on file with the Securities Exchange Commission by the end of next week. It will take 20 days before the SEC's approval becomes effective and then the project's operators will start asking the NAB members to contribute their assessed shares to the initial fund of \$500,000.

After the money comes in Broadcast Music will employ a treasurer and general manager and set up its staff of song pickers, arrangers, publicity men, etc. Officials of the American Society of Composers, Authors and Publishers are meanwhile maintaining an attitude of passivity. Several broadcasters have already extended feelers to ASCAP through the intermediary of the National Association of Broadcasters, but some one from ASCAP who could talk contract terms. Knowing what these terms are the licensing station operators figure that they could then decide whether to get out from under the NAB assessment in connection with Broadcast Music. The third party in these feelers is an offer in the settlement of several million of dollars in business a year with broadcasters and has a long term in the settlement of the performing rights issue.

ASCAP's committee on radio will make the NAB settlement. The regular monthly meetings tomorrow (Thursday).

Audience Contact Committee Set To Run Code

Washington, Sept. 26. Eleven-man committee was named Friday (22) to interpret and apply the new NAB program code. It includes five of the co-authors and a representative of every category of member.

In naming the group, which is called "Committee of Audience Regulation," the committee reminded the industry of the need to keep in mind the fact that radio reaches people of all different creeds, races, educational and age levels simultaneously.

Enforcement studies is headed by Edgar L. Bill, WBBB in Chicago, one of the strongest advocates of self-regulation methods and also someone Martin Campbell, WMAA, Dallas; Edward Correll, WFAA, Macon; Ed Bracey, KGBR, Butler; J. H. Damm, WTMJ, Milwaukee; Earl J. Glade, KSAT, Salt Lake City; Edward C. Jones, KATL, St. Louis; Edward C. Smith, KOIL, Omaha; Calvin J. Dean, KFCAL, Los Angeles; and Theodore Stricker, WBSB, Boston.

Four individuals who had a hand in writing the creed were not named in the committee. They are: W. C. KSTM, El Paso; Samuel R. Rosenbaum, WFIL, Philadelphia; Paul W. Korsch, WABC, New York; and Hollister, KANS, Wichita. Membership on the board of directors ruled in New York and New Jersey will be required to pass on petitions for review of the interpreters' rulings.

Len Cramer's New Post

Wire Broadcasting Corp. of America has named Len Cramer, formerly an exec of Dumont Television, as sales manager with headquarters in New York City. Cramer currently is concentrating its new big drive largely in New Jersey, Philadelphia and N. Y.

No Blanket War Clause in Time Contracts, Networks Tell Admen; Say Later Have Headline Phobia

Several agencies are trying to press upon the networks to let them write war cancellation clauses into their contracts. They say that their accounts want to be free to step out of their time obligations quickly in the event that circumstances arising from war have a serious effect on production or sales. The networks refuse to become persuaded about this issue, even though John Benson, president of the American Association of Advertising Agencies, is making a survey among its membership to find out what they have been doing about it. They take the position that the matter of releasing a client from its obligations should best be left to individual cases and circumstances. To give blanket consent to the inclusion of such clause at this time, the networks point out, would be economically unsound for them. They hold that the agencies are exciting themselves unnecessarily, and that there's manufacturing and people buying advertising will go on and as long as their advertising radio will continue to get its proportionate share.

A few agencies have already started to write war clauses into talent contracts. No opposition to this procedure has been reported from performer ranks.

WLW RENEWS EFFORTS FOR 500 KW.

Washington, Sept. 26. Another attempt to regain the right to broadcast on 500 kw. authorization was made by WLW, Cincinnati, Monday (25). Review of the denial of the experimental station was made by the opinion of the District of Columbia Court of Appeals was sought from the United States Supreme Court.

Petition for certiorari—a writ directed to the lower court to set up the record—was filed by Duke M. Patrick, asserting several errors in the intermediate judges' refusal to upset the FCC. Whether the case will be reopened and WLW given another chance to set up a station is not clear. In previous trials probably will be made known Oct. 9, second day the Supreme Court is session to hand down orders. Session opens Oct. 2, but it's unlikely anything will happen then. It may take even longer for the highest bench to decide whether it will grant the review, since over 400 cases have been docketed during the summer recess. Propriety of the Appeals Court's refusal to consider the appeal from the F.C.C. decision is the central issue presented to the highest tribunal by the case, but the petition also raises several other questions of grave importance to the Commission and the industry. Whether the experimental authorization is a "license" under the law is one of the vital issues, since the appellate judges dismissed the appeal after agreeing with Commission lawyers that action against the license is not subject to judicial review.

While the Supreme Court is asked to consider whether the lower court was right in disclaiming jurisdiction over the appeal, the controversy may require clarification of other legal points which have caused concern to many broadcasters. Effect of appellate court ruling, Patrick said, is (1) to deny holders of any application for licenses involving any degree of experimentation recourse to appeals from the Commission; (2) to require tickets with special authority conditions; and (3) to provide uncertainty in the Commission's power to authorize experimental operation.

Raymond Pender's yacht, Prelude, owned a San Pedro prize without the owner to guide her.

FLOYD GIBBONS VICTIM OF HEART ATTACK AT 52

Floyd Gibbons, 52, former war correspondent and radio commentator, died Sept. 24, 1939, at his farm near Houdersburg, Pa. Death was due to heart attack. From about 1932 to 1936 he was sponsored by various radio advertisers, notably American, Colgate-Palmolive-Peet, Nash and the Palmer House, Chicago. His radio voice was brought about by his rapid-fire style of announcing which, however, became passive after 1936. He was inactive the last several years but made big money in a line of promiscuity.

Originally from the Chicago Tribune, Gibbons lost one eye in the World War. Many stories, not all of them kindly, were about him by subsequent affectation of a very conspicuous patch which made him a dramatic figure. He carried out the dynamic role for all that it was worth, and it was worth plenty.

About two months ago when NBC originally launched a cooperative program on behalf of the New York World's Fair it was expected that Gibbons' voice would be heard repeating the job he did for the Palmer House during the Chicago World's Fair of 1933. The arrangement never consummated. It was expected that Gibbons would go to Europe for war coverage but death intervened.

BIZ OUTLOOK FOR CANADA

Montreal, Sept. 26. Current indications are that volume of commercials over Canadian radio for coming season will be maintained on a par with last year and possibly better. Renewals are reported coming in thick and fast. Situation is naturally subject to change depending on international conditions. The general trend of trend new biz should balance any cancellations.

All Standard Brands programs are being planned for the United States to be piped into Canada, though no program production in Dominion is being planned for the coming season. Last year Standard Brands had several English and French spots for marketing in Canada.

New Canadians scheduled over Canadian Marconi station CFCF include Sunday afternoon piano concert for next few weeks by Ernest Seitz for Underwood-Bellotti-Fisher; Ken Sobel for the Royal Canadian Tobacco; "Treasure Trail" for Wigley's; Christopher Ellis' "How to Buy for Christmas," and "Town Circle" for Burnett's. Imperial Tobacco renews "Light Up a Listen Club" tailored transcription for Sweet Caporal Cigarettes.

Ben Ward will produce the Al Pearce show for Dole pineapple out of Hollywood. Ward has taken up offices for himself and others of the N. W. Ayer staff.

Motors Active in Radio

Outlook Continues Good With Only Father John's Medicine Cancelling

Only one account, Father John's Medicine, is reported this week as having cancelled its radio plans because of the war. In contrast to this single case there's heavy activity going both the spot and network radio as far as new business prevails. Most of the buying is from the automotive field with Studebaker making it three quarter-hour spots a week and Ford Dealers started to run three quarter-hour spots a week starting last Monday. McCann-Erickson is placing the latter campaign. Other automotive brands in the spot columns currently are Nash, Plymouth, Chrysler, Buick, Pontiac and Dodge. Young & Rubicam is buying half-hour periods for Super Eight, and the Aldrich "Family" (Jello-O Pudding) series, which moves over to the NBC-blue Oct. 3.

Phillip Morris has contracted for 120 spots—on all but one day—Wednesday nights, starting early in November. Account will continue making the present half-hour on the radio and has taken into the live involves 55 stations. NBC expects to close this week for a half-hour daytime slot on the 3p. m. spot on the live and jumping its hookup from '38 to 43 stations. Program for the past season has been restricted to a weekly half-hour. American Home Products has been buying, and turning over to Paramount Pictures, who made 13 shorts dealing with her stories.

Making Life Tough for Mutual

World's Series Draws Backfire From CBS and NBC Sources—Spectators Sets

Complications developed again last week in connection with Mutual's carrying of the World Series games for Gillette Radio. Three weeks after it had received a Mutual order on the account, WCBS, Charleston, S. C., advised the network last week (21) that the football commitment would make it impossible to carry the series. WIBX, Utica, N. Y., sought to get out of its commitment on the series after CBS had suggested that it review the terms of its Columbia contract. WCBS is also regularly affiliated with CBS.

A third uncomfortable situation for Mutual arose on the Cincinnati front when Gillette wanted to accept the bid of the Cubs to carry the series in toto on WSAI and on Saturday (7) on WLW strictly as a radio play and at no fee for the razor outlet, while Fred Weber, Mutual general manager, urged that the broadcasts go exclusively to the Mutual new local affiliate, WKBC. The matter was compromised Friday (22) by the fact that NBC designed the Mutual day-by-day outlet for the series and WLW free to broadcast those games it can conveniently handle.

NBC set out to take the edge of Mutual's World Series broadcasts by airing the crucial Cincinnati-St. Louis game of four games, which opened yesterday (Tuesday) at Cincinnati, but it could get away with but one broadcast. Permission had been obtained from Powell Crosley, Cincinnati owner, to broadcast the entire four games and arrangements had been made to clear them all over the blue ink.

Yesterday morning Crosley began to feel the pressure of other national league team owners. General Mills had been complaining that its contracts with local teams guaranteed it the right to broadcast the broadcasts. Upshot of this storm of protests was Crosley's advising NBC that the facilities had been set but he would let the network go through with the opening game of the state championship game, which was to be after that, even though yesterday's schedule was a double-header.

In explaining to listeners why the second game was off of NBC, announced that it was "prevented from proceeding by decision of baseball officials." The explanation, however, was given by Bowen, who wrote the World Series after the commitment had been made by his commercial manager. Weber wrote Phil Croucher, Bowen's Washington counsel, that he thought the WIBX as the lone station in Utica was placing itself in a vulnerable position by assuming this position. With regard to WCBS Weber holds that there's an implied obligation, even though the station did not confirm the order.

The Personalities. Grantland Rice, Edwin C. Hill, Lowell Thomas and Gabriel Heatter were named to supply all the late copy wordage in baseball. Red Barber and Bob Elson on Mutual's "The World Series" and Lomax has been set to do the commercials. Commentators will work on the radio but not named and will go round again if the series goes beyond four games.

Continued on WOR: Mutual's N.Y. outlet, between sponsored professional football and baseball and the World Series, during the next few weeks of the baseball season and the beginning of football, has forced a rearranging of sports schedules of three N. Y. stations. WOR is committed to air games of the football Giants and WIN the football Dodgers.

DOROTHY T. STONE SUIT UNDISMISSED

Supreme court Justice Felix Bengena in N. Y. yesterday (Tues.) denied an application to dismiss the suit of Dorothy T. Stone against the cigarette and tobacco companies, C. & M. Yers Tobacco Co. and Newell-Emmitt Co. The suit seeks \$75,000 damages, and claims that the defendants appropriated an idea of hers entitled "Cigarette Buyers' Guide," and turned it over to Paramount Pictures, who made 13 shorts dealing with her stories.

ers and both air descriptions of Brooklyn's baseballers.

It was worked out by shifting the game to the 10 p. m. slot on radio to WABC, CBS N. Y., outlet starting past Sunday (24). Left WOR and WIN clear to co-handle both Brooklyn football and baseball, jumping back and forth from one to the other. Pickups on Red Barber and Sam Stancak from Detroit where the footballers were playing, and hopping to Philadelphia between baseball games, is to be picked up by baseball done by Al Heller.

Next Sunday (Oct. 1) both WHN and WOR pick up Brooklyn football ball in Philadelphia and no baseball. Same sponsor backs both sport phases and inasmuch as the baseball is an important series is dropping it in favor of the more current football. Following Sunday (8) WOR will have the series and WHN alone carries the Dodgers football. The baseball game goes back to normal with WOR taking back its Giants football regularly on WABC by Phil Finkel and Barber, who's set to do that team, assisted by Finkel, concerns himself elsewhere until after the series.

ENGLISH PHILCO SETTLES DEBTS TO AMERICANS

London, Sept. 19. Philco Radio & Television Corp. of Great Britain is sidestepping further financing, if the war doesn't throw its plans into the discard. Fast is being set up a company to stockholders from C. C. Ratley, chairman of the British concern. He states that as a result of negotiations with U. S. creditors—Philadelphia's Philco Batteries and associates—a full discharge of debts amounting to \$385,000 has been secured by cash payment.

British company's bankers, he announces, have agreed to make temporary advances to provide necessary working capital to liquidate the indebtedness and leave a surplus to finance new projects. The company is dealing with the U. S. companies relating to technical services and reciprocal use of all present and future patents and all other processes, have been strengthened.

Van Ackere Stands By; Former CBS Paris Rep. In America Practice

Didien Van Ackere, French newspaperman and propagandist, who once represented Columbia Broadcasting in Paris, is standing by in New York City awaiting instruction from the French government to resume the service. He has been in America over a year, coming here originally with a party of French broadcasters who made a series of transcriptions in French of American life and personalities.

Van Ackere has been waiting to lead him to the French radio station destined to be established on a Caribbean island under international financing. The war has postponed that development.

While resident in America, Mrs. Van Ackere, who is English, became the mother of a daughter. Mrs. Fels, widow of Dr. E. Fels, of the Hobby Lobby show, is unsatisfied with the time the program takes on the radio, and already has reservations in for a change to the first available spot to their liking. The shift from Monday Wednesday evenings 8-9 p. m. to CBS 5-5:30 p. m. Oct. 8 (Sunday).

Young & Rubicam agents the show.

Cincinnati Area Is Bomarded By Rival Publicity Artillery As 3 Stations Join New Webs

By JOE KOLLING

Cincinnati, Sept. 26. — Communicative No. 1-WCKY's artillery has opened a noisy bombardment against the Crosey line. General L. B. Wilson ordered two special newspaper sections to advance against the prestige silent. WSAI has answered with 1,000 car and bus cards—and WCKY's sappers have placed traitor-bombs in 26 local theatres. WCKY has opened the dike to Mutual.

WCKY's intense publicity campaign in greater Cincinnati and in the outlying rural sections is in connection with its new power of 50,000 watts. This campaign, which is reported costing \$200,000, of which sum CBS in New York contributed around \$100,000, is being answered by an NBC-Crosey campaign on behalf of WSAI. Meantime, WKRC, the former CBS station, begins life anew as the Mutual affiliate.

The whole situation of intense rivalry is designed, it is said, to force WCKY-CBS, to challenge the monopoly of the top drawer spot here—now claimed by Powell (Crosey) properties. Incidentally, the outburst of rivalry probably makes Cincinnati stand out at the radio line as the most vigorously contested (for prestige) market in the United States. That without a doubt, the pretentious-sounding slogan underlined in its advertising by L. B. Cincinnati—the radio capital of America's.

Cross Staff

WCKY's publicity campaign displays several points of view. The over-all idea is to use Barnum & Bailey circus methods to drive the call letters through the power of the radio to the consciousness of the whole zone. A cute twist, characteristically Wilsonian, is in making it the CBS station, WCKY, instead of the other way around.

Beginning June 26 last, Wilson and his staff mapped a campaign, including, among many more, the following points:

1. WCKY inaugurated a series of 106 broadcasts saluting small towns, and designed to focus the attention of outlying districts.
2. Bolter plate prepared by the Western Newspaper Union was forwarded to 150 counties.
3. Invitations to visit WCKY were publicly extended to citizens of the 106 towns.
4. Editors, mayors, chambers of commerce personages, etc., brought into the station as guest speakers and each received a transcription of his speech and other souvenirs of the occasion.
5. As a follow-up move, Milton Bacon was hired and has been sent throughout the territory as a gratis luncheon speaker. His task is to tie in WCKY with the Main Street personalities and organizations previously contacted.

6. A chocolate cake contest, for fun prizes (the prize list set up by WCKY) is a further stunt intended in the hamlets through rural papers.

7. Moving ambulances, and in which these steps are in addition to the usual headers, booklets, car cards, and the display of the station in which there has been general activity by all stations. The town is well swarmed with parties of all kinds. The several stations involved in the switch of networks have been broadcast about about all corners of the pwtchovers. All evidently figure this is a helpful to public clarity.

8. The campaign is being conducted with the first big splash over the last week-end (CBS salute program was Sunday at 8 p. m., and WCKY with a Mutual salute to WKRC). Lots of stunts are on tap. Significantly, WCKY has moved its headquarters across the Ohio river from Covington to downtown Cincinnati.

9. At the same time, Sunday, four stations being involved in switches by three major broadcasting systems—radio and television—transmits by set all time high for radio locally. Under new setup Crosey's WLM and WKRC are exclusive CBS stations and blue outlets. WKRC joined Mutual but continues under CBS ownership and management pending FCC ap-

proval of its sale to Cincinnati Time-Ster. By contracts with clients Crosey stations retain several Mutual commercial shares.

All four stations shared Crosey to Coast salutes by their affiliate network. Major James Garfield Stewart that he doubly promised this week WLM and WSAI week for NBC and WCKY for CBS.

Wilson carried special WCKY-CBS sections in local districts. In raising praise of his own station and Columbia he also tossed points at four remaining stations here. In some sections Crosey stations responded with congratulations to L. B. and CBS.

CBS, Cincinnati, granted WCKY use of Fountain Square in heart of town for week's of exhibition splurge, including originating point, including stunts on CBS, Monday afternoon, in which Mayor Stewart and H. V. Kaltenbach participated.

Wilson's gaily decorated and appropriately bannered for WCKY.

Jim Shous, general manager of Crosey station, also went strong for exploitation of WLM and WSAI, NBC connections. Last week and this week pairs of former stationers, attired in bright red and blue knee-length dresses and carrying wigs and pairs of pointed shoes, principal sub-urban business cases. After five-day business campaign jobs were lettered, headlined and blue floodlights on upper half of 55-story Carew tower, city's tallest structure, and stop of what are those for radio television stations of Crosey stations.

Edna Schmidt, carrying on as WKRC general manager, made three additions to his staff this week. Jack Edmonds, formerly CBS stationer for New York World's Fair, took over as production manager. Mike Wilson, formerly CBS stationer in Washington, became pilot of Dawn Patrol, two-hour morning spot, Bill Patton, announcer, came from WCKY.

At WCKY Wilson last week promoted Emerson C. Krautner to sales manager, succeeding L. B. Wilson. He also took on Al and Leslie Brand, former announcers, from WKRC.

Blind Crosby was in New York last week turning out Decra records in collaboration with the Andrews Sisters.

Law-Takers Filled With Undelivered Speeches, Ventriloquist Issue a Headache

Washington, Sept. 26.

Radio will figure importantly in the neutrality fight, which looks like a severe headache for the networks. Impatient lawmakers are bursting with the desire to see the ventriloquist they fancy the audience is palpitating to hear. As was the case in the row over President Roosevelt's plan to hypo the Supreme Court, the campaign to force the networks to microphone oppositions fairly balanced between opposing factions. The constant threat of punishment for mistaken judgment and the fact that the new bill code over their heads. The code is a help, too, though, since it specifically requires the networks to give out verbal public opinion for the purpose of the law. It is a help, too, though, since it specifically requires the networks to give out verbal public opinion for the purpose of the law. It is a help, too, though, since it specifically requires the networks to give out verbal public opinion for the purpose of the law.

Particularly unfortunate for the networks is the more protection they have against the law. The law is a saving phase of the situation, although the Republicans are anxious to see the networks to the airwaves to keep the pot simmering in anticipation of the 1940 election. The networks are caught in a tough predicament, however, by the inability to tackle the neutrality issue from a political an-

Governor as Singer

Louisville, Sept. 26.

Gov. A. B. 'Happy' Chandler proposed, m. m. on the program dedicating four new stations which joined the Mutual network (24). Program was inaugurated in WLAF, Lexington, and was piped to Mutual web. The stations joining were WCKY, New Albany-Louisville; WSLX, Nashville; and WCMJ, Ashland. Musical, instrumental and vocal combinations from the Kentucky and Tennessee stations participated. The program was viewed by Chandler with Man-O-War's colored trainer.

Chandler has made himself popular hereabouts as a vocalist, and has a tenor voice of good quality which he uses on many occasions. His mike manner is pleasant, and his Dixie accent is the McCoy.

CBS Affiliates Swap Notions Education

Chicago, Sept. 26.

First educational conference of Columbia affiliates was held here at the Columbia-WBBM studios, with representatives from 18 Columbia midwest outlets on hand for the education discussion. General ideas caught on immediately and CBS is now reading a series of similar reports from other sections throughout the country. The next will be held in New England.

At the convention "contented itself in serving as a medium for the exchange of ideas on education broadcasts, with the American School of the Air" rating the most time and attention from the assembly.

Sterling Fisher, director of Columbia's Department of Education, led the discussions, with WBBM officials also taking for informal talks. These were Jack Van Volkenberg, general manager here; WBBM, Lavina Schwartz, now regional director of education for CBS; Stan Thompson, assistant general manager; Frank Rand, chief of CBS and WBBM here, and Ken Zielinski, special education.

In the meeting were Robert Drane, WSBT; Leslie Goss, WOC; George Haley, KMBC; Max Kral; WCCO; Evelyn Owe, WISN; WTAQ; Irwin Johnson, WBS; Bruce Wallace, KFAB and KOIL; Gene Wood, WISN; Neil Reagan, WOC; Geraldine Wison; WVR; Harriet Edwards, KMOK; Ed Lissman, KRNT.

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Ralston Hops on Uplift Band Wagon; 'Clean Thinking' Is Program's Aim

COAST AFRA BRANCH ELECTING OFFICERS

Hollywood, Sept. 26.

Election of officers and board of directors for Coast branch of the National Federation of Radio Artists will be held today (Tues.). Following nominees are on the ballot:

For president: Frederie Shields, Epea Steuber.

1st v.p.: William Brandt, Freeman High.

2nd v.p.: Frederie MacKaye, Thomas Freeman-Smith.

3rd v.p.: Homer Hall, Edward Lynn.

4th v.p.: Earl Ross, Howard Swart.

5th v.p.: James Zakins, Les Miller.

Recording secretary: Lucille La Pointe, Frank Nelson.

Treasurer: Theodore Bliss, Louis Merrill.

Nominations for directors are: Richard Bailey, Beatrice Benaderet, Hal Berger, William Brandt, Ray Charles, Emily Creighton, William Days, Jr., Freeman Hall, Henry Higgins, Edward Lynn, Pat McGeehan, Les Miller, Frank Nelson, Barney Phillips, Earle Ross, Ynez Seabury, Howard Swart, Walter White.

WINNIPEG CHANGES New Shows For Fall—Also New Listings For Radio Editors

Winnipeg, Sept. 26.

"Utter confusion" is reported to be the state of the day for changes of the Canadian Broadcasting Corp. Staff of affairs has been brought about by the new things, the change of eastern zones from daylight to standard time, and the new schedule of CBS printing.

Schedule is current headache for the boys, with doubts still being up to the eventuality of effecting Old CBS sited is intended to current Columbia sited, only difference between listing has had to be all five time zones and regional networks. New one will be straight out of the air, and hence will only cover Regional networks rather than national situation. Radio affect this will eliminate present headaches encountered with sorting out schedule.

Program conferences are currently in progress between CBS program heads and producers. Gab has been called for the boys to straighten out their various troubles and endeavor to find spots for their shows.

New shows already listed include a new concert show to be handled by James Roberts, new import from Woodville, Winnipeg, to conduct Male Voice Choir and Philharmonic orchestra of this city. Roberts will have Sunday afternoon show, formerly with Carl Rosa Opera of England.

Geoffrey Waddington will be changing from his concert set-up to a modern string show. Will hit air Friday night, midnight CST. W. Anderson's 'Choristers and Strings' is in for a general revamping with new stars in the circle. Charlie Wright's 'Merrymakers Revue' will continue, it has been announced.

Comedy, according to officials, will come in for major attention with Woodville, Winnipeg, (Art McGregor and Frank Deville) going through the cleaners. Also reported about the show is the new show to be called 'The Two Englishmen' and will be handled by Tommy Wilson and Frank Wade. Ideas apparently is to make it on the Jeeves and Bertie Wooster type.

Winnipeg originist from the Garrick, will be given a new series on the fall sited in addition to other minor changes being effected throughout the week. Sited originally set to be in with the week has been set back two weeks due to conditions and many last minute changes and alterations.

SEABECK GETS A TITLE Julius F. Seaseck, WOR, N. Y., program director, was appointed a second minor change being effected throughout the week. Sited originally set to be in with the week has been set back two weeks due to conditions and many last minute changes and alterations.

Chicago, Sept. 25.

Determined effort of kid show sponsors to win full parent approval and the okay of Women's Clubs and Parent-Teacher Associations is indicated in the general publicity release from the Gardner agency for the start of the 'Tom Mix Straight Shooter' show, which started on NBC yesterday (25).

In part the release states:

"Always a character who shoots straight and fights for the right—Tom Mix, this year sets a new ideal in the plot of his 1939-40 series. This year, when the western hero turns to the patriotic for his theme. Not bag waving, war-movie, or patriotic in nature, the sound, commendable patriotism of trying to save for America a famous western section for a national park."

"Such a plot provides splendid possibilities for building a program which will provide wholesome, informative entertainment as well as adventure. Education in the hands of such subjects as western forestry, animal life, exploration, and the history of the United States. For all Tom Mix adventures. The Straight Shooter series, so much featured in the program, in this shows, will again play an important part, because through this series it is able to tell his listeners the principles of clean thinking and clean living which have always been cornerstones in his appeal to children."

Ralston Purina Company, after having been criticized by the parent and teacher critics of Children's programs in the past, have set the hands of the show for all Ralston Straight Shooter shows:

1. Wholesome entertainment.
2. Worthwhile educational involvement.
3. Inspiration for better living.
4. No objectionable suspense.

FCC Irritated, Flamm Denials 'Unsatisfactory'

Washington, Sept. 26.

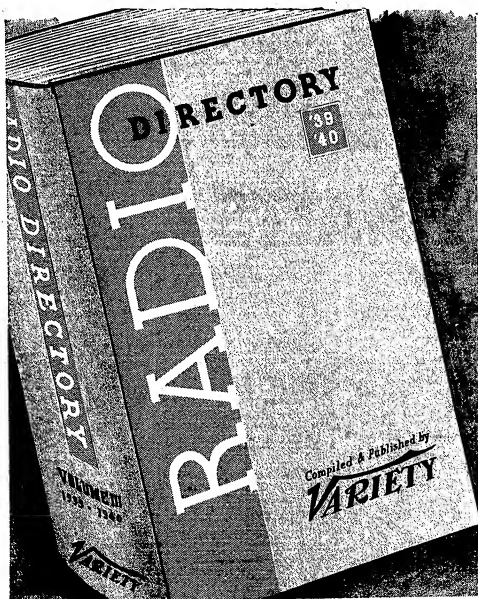
Unsatisfactory details of the law was violated, a failure to give a complete explanation of what actually happened put WCCA, New York, on the carpet for failure to at least FCC attempt to find out about reported intercepting of war messages. Names are being asked to whether the Donald Flamm outlet should be lined up against the wall goes on in the report. The report also declares the reply to the first citation is not in forthright compliance with the law. How cause why the license should not be rescinded.

After pondering reply by William Weaver, radio director of Knickerbocker Broadcasting Co., the Commission (Wednesday 20) summarized the report. The report is set up for face-to-face grilling about the circumstances surrounding the broadcasting of reports that the German and Great Britain had sent certain war orders to their forces via radio.

Evidence of growing irritation was given in the formal order, and bolstered by private comment of regulators. It was interesting to hear both Flamm and the New York Herald Tribune and the press—Warner.

Tarlier-phrases in the report, however, that the Commission's order contains in large part conclusions or averments about merely conclusions or averments about the copy of an alleged contract with the German government, which was 'definite,' that the understanding for the broadcasting of war news had been revealed, and the affidavit in the charges of evasion, evasive, and not in compliance with the Commission's order.

.... quoting from the press---



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—Jack Shafer,
THE NEWARK LEDGER.

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—Chuck Gay,
—DAYTON NEWS.

"The new 1939-40 Variety Radio Directory is grand. I am sure we will find it very necessary and valuable."

—Mercia Margaret Mateu,
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Foster, Father Burke Move WEW, St. L., Out of Attic Into Profits

St. Louis, Sept. 26. "How One Man Broke Into a Hard Market" might well be the title of the efforts of Al S. Foster, general manager of WEW, in establishing this station in the commercial field in less than two years. When Foster and Father Wallace Burke, S.J., came from WWL in September, 1938, they found that WEW, owned and operated by the St. Louis U., had been supported only by private contributions for 16 years. It was the first station to go on the air in this burg, but had never obtained a dollar's worth of business.

The equipment was somewhat run down and the broadcasting booths were located in the attic in the university, and entrance to them was gained only via five flights of stairs. Foster began building his organization as he sought sponsors for the station. He solicited national accounts. The local field was pretty tight. WEW operated on a day-to-day sked. Foster and Father Burke

immediately began changing things around the university station. New offices, broadcasting studios and modern equipment were purchased and arranged and approximately \$300,000 was spent in bringing the station, etc., up to date.

Live talent programs, for the most part, supplanted records, but the best of the latter were retained. Foster brought to St. Louis the 'Lone Star Ranger'. This feature was commercialized and was one of the opening wedges Foster drove into the local field for commercial accounts.

Other followings were established by weekly programs arranged for school children, players on the city's municipal sports field, etc. Foster has also inaugurated special programs for the Catholic, Italian, German, Hungarian and Negro citizens of the burg, and WEW is the only station here that carries so many foreign-language programs. This resulted in Foster getting his share of biz, even though there is

SCHOOL CALLS

NBC to Educate 10 More in Selling Talent

George Engels is to pick 10 young men from those already employed at NBC for the purpose of schooling them to become the future personnel of the NBC central booking activities. It has lately been evident that the job of getting 'the right type' was growing constantly more difficult as the dwindling of the road and the changing conditions of today united to prevent the necessary experience.

Once selected, the students will be given a realistic education. One part of the apprenticeship will be classroom lectures with various outsiders invited to tell the young men something of show business, art and related matters.

plenty of stiff competition from KWK, WFL, KMOX, KSD and KKOK, the latter being the last to enter the local field. Since Foster and Father Burke have been master-minding WEW, the station has paid off many of its obligations, has some coin put away for further expansion and is making as much progress as any other station in town.

PATTERSON RELEASED BY WHEELING STEEL

Ardenne White, tenor last year on Wheeling Steel's Musical Steelmakers' program on WOR-Mutual, assumes an assistant producer post on the program as well as singing when it returns to the air Oct. 8 over 45 Mutual outlets. White was a clerk in the audit dept. of the sponsor, giving up that job to devote full time to the radio show.

He replaces Walter Patterson who returns to station work. Patterson originally was with WWVA, Wheeling, from which point the Steelmakers emanate.

WKY's 4th NBC Feed

Oklahoma City, Sept. 26. Last Saturday (23) WKY originated another program for NBC with the presentation of 'Southwestern Serenade', featuring Marty Hall, vocalist; Two Keyboards and A Console, and Ken Wright at the organ. Polly Taylor and Josephine Alives were at the pianos with Wright.

This is the fourth musical program originated at WKY for NBC this year. Others were 'Southwestern Stars', 'Summertime Swing' and 'Carnegie of Melody'.

Denver Now Has Four Full-Time Affiliates As KVOD-KFEL Separate

Denver, Sept. 26. Receiving notification from the FCC that reports on the broadcasting ability of the new KVOD transmitter were okay, both KVOD and KFEL will begin broadcasting in less than two hours later. Both stations, which have been dividing time, have their power boosted from 500 to 1,000 watts. KFEL will retain the 920 wavelength which both have been sharing with KVOD going on the 630 band.

This gives all four national networks full-time Denver affiliates. KVOD is affiliated with Mutual; KFEL with Columbia, while KOA, owned by General Electric, is leased and programmed by the NBC Red.

KFEL and KVOD will both have five newcasts daily, KLZ four and KOA two. KFEL uses Transradio; KVOD, United Press; KLZ, International News; with the Post furnishing the news for KOA.

PETER VAN STEEDEN GETS SPOTLIGHT

Fred Allen's forthcoming series for Bristol-Myers on the NBC-red will not only have guest names and Wynne Murray as the regular vocalist but will seek to build Peter Van Steeden, maestro, into a major comedy asset. Van Steeden will stay off the show but on salary for the first three weeks, during which there will be that many different conductors. Allen, according to the script, will have so much trouble with them that he will be glad to have the gadfly Van Steeden back on the program.

Van Steeden will meanwhile play around on hotel or one-nighter stands, with a sustaining pickup assured him by NBC. Yola and Rubi-cam, agency on the account, staged a lunch for radio eds, etc., Monday (25), to break the news about the revision of the Allen show.

Ed East Spreading

Ed East, who currently emcees 'Name It and Take It' on NBC Blue, starts a new program Monday—(Oct. 2) on WJZ, New York. He'll air from 7:55 p.m. filling almost an entire hour with news and weather reports, songs, records, etc. Program is scheduled for six days per week, Monday through Saturday. Its sustaining as is 'Name It'.

East's quiz show drops off this Friday (27) for one week returning Oct. 6 with same format and time but on a full NBC-Blue net whereas it previously aired only in N. Y.

WIP Man to Ecuador

Philadelphia, Sept. 26. Frank Dougherty, head of the WIP supply department, will leave for Guayaquil, Ecuador, on Oct. 6 to join the staff of the Ministry of Industry there.

No successor at the radio station has yet been chosen.

FIFTY GRAND IN WATTS



Columbia goes
WJZ-KY

L. B. Wilson

WHAT A JOB WE'LL DO FOR THE ADVERTISER

WJZ
Leads All
Radio
Stations
in Detroit

1. In Listener Interest.
2. Advertising Preference.
3. In Community Service.

WJZ
Owned and Operated by
American's Pioneer Station
National Representatives
Geo. F. Hallingbery Co.
New York, Chicago, San Francisco, etc.

ENTAINMENT'S RADIO TACTICS

SHOWS CARRY ON; AIR PROPAGANDA

Well-Laid Plans Now in Operation for Duration of War—Normalcy Reflected by Program From Italy

LESS NEWS NOW

London, Sept. 19.

British Broadcasting Corp. has rapidly resumed fairly normal operation as to entertainment. In the first fortnight and especially during the tense days just before and just after the declaration of war, when the expectation of an immediate military bombardment of London haunted everyone, there wasn't much on the air save news bulletins and phonograph records. It was quickly decided by the government, BBC, and the public that there was too much of both. Sir John Squire and other prominent personalities wrote the Times and in other ways spoke up that there was no need for such drastic departures from norm. Whole idea that the radio was something to stay glued to for the latest bit of horror was seen as bad for morale, disruptive to calm and business as usual.

(Editor's note: The overfrequency of news bulletins in England was duplicated in the United States, and on this side as well. The BBC's ultimate tendency was to confine news to fairly fixed periods, although not relinquishing the importance of the domestic service, averaging 19 hours daily, the war footing established a 22-hour day for the shortwave division, which its broadcasting news (i.e., propaganda) is in different languages.

As carefully worked out well ahead, the BBC, after war, quickly shifted its manpower, shifted its wavelengths and dug in. Apart from the importance of the domestic service, averaging 19 hours daily, the war footing established a 22-hour day for the shortwave division, which its broadcasting news (i.e., propaganda) is in different languages.

Tongues in use, aside from English, are: French (for French Canadians), Afrikaans (for South Africa), Arabic (for Near East), German, Italian, Spanish (for Spain and South America), Portuguese (for Brazil), Magyar (for Hungary), and Czech. Last was added at the weekend and was inaugurated by Jan Masaryk, son of the first Czech president and former Czechoslovak envoy in London.—Bulletins are allotted fixed daily spots, using two shortwave senders and the 261 metres wavelength, the wave band position used

in normal times by the main London stem of the U. K. network.

Additionally, relays to the U. S. webs are originated in BBC's London studios, which placed these facilities in the hands of American commentators, Fred Bat, Ed Murrow, John Steele, et al., for the duration. Other foreign language bulletins are planned for pencilling in as necessity requires and where present heavy schedules permit.

Watt's Plans

In the field of light entertainment, variety director John Watt means months ago laid his plans. He signed for the duration of war sundry popular entertainers who undertook to go wherever the BBC might demand to deliver the scripts and programs prepared to ensure up to 40 programs in a week. Rep company includes Wynne Ajello, Betty Huntley-Wright, Vera Lennox, Diana

Clare, Tommy Handley, Leonard Henry, John Rorke, Daniel Warren, Webster Booth, Sam Costa, Harry Pepper, Doris Arnold. Producers will be Gordon Crier, Vernon Harris, John Watt, Ernest Longstaffe, Max Kester, John Burnaby, Mike Meehan and Archie Campbell; many of the latter are expert entertainers in their own right, so allowing entertainments to be on the broadest scale. On duty in London are John Sharman, Douglas Moodie and Leslie Perowne to handle artists and programs there. Sandy MacPherson remains at his post at the BBC theatre organ.

Features and drama department, safely hidden 'somewhere in England', has in readiness scripts of 330 plays and 200 features, together with 27 boxes of music and effects discs. Some 36 established performers comprise the rep team, and among them

are Gladys Young, Thea Holmes, Patricia Burke, Barbara Couper, D. A. Clarke-Smith, Philip Wade, Cyril Nash, Patrick Curwen, Norman Shelley, Carleton Hobbs, Ivan Samson, Ralph Truman, Mary O'Farrell, Audrey Cameron, Joan Carr, Angela Kirk, Susan Taylor, Catherine Cordell, Valentine Dylla, Laidman Brown, Wallis Evennett, Stafford Hilliard, Charles Mason, Gordon McLeod, J. B. Brown, Philip Cunningham, Cecil Truncer, Edgar Norfolk, Brian Fowley, William Trent, Henry Longhurst, Ewart Scott, Harold Scott, Leslie Perrins, Macdonald Parke, Dave Miller. Producers accompanying them are Val Giesweld, Moray McLaren, Peter Creswell, Barbara Burnham, Howard Ross, Laurence Gilliam, Stephen Potter, Mary Allen, John Cheate, Lance Sieveking.

Broadcasting House in London is

completely fortified, operation having been sent into underground basements, where studios, control rooms, generators and other services have been standing in preparation for this emergency since the structure was erected. Cable links between studios and transmitters are duplicated throughout, and failure of any one set of antennae would mean an automatic switch to reserve sending plant.

How rapidly BBC got back to normalcy is instanced by a relay program picked up from Turin Friday. Pick-up was planned months back as part of BBC exchange plan with European webs, and it was thought no sufficient reason existed for cancelling.

Item was a light orchestral program on the Italian national network's schedule, and there was no interruption on the headline connection.

It takes **LIS** **LISTENERS**
to make **COVERAGE!**

In 20 Markets



Ask any retailer what he calls a "Hot Spot" in his store and he'll show you the particular display space that commands the attention of the most customers, and, thereby, creates more sales than other selling space on which he may realize only a normal return. He will probably qualify that choice, however, by adding that even the hottest spot in his store will not produce sales unless there are customers on hand to attract, people on whom selling impressions can be made!

Just so, in buying radio stations you choose the "Hot Spots"; those that deliver the largest number of proven listeners, since it naturally follows that the more people who hear your program, that many more will be prompted to buy your product.

In our recent 20-Market Study, which, incidentally, is one of the most extensive ever undertaken, 159,299 Coincidental Calls were made by the Ross Federal Research Corporation, and the Alberta Burke Research Company, in twenty key cities. The results of that tremendous study may be summed up in one simple, direct statement of fact: An average of 41.2% of those listening to their radios in the 20 markets studied were tuned to WLW, while the audience tuned to the next dominant stations averaged only 29.3%.

Many of you have already seen the 13-Market and the additional 7-Market Studies that illustrate, in detail, this remarkable dominance—and have made that dominance your own. For those of you who have not, we invite you to write, or telephone Transamerican Broadcasting & Television Corporation, or

In 20 Markets



Just off
the Press!

Business In
BALTIMORE

Published by the Merchandising Department of Radio Station WBAL in behalf of retailers in the Baltimore area, and in the interest of the manufacturers, representatives, distributors and advertising agencies who serve them.

If you have not received a copy, write WBAL or International Radio Sales

WBAL
means business
in Baltimore

WLW...THE NATION'S most "Merchandisable" STATION

Radio Employees Must Not Join Army Without Discussing It First

Winnipeg, Sept. 26. With war now officially a going concern on his side of the line, radio stations are finding themselves besieged by suppressed talent of both male and female form.

Stations are receiving daily calls from men and women of all ages asking for positions as announcers and commentators. State these people, in the majority of cases, 'I realize your young announcers will no doubt will be answering the call to the colors, and wondered...'

Both government and radio officials have issued signed statements to the effect that employees of radio must not resign to accept positions with the armed forces without first conferring with their immediate chief. It's stated, 'Radio employees will be just as important running the microphone as the gun.'

NEW P.A. AT WFBL
Syracuse, Sept. 26. Harvey D. Sanderson, former promotion manager for The Syracuse Journal, has been named manager of the WFBL publicity bureau. He succeeds Robert Kenefick, Jr. Later had the job for two years, combining it with part time sports announcing.

In Cincinnati

1600 GROCERS
265 DRUGGISTS
154 MEAT DEALERS
51 THEATRES

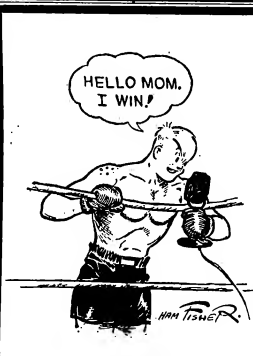
—ADD THEIR INDIVIDUAL COOPERATION
TO WSAI'S NBC RED AND BLUE WEEK!

The help which those who sell Cincinnati have received from WSAI, was returned the week of September 24th. Four great associations OFFICIALLY helped WSAI celebrate its NBC Red AND Blue Week, using 2500 WSAI placards, streamers, trailers.*

Proof anew that WSAI IS "Cincinnati's Own Station."

* Cincinnati Retail Grocers — White Villa Grocers — Ohio Valley Druggists
Retail Meat Dealers

WSAI Represented by International Radio Sales
New York Chicago Los Angeles San Francisco



Five hundred newspapers from Maine to California carry Ham Fisher's famous cartoon strip. It's America's favorite.

The appeal of Joe Palooka is universal. It's read by bankers and bakers, college presidents and taxi-drivers, stockbrokers and ministers, doctors and plumbers—by men and women—by boys and girls.

Nine chances out of ten, Joe Palooka is featured in the leading daily in your city. And

Lever Brothers' Night Down on the Farm

Wichita, Sept. 26. In celebration of the return of the Lever Bros. evening program to KFH here, the station tossed in a Lever Bros. Night at the KFH Barn Dance, with wrappers and box tops from Lever products rating good for five cents at the boxoffice.

Drew 1044 proofs of purchase for the one-time shot on Saturday (16).

PRaises RADIO SENSE ON WAR NEWS

Winnipeg, Sept. 26. Radio, in Canada, according to a recent statement by Jrs Dilworth, regional director of the Canadian Broadcasting Corp., in Vancouver, is doing its part to preserve judgment and reason during this time of war. In its cooperation with the Canadian Press news service, the CBC has handled all news with kid gloves, with emotionalism being held in check.

'We have excluded the melodramatic from our newscasts and have instructed our announcers to avoid dramatic inflection of the voice,' stated Dilworth in outlining the CBC news service. 'The news has been avoided, he added, 'and have often been criticized for it. The excessive use of commentaries in the news.' (The CBC until the last week or so has been killing all American news flashes that came in regardless to exchange shows, and only last week retained and allowed American commentators to be heard north of the line.)

Dilworth also stated the CBC is endeavoring to return to its normal schedule as soon as possible, this chiefly being due to the coming fall and winter season. He gave a tip-off to the type of program to be expected by Canadian listeners during the coming season when he added shows would be 'exactly the same' and, at the same time, 'richer' than that which really matter. 'The last has the boys on the radio columns guessing as to what the CBC will consider 'things that really matter.'

Dilworth also appealed to radio listeners, through the press, to protect public morale. Stated Dilworth, 'We must not forget that under the surface of chaos and upheaval of the world there are fundamental and abiding elements in life. Please stop searching the dial in an attempt to fill every moment with a bulletin of disaster, some commentator's inflation of a few facts that the authentic news has contained.'

\$10,000 FIRE HITS NBC'S N.Y. TELEVISION STUDIOS

A fire broke out Sunday in the television studios of NBC-RCA on the fifth floor of Radio City, New York. About \$10,000 in synchronization equipment was destroyed. Crews hastily repaired damage so that the television schedule could be resumed Tuesday.

Strict Censorship on Defense News

Toronto, Sept. 26. Radio station licenses will be suspended or cancelled, and the broadcaster will be fined, imprisoned or have his property seized, should the prosecution of the Allied cause be prejudiced or any unfair statement of opinion be aired that is likely to endanger the defense of Canada or the efficient prosecution of the war.

Such are the penalties for infringement of the new censorship regulations now made public for the first time by Walter Thompson, Director of Censorship. Further 'prohibitions' include: any report or statement likely to prejudice recruiting, training, discipline or administration of army, navy or air forces; any information with respect to the numbers, movements, etc., of any of the armed forces or relating to fortifications, storage of war material, etc.; any report or statement likely to cause dissaffection to His Majesty or prejudice relations with foreign powers.

(Ironically, staff headquarters of Colonel R. P. Landry, in charge of radio censorship, occupy the offices which Dr. E. W. Hinde, former German consul-general, was asked to vacate after Britain's declaration of war.)

Quebec Province Feels It

Quebec, Sept. 26. Quebec provincial elections coming up next month provide a first practical test of the nature and scope of the new Canadian censorship. A rule that all political talks must be submitted in manuscript form before broadcast has been promulgated.

However, it is not thought any unreasonable will be attempted and it is pointed out that political script perusal is a common requirement in the United States.

WAR SELLS SETS

Canadians Bought 10,500 More In July, 1939, Than Year Before

Washington, Sept. 26. Canadian purchases of U. S. made receivers bounced before the war crisis and tightening up on alien broadcasts. Latest Commerce Department figures showed a rise of almost 10,500 in sales to the Dominion during July in comparison with the previous year.

American firms shipped 23,816 sets up north during July, reports showed. The June total was 17,794 and the figure for July, 1938, was 13,588. Biggest change was in battery receivers.

For the first seven months, American exports totaled 103,297 units against 65,932 in the same part of 1938.

Joe O'Neil, staff arranger at WJLY, Oklahoma City, resigned to accept a similar position with KVOO, Tulsa.

NORMAL NEWS POLICY BACK IN WINNIPEG

Winnipeg, Sept. 26. The Prairie Region of the Canadian Broadcasting Corp. wrote this to special emergency operations of the news department Monday (25). These emergency operations had been in force since the outbreak of hostilities in Europe.

During this time all programs, regardless of point of origination, have been patched through to Toronto directly before going to the net. All news has been fed directly from Toronto. News will now be fed west from Winnipeg, where it is compiled by Canadian Press, under Frank Turner, and stylized for the air by Charlie L'Ami, CBC press rep, and CKY announcers who are penciled in to handle the third daily chore. Late spot, 10 p.m. CST, will continue to originate in Toronto.

LANDSLIDE FOR WNEW HOOPER-HOLMES* SHOWS

More than twice the audience of any other New York network station! Look at the figures!...

PERCENT OF TOTAL AUDIENCE OF LISTENING*	
WNEW	5.4
Station No. 2	4.8
Station No. 3	2.8
Station No. 4	2.8

* Survey by Research

NEW YORK
SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY—1000 WATTS BY NIGHT
1250 KILOCYCLES

Forty million readers of
JOE PALOOKA
will welcome this NEW TRANSCRIBED SERIAL

thus, there's a ready-made audience for this thoroughly absorbing and dramatic serial. We think you'll agree that Joe Palooka is a great show that deserves all the praise it has received.

FIVE-A-WEEK, QUARTER HOUR

For information, write or wire

GELLATLY, Inc.

6 ROCKFELLER PLAZA . . . NEW YORK CITY

Network Premieres

FRIDAY, SEPT. 29

COOPERATIVE GROUP. Mutual, 10 to 10:30 p.m. "Let's Go Hollywood," with Owen Crump, Leo Forbstein, Warner Bros. orchestra, guests. Redfield-Johnstone, Inc. Originates from Hollywood.

SATURDAY, SEPT. 30

CONGRESS CIGAR CO. (La Palina). WOR-Mutual, 5:45 to 6 p.m. Ed Thorgesen—Sports. Marchalk & Pratt. Producers, Ed Clark and Ned Whitehead. Announcer, Nelson Case. Originates from New York. Redfield, Johnstone, Inc.

SUNDAY, OCT. 1

JOHN MORRELL & CO. (Red Heart Dog Food). WFAP-NBC, 5:45 to 6 p.m. Bob Becker's Clats About Dogs with Bob Becker, David Dale (Red Heart), Henri, Hurst & McDonald. Producers, Marguerite Lyon, Blair Walliser and Bob Becker. Announcer, Pierre Andre. Originates from Chicago. Hookup, 30 stations.

COOPERATIVE GROUP. WOR-Mutual, Sunday, 6:30 to 7 p.m. "Show of the Week" with Ernest Chappell and guest orchestras (Hal Kemp). Redfield, Johnstone, Inc.

SHERWIN-WILLIAMS CO. WJZ-NBC, 5:30 to 6 p.m. Metropolitan Opera Auditions of the Air with Wilfred Pelletier and orchestra, Edward Johnson, guests. Warwick & Legler. Producer, James Haupt. Announcer, Milton Cross. Originates from New York. Hookup, 90 stations.

ANDREW JERGENS CO. (Woodbury Soap). WJZ-NBC, 9:15 to 9:30 p.m. "The Parker Family" with Leon Janney, Jay Jostyn, Lynda Carlson, Mitzu Gould and Charles Paul, organist. Lennen & Mitchell. Producer, Ed Wall. Originates from New York. Hookup, 62 stations.

MONDAY, OCT. 2

GROVE LABORATORIES (Bromo Quinine). WJZ-NBC, 8 to 8:30 p.m. Adventures of Sherlock Holmes with Basil Rathbone and Nigel Bruce. Stack-Goble. Producer, Harold Kemp. Announcer, John Conte. Originates from Hollywood. Hookup, 29 stations.

STANDARD BRANDS (Fleischmann's Yeast). WJZ-NBC, Monday through Friday, 11:45 a.m. to 12 noon. "Getting the Most Out of Life" with Dr. William L. Stidger, chorus and Frank White, organist. J. Walter Thompson. Originates from New York. Hookup, 31 stations.

STANDARD BRANDS (Fleischmann's Yeast). WFAP-NBC, Monday through Friday, 7:15 to 7:30 p.m. "I Love a Mystery" with J. Anthony Smythe, Minetta Ellen, Page Gilman, Michael Raffetto, Kathleen Wilson. J. Walter Thompson. Producer, Carlton E. Morse. Originates from Hollywood. Hookup, 46 stations.

GORDON BAKING CO. NBC Red & Blue, Monday and Thursday, 7:30 to 8 p.m. "One of the Finest." Young G Rubicam. Originates from New York. Hookup, 31 stations.

WEDNESDAY, OCT. 4

LEIN & FINK (Hinds Honey & Almond Cream). WABC-CBS, 7:30 to 8 p.m. Burns & Allen with George Burns, Gracie Allen, Frank Parker and Ray Noble's orchestra. William Ezy. Producer, Joe C. Donohue. Announcer, Truman Bradley. Originates from Hollywood. Hookup, 52 stations.

CHARLES GULDEN. WJZ-NBC, Wednesday and Friday, 6:30 to 6:45 p.m. Golden Serenades with Red Latham, Wamp Carlson, Guy Bonham, Peg La Centra and Johnny Gart. Charles W. Hoyt Co. Producers, Frank Chase and Richard Pratt. Announcer, Herliud Provensen. Originates from New York. Hookup, 53 stations.

BRISTOL-MYERS CO. WFAP-NBC, 9 to 10 p.m. "Town Hall Tonight" with Fred Allen, Portland Hoffa, the Merry Macs, Peter Van Steeden's orchestra and dramatic cast. Young & Rubicam. Producer, Ben Larson. Announcer, Harry Von Zell. Originates from New York. Hookup, 53 stations.

NEWSCASTING, INC., FOLDS

Supplied Wired News to Grills for Less Than Cost

Newscasting, Inc., outfit formed some time ago to operate news tickers in enlarged form in bars and grills in New York, has folded. Outfitters operating only last week and the equipment has already been moved from the spots that had subscribed.

Wired Broadcasting, wired entertainment service, for a time had been interested in taking over Newscasting and had gone as far as taking part in its operation for a week.

News service cost its backers a \$100 per month per unit to operate. Subscribers were asked \$40 per difference and profit supposed to have been made up advertising. Later didn't come through. There were 25-30 tickers in operation.

LAWYER GETS PRE-TRIAL RIGHT VS. LUCKIES, CBS

Supreme court justice Lloyd C. Chief Justice Monday (25) granted an application of Moses Polakoff, and ordered the examination before trial on Oct. 9 of Edwin C. Hill, the American Tobacco Co. through J. R. Cummings, assistant secretary, and Columbia Broadcasting System, through James M. Seward, assistant secretary.

Polakoff, an attorney, is suing for wages lost on August 2, 1937, over WABC in connection with his defense of Lucky Luciano. He asks \$250,000 damages.

'The Shadow' to KFEL

Mutual's "The Shadow," sponsored in the east by D.L. & W. Co., has been bought by KFEL, Denver, by the Victor-American Co. through J. R. Cummings, assistant secretary, and the Barnett Fuel Co., who will back cooperatively.

Program's eastern sponsor has no distribution in the west.

Velvet Rhythm Four, three boys and a girl, brothers and sister, recently working out of WHIK and WTAM, Cleveland, are now to WGY, Schenectady.

Expect Nebraska Decision Nov. 1; ASCAP Says Radio Cheats On Fees; Broadcasters Cry 'Monopoly'

By BARNEY OLDFIELD

Lincoln, Sept. 28.

Constitutionality test of the Nebraska anti-ASCAP law, enacted in 1937, opened a four-day seah before a three-judge Federal court last week. Ended last Thursday (21). Judges were Gardner (presiding), Munger and Donohoe. Concluding act was court's request for supplemental briefs, and findings, to be on file not later than Oct. 6. Case is under advisement.

This indicates, since the matter has hung fire with ASCAP, operating under an injunction gained in 1937, that the case will be rushed to a speedy conclusion, decision expected around Nov. 1.

Attorney general's office stepped completely into the background with John Riddell, of that office, sitting in as an adviser only. Spearhead of the state's case was carried by William Hotz, Omaha attorney, whose queries indicated interest in the hotel cause, and Andrew Bennett, Washington, who frequently stepped inside as a friend of the court to lay in a few questions reflecting the attitude of the National Association of Broadcasters.

ASCAP called six witnesses in its behalf—Gene Buck, E. C. Mills, John F. Faine, Mrs. Ethelbert Nevins (widow of the composer), Harry Taylor, operator of the Ritz film theatre and the Music Box night spot, Omaha, and Ernest Priesman, Omaha orchestra leader.

Two radio station general managers, Don Searle, who operates KOL-KFOR-KFAB, Lincoln and Omaha, and Johnny J. Gillin, of WOW, Omaha, furnished the biggest barrage for the state. Gillin said he paid ASCAP \$22,800 for music use in 1938, and Searle's reported payoff was \$21,700.

Both men laid on the lash for

ASCAP's demand of 5% of the time sale gross, exclusive of political speeches and religious services, which music was used or not. Further stated was that the radio stations had never reached an agreement with ASCAP, which was okay to the stations. They declared contracts were only signed because there was no recourse.

"Intimidation"

Joseph Malec, ballroom-park operator, Omaha, and the head of the Amusement Protective Association, a group of 240, said the organization was formed to draft the bill to get out from under the intimidation of ASCAP. He said he did not object to paying for use of music, but did to the method of ASCAP's (Gene Blazer, Omaha) representative in collections and figure setting.

When the case was summed, Louis Frohlich, for ASCAP, said the defense had only made two real points—one, as to whether the society is a monopoly, and the other, whether the Nebraska law is constitutional. As the defense had recourse to find both facts, Frohlich said neither was possible.

William Hotz, in his hindup, declared ASCAP to be a monopoly without question, guilty of restraint of trade, a price fixer, an unfair competitor, and controller of 80% of the usable music in the country.

"If a composer would have the publisher add three or four cents a copy to the price of a piece of sheet music," said Hotz, he would come out just as well as he now does with ASCAP's collections.

Hotz said composer-publisher members of ASCAP maintained high ratings in the society by force plays on the radio networks, causing their numbers to be played, thereby increasing net credits from which their classifications and money come.

(The WJSV Chapter is a rousing success!)

WJSV has its own honor society. Its candidates have been elected by thunderous majorities of listeners and satisfied clients.

There's Bob Trout. He graduated from WJSV to CBS in 1935. Special events make his one of the most familiar names in American radio. ★ And "Professor-Quiz," the show that set a new cycle in network programming. WJSV created the "Professor," sent him into the radio world in 1937. ★ Songstress Margaret McCrae (Hit Parade, Show Boat, Joe E. Brown's show, etc.) was in Bob Trout's class at WJSV. ★ Jim (Ask-I-Basket) MacWilliams is another WJSV alumnus. For three CBS network years Jim has mirrored WJSV pride in its graduates. ★ Arch MacDonald took a four-year WJSV course and a little post-graduate work before going to WABC and Giants-Yanks baseball announcing. ★ Arthur Godfrey (the Singular

Mr. Godfrey) upsets tradition. Now, in his sixth WJSV Sun Dial year, Godfrey refuses to leave WJSV. . . pipes his WABC and network shows from Washington. And all

the others, of course, are still heard on WJSV. . . even if they have gone to New York and Hollywood for their "originations." ★ It's a good time to enroll your account at WJSV—Washington. It's the Grade A institution in a Grade A market. And WJSV's 50,000 watt operations start in January. (A few availabilities remain at the existing 10,000-watt rates.)

With gene-flections to Phi Beta Kappa...the honor society of all honor societies.

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

Inside Stuff—Radio

Ruthrauff & Ryan stated Monday (25) that the disc version of 'Big Town' (Lifeguard) will be carried over KPO, NBC's red outlet in San Francisco, on the basis of a month's lag after the live program (CBS) as has been happening in the case of the other supplementary stations on the show's spot list.

Later list consists of: KGB, Albuquerque; KGNC, Amarillo; WSB, Atlanta, WLZB, Bangor; KGH, Billings; KFYY, Bismarck; KGIR-KFPA, Butte; WLW, Cincinnati; WTAM, Cleveland; WFPA-WBAP, Dallas-Fort Worth; WHO, Des Moines; WGBF, Evansville; WDAY, Fargo; KMJ, Fresno; KFBB, Great Falls; WOI, Hartford, Conn.; WNOX, Knoxville; WNS, Nashville; KDKA, Pittsburgh; WCSH, Portland, Me.; WHAM, Rochester; KFBK, Sacramento; WOAI, San Antonio; KPO, San Francisco; WGY, Schenectady; KWTO, Springfield, Mo.; and KVOO, Tulsa.

Leibman Brewing Co. of New York bought its way out of the contract it made for the Boate Corporation transmission series on WJMA, N. Y. before the lieut had a chance to go into effect the beer maker decided that what with the war the nature of Carter's comments might prove too embarrassing controversy and that it didn't want to take a chance of antagonizing either pro-Ally or pro-Nazi beer drinkers.

The contract called for five quarter-hour periods a week.

Adelaide Bucheiser, secretary to George Engels at NBC, was among the Americans caught in Europe when war broke out. She was able to get from Switzerland to Italy, where she returned on the Rex on payment of the usual bonus which ill Duca's mariners have been assessing in the emergency.

Last season, while preparing to cover basketball, Bob Heis, WTMA, Milwaukee, chief announcer, invented a miniature game to practice following the plays. The game, patterned somewhat after tidily winks and all that can play was, so well worked out that it is now being prepared for general marketing.

Hollywood radiolites are becoming publicity-wise in the ways of their movie acting brethren. One Lasker (Lum of L & A) and Don Ameche have bought a heavyweight knuckle duster.

Mimeographed program notes being sent out recently by CBS in New York bear a special red ink stamp to mark 'program premiere' from routine. A small touch, but much appreciated by press.

NBC-RCA Television

WEDNESDAY (27)

2:00-3:00—Lowell Thomas' Nine Old Men vs. The American Museum Head Hunters, a softball game at the Court of Peace, New York World's Fair.

8:30-9:30—Television Varieties, with Red Barber, sports interview, etc.

THURSDAY (28)

2:30-3:30—Long Island University football and basketball teams in practice at Manhattan Beach, Interview with Coach Clair Bee.

8:30-9:30—When the Nightingale Sang in Berkeley Square, drama, with Patricia Calvert, John Moore and Matthew Smith; and 'Dr. Abernethy,' drama, with William Fodmore, Robin Craven, Nellie Malcolm, Florence Edney and Naomi Campbell.

FRIDAY (29)

2:30 p. m.—Bloomingdale Fashion Show.

2:45—Film, Annual Report of the Department of the Interior.

3:05—Film serial, 'The Lost Jungle,' Episode VI.

3:15-3:30—Coach James Crowley of Fordham University, interviewed by Bill Allen.

8:30-9:30—Variety program, with Ramon Armengod, Mexican singer; Television Explorers, etc.

SATURDAY (30)

2:00-4:00—Fordham University vs. Wayneburg College, football game at Triborough Stadium, Randall's Island.

• Radio Daffodils •

New York—CBS puts on teaser campaign in connection with exploitation of its 'Uncle Jonathan' show by mailing out sprigs of alfalfa. On the receipt of the first sprig, enclosed in a blank sheet of paper and no identifying envelope, hayfever addicts wondered whether some pal with a dubious sense of humor had sent it as a gag. In the release that follows, the program is described as a 'cauldron of comedy' and as coming through the facilities of 'Tree & Tree.'

Hartford—Bob Provan, milkman at WDRC announcing the return to the ether of Jack Zaiman, sports commentator for the station, on Tuesday night (19) said: 'Ladies and gentlemen, the program originally scheduled for this time unfortunately will not be going on.'

New Orleans—Henry Dupre of WWL took a microphone up to the tenth floor of the new Federal Building in New Orleans (which really isn't a floor yet, because there's nothing but the steel beams in place). Dupre, with Finky Vidacovich, WWL musical director (and the saxophone) rode the beam up to the spot which will be the tenth floor along with a workman, who explained the line of riveters and steel workers.

New York City—After delivering a long blurb concerning merits of products handled by the Penn-Jersey Auto Stores on the 6 to 6:15 p. m. portion of WHEW's 'Make Believe Ballroom' Saturday (23) platter plunger Martin Block added: 'Some people may think that a corny commercial... personally I agree with them.'

Russ Hodges' Grid Spot

Charlotte, N. C., Sept. 26. Russ Hodges, WBT sports announcer, has been signed to do 12 football broadcasts for Wheaties, covering the Pittsburgh Pirates professional football team this fall. Hodges will blend the assignment with his local duties, catching a plane from Charlotte Saturday night to the point where the Pirates will play on Sunday.

Accounts of games will be piped from scene of play to KDKA, Pittsburgh.

Transradio Supplants

UP in 2 Albany Outlets

Albany, N. Y., Sept. 26. Transradio will supplant United Press as news service organization for WOKO and WABY around October 15. Harold E. Smith, general manager of the Albany stations, and Herbert Moore, president of Transradio, closed the deal some time ago.

Both stations also broadcast local news periods direct from editorial rooms of the Knickerbocker News, which holds financial interest in WOKO-WABY.

AL NELSON TO FRISCO, YODER MOVES

A. E. Nelson, who was brought on from KDKA, Pittsburgh, about a year ago to become sales manager of the blue network, has been assigned to manage NBC's San Francisco station interests, namely KPO and KGO. Lloyd E. Yoder, his predecessor in Frisco, replaces R. H. Owen as manager of KGO, Denver. Nelson formerly ran the latter \$60,000-a-week for NBC.

No other immediate shifts in management and owned station personnel is contemplated by the network.

WSMB Signs Liniments

New Orleans, Sept. 26. WSMB this week signed 28-week contracts for two new news periods daily. Using Trans-Rub dispatches, one will be aired at 12:30 for Vicks Vapor-Rub, and the second at 8:30 for Minit-Rub.

Vicks Vapor-Rub also signed this week for 10 minute stanza daily with the WWL Staff Orchestra under direction of Finky Vidacovich. Peter-Paul Candy Co. airs Monday (28) also using his orchestra and the Dawn Buster cast. Latter is for 15 minutes three times weekly.

Sign 2 Sportswriters

Lincoln, Sept. 26. John Bentley, sports editor of the Journal, and Gregg McBride, columnist for the World-Herald, are set for footballcasting on KOIL and KOWH, both Omaha stations.

STANDS OUT

WBLS COLUMBUS
All you need in Central Ohio
5,000 WANTS DAY
1000 WANTS NIGHT
John Blair & Co., Representatives



WKY-ADVERTISED FOR 10 YEARS

• After the first taste of WKY's ability to produce sales, Wm. Morgan Cain, president, Cain's Coffee Company, wrote: "We are enlarging our contract over WKY for next year because we feel radio is an invaluable method of telling people about our product."

That was in 1930. Today after ten years of skillfully blending a high quality, roaster fresh coffee with WKY's innate and showmanly faculty for producing the type of entertainment listeners drink up with relish, Cain's Better Coffee is the biggest selling packaged coffee in the Oklahoma City market.

For six consecutive years sales of Cain's Coffee have shown an increase over

the preceding year. The year just completed was 1099% up from the previous twelve-month period despite somewhat unfavorable competitive conditions.

There's a moral for national as well as

local advertisers in this ten year case history. Wrap up a good product in sparkling entertainment and deliver it to WKY's audience. The WKY audience will repay you generously for its radio entertainment.

WKY Oklahoma City

NBC AFFILIATE • 900 KILOCYCLES

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY: * THE DAILY OKLAHOMAN
OKLAHOMA CITY TIMES * THE FARMER STOCKMAN * MINISTERY EXPRESS * KVVU, COLORADO SPRINGS
KXZ, DENVER (Under Affiliated Management) * REPRESENTED NATIONALLY BY THE KATZ AGENCY, INC.

Musical Auto-Horn Introduced By Advertising Agency in N.Y. Suburbs

Musical auto-horn is being introduced as an advertising device by Calkins & Holden, agency on the Snowdrift account. It has of "While You Work" in a horn that will be installed in soundtrucks plugging the cooking article around New York residential districts. Initial order by the agency consists of six such horns. License for the music has been obtained by C&H through Harry Fox, publishers' agent and trustee, at a fee of \$5 per horn.

Horns of this type have been in use on sightseeing buses around the New York World's Fair since the corporation's opening April 30. The melody in this instance has been "The Sidewalks of New York."

Al Sherman's \$150,000 Song Suit vs. Brown

Suit asking \$150,000 damages from Lew Brown, producer of the Broadway musical, "Yokel Boy," and Chappell & Co., music publishers, was filed in N. Y. supreme court Monday (25) by Al Sherman, songwriter. He claims to be part-author of three of the "Yokel Boy" tunes, published by Chappell, but denies having been given credit either in the billing or financially.

Songs named are "Let's Make Memories Tonight," "Rhythm Makes Me Wanna" and "I Can't Afford to Dream." Sherman, in the complaint filed by Julian T. Abeles, maintainer that he wrote the first song in collaboration with Brown and Walter Kent, the second with Kent, and third with Brown and Penn Davenport.

Sherman claims \$25,000 financial loss and \$25,000 damage to his reputation by his failure to have his name on each of the three songs. Defendants are ordered to file an answer by Oct. 16.

Eddie Cherok and William Lasky, "We Ride," to be sung in Republic's serial, "Zorro's Fighting Legion."

YESTERDAY'S HIT TODAY'S REQUEST

I'M JUST WILD ABOUT HARRY

As Featured In
"THE ROARING TWENTIES"
"HANKS TO ANNE"
"ROSE OF WASHINGTON SQ."
N. WITMARK & SONS
1220 B'way Avenue New York City

Ork Taxes

(Continued from page 37)

son for whom services are performed has the right to control and direct the individuals who perform the services not only as to the work, but also as to the details and means by which that result is accomplished, and that which result is accomplished by the decision explained. In determining who is the employer of the members of an orchestra during a particular engagement it is necessary to determine who has retained the right to control and direct the orchestra not only as to the result to be accomplished by the work, but also as to the details and means by which that result is accomplished, and the answer to this question in any case depends upon the facts presented in that case in the light of the relevant portions of the regulations. It is essential that each case be considered separately. The leader and members of an orchestra may be all employees of the purchaser in view of the facts shown to exist in connection with one engagement and the same leader may be an independent contractor and the members of the orchestra his employees under the buyer's other engagements.

Buyer's Terms

In most such instances the purchaser lays down only general requirements covering the engagement, the Bureau noted. He often has no say in deciding the individuals making up the band, is not concerned with the compensation paid different members, and does not dictate the way the services are to be rendered. In fixing the hours of appearance, the purchaser does not dictate actual control, even though the contract may state that the purchaser "employs" the band.

But in the theatre case, the particular band entered a contract with an exhibition firm through a booking agency. Fact gave the theatre management the right to require rehearsals at any time, to specify costumes, and to direct how the act is presented. The band leader agreed not to allow any change in the personnel of the unit, was obligated to provide such photographs and publicity matter as the theatre called for and to furnish all orchestration. veto power over any objectionable part of the act was reserved by the management, which could order such additions, substitutions, or changes in the act as it desired.

Woody Herman Due Back At Famous Door, N. Y.

Woody Herman orchestra returns to the Famous Door, New York, Nov. 21 for eight weeks. Door is where the band got its start early this year. Four Intopols, currently at the New York Paramount with Glenn Miller's band, go in with the orchestra.

At the meantime Herman opens at the Flamingo, Boston, formerly Lavage's, (tomorrow night (Thursday) for four weeks. Teddy Powell, currently at the Famous Door, leaves Oct. 22 to make way for Fats Waller, who stays till Herman comes in. In between the Flamingo and New York the Herman band fills theatre dates.

Frederick Hollander and Frank Loesser loaned by Paramount to Universal to write songs for "Destiny Rides Again."

Bunny Berigan Rally

Meeting of Bunny Berigan's creditors to prove claims, appoint a trustee and a committee of creditors to examine the bandleader is scheduled for Oct. 5 at U. S. Court House, New York.

Berigan filed a petition of bankruptcy past Aug. 31.

CURFEW TO HIT NAME ORCHS IN PITT

Pittsburgh, Sept. 26.—Music Corp. of America may lose its only regular local account, William Penn hotel, this season unless Pennsylvania state liquor board reverses its Saturday midnight curfew ruling. Hotel management figures to reopen its supper dance spot, Chatterbox, regardless, but will use only eight-piece local non-name outfit. If board legislators refuse to step down on their ruling, William Penn and other cafe operators here are pointing out that Saturday is their one night to get off the nut and that big will be killed by curfew. It must stop with booze sales at 12 midnight.

Big delegation of nitery owners from all over the state protested in party before board in Harrisburg recently, but so far their efforts have failed. Midnight Saturday closing went into effect this week, with end of daylight time on Sunday.

William Penn has been serviced for several years by MCA, which first put over such bands as Kay Kyser, Dick Stabile, Count Basie and Bernie Cummins at Chatterbox. Hotel says name touring outfits will be out of question unless board relents, and has already cancelled Clyde Lusk's, who was scheduled to reopen Chatterbox Oct. 12.

BOB WEEMS' PROMOTION

He Assumes Newly Created Post At General Office

General Amusement Corp. has created the post of general sales manager in its organization and Bob Weems is being brought to the New York office to fill it. He will be succeeded as manager of the Chicago office by his brother, Art.

Bob Weems' main assignment will be to coordinate the firm's branch offices on sales and to help keep them supplied with talent that can be offered to ballroom operators, hotels, etc.

Music Notes

Johnny Burke and Jimmy Monaco are doing three numbers for Frank Crosby in "Fa'mous" The Road to Singapore.

Anthony Collins doing the musical direction on "Allegheny Uprising" at RKO.

Adolph Deutsch scoring "20,000 Years in Sing Sing" at Warners.

Millegarde waxed six Noel Coward songs for Decca, which will be released in album form.

Werner Janssen doing the scoring job on Walter Wanger's "Send Another Coffin."

15 Best Sheet Music Sellers

(Week ending Sept. 23, 1939)

*Over the Rainbow ("Wizard of Oz").....	Faust
Man With the Mandolin.....	Santly
Beer Barrel Polka.....	Shapiro
*An Apple for the Teacher ("Star Maker").....	Santly
Cinderella Stay in My Arms.....	Shapiro
Sunrise Serenade.....	Shapiro
Moon Love.....	Famous
*A Man and His Dream ("Star Maker").....	Santly
In an Eighteenth Century Drawing Room.....	Circle
Oh You Crazy Moon.....	Witmark
Day In-Day Out.....	BVC
To You.....	Shapiro
Blue Orchids.....	Famous
It Makes No Difference Now.....	Southern
Midnight Serenade.....	Robbins
*Fimicalist.....	

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Sept. 18-24). Total represents accumulated performances on the two main networks from 8 a.m. to 1 a.m. Symbol * denotes hit song, 1 legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Over the Rainbow.....	Faust	46
Day In-Day Out.....	BVC	41
Man With the Mandolin.....	Santly	41
Oh You Crazy Moon.....	Witmark	39
For Tonight.....	Remick	30
To You.....	Shapiro	29
Comes Love.....	Chappell	29
*A Man and His Dream.....	Harms	29
Moonlight Serenade.....	Robbins	28
Lamp.....	Shapiro	28
What's New.....	Witmark	26
You Brought a New Kind of Love to Me.....	Shapiro	25
Are You Having Any Fun.....	Crawford	25
*I Remember.....	Shapiro	25
South of the Border.....	Shapiro	25
A Man and His Dream.....	Santly	25
Good Morning.....	Shapiro	25
*I Remember.....	Miller	25
Running Through My Mind.....	Shapiro	25
Ding Dong Witch Is Dead.....	Faust	21
Especially for You.....	Shapiro	19
Goodnight My Beautiful.....	Circle	19
In an Eighteenth Century Drawing Room.....	Circle	19
Scudmore.....	Shapiro	19
South American Way.....	Harms	19
Let's Make Memories.....	Faust	19
Blue Orchids.....	Famous	17
El Rancho Grande.....	Marks	17
*I Poured My Heart Into a Song.....	Shapiro	17
Little Man Who Wasn't There.....	Robbins	17
Moon Love.....	Shapiro	17
Well All Right.....	Leeds	17
An Apple for the Teacher.....	Shapiro	17
Jumpin' Jive.....	Marks	17
My Heart Has Wings.....	Red Star	15
This Heat of Mine.....	Mills	15
Baby Me.....	ABC	15
Beer Barrel Polka.....	Shapiro	14
If I Knew Then.....	Chappell	13
Last Two Weeks in July.....	Berlin	13
Vol Visto Gail Star.....	Green Bros.	12
Begin the Beguine.....	Harms	12
Don't You Put the Bee on Me.....	Shapiro	12
It's a Hundred to One.....	Miller	11
Ballroom Boogie.....	Berlin	10
Goodbye Goodbye.....	Oman	10

BALLROOM LEASED

Brookline Ends 14-Year Tenure at Gutterberg, Iowa

Cedar Rapids, Ia., Sept. 26.—Danceland ballroom changed hands with W. H. Wenksten of Frank Bank, acquiring lease from Frank Brookline for a reported \$10,000. Brookline retiring after operating establishment for 14 years. Wenksten who has operated Lakeside room at Gutterberg for six years will retain interest there but will move to Cedar Rapids to devote full time to new project.

Spot has been reported sold several times this summer but deals fell through. Situation in Cedar Rapids has been in chaotic condition with Thornwood Gardens running at a loss. Warner season and third hall remaining closed.

Billy Sherman Leaves

M. Spitalny, Joins Busse
Pittsburgh, Sept. 26.

Billy Sherman, featured singer with Maurice Spitalny for last five years, has left latter to join Harry Busse in same capacity. No replacement will be made, Spitalny planning to continue with only one warbler, Faye Parker.

Blanche LaBov is new singer with Dick Barry's orchestra, succeeding Anita Brown. Latter is Mrs. Barrie in private life, and is reported to have recently split domestically as well as professionally with her bawling husband.

Mill Herd Trio, Oct. 30, week, Merriek theatre, Indianapolis.

BING CROSBY'S EL

RAVAGE GRAND

(MY RANCH)

HERE WORKING ON THESE

WILLIE WILLIE WILLIE

WILL VA?

(OUT OF SIGHT, OUT OF MIND)

(POLKA FOX-TROT)

(WE'RE THROUGH)

CAB CALLOWAY'S THE WUMPER

(HEP-HEP!)

EDWARD B. MARKS MUSIC CORPORATION
RCA BUILDING, RADIO CITY, N.Y. • FRANK HENNIGS, Gen. Prof. Mgr.

Americans Should Reciprocate Open Border, Think Canadian Musicians

Montreal, Sept. 26. Ban on American dance orchestras and other entertainers coming into Canada was proposed at the All-Canadian Council of Labor here last week and will be shortly submitted to the Federal authorities. Laborites went on record with proposals that Canadian immigration laws be changed so as to prohibit U. S. bands from entering Canada unless a reciprocal arrangement could be made whereby Canadian orchestras, now barred from entering the U. S., would be allowed to perform in America.

Resolution to this effect, submitted to the Congress by the London, Ont., local of Canadian Federation of Musicians claimed that Canadian orchestras were finding it increasingly difficult to get employment because of competing American bands which are freely admitted into Canada. Musicians said that Canadian dance halls and nighters had been forced to close, throwing Canadian musicians out of work, because of competing American bands.

Labor Congress also adopted a resolution providing that music teachers shall hereafter be licensed by provincial governments to prevent phonies and racketeers from exploiting the public. Correspondence school music teachers were condemned and examples given where teaching of guitar-playing was conducted by means of numbers and diagrams.

MCA-MORRIS OFFICES BOTH CLAIM FIO-RITO

Ted Fio-Rito orchestra is currently signed to two booking agencies necessitating the stepping in of American Federation of Musicians to straighten things out. Wm. Morris Agency booked Fio-Rito on a theatre tour through the east on the leader's say-so in writing that his contract with the Music Corp. of America was expired. MCA says different, claiming its contract with him still has some time to go and that he will return to them when he finishes for Morris.

According to Fio-Rito: lawyer the contract with MCA had been finished last year and a new one substituted, which allowed the band to break free any time it wanted after certain time notification. This was done and the band freed on Sept. 21; several weeks after finishing at Ben Mandel's Riviera. New day crew signed with Wm. Morris.

MCA says its contract with Fio-Rito still has much time to run and denies any breach of contract, saying they offered the band four weeks in Memphis and four in Memphis, which it wouldn't take, demanding a spot in New York by Sept. 20 or the shifting to another booking. MCA notified the union and the AFM, according to MCA, has directed Fio-Rito to return to MCA on the completion of the Morris booked theatre tour about Oct. 18. Morris bookings were allowed to stand so as not to inconvenience theatres who booked the band.

General Amusement currently has four of its bands filling theatre dates in New York. Artie Shaw's at the Strand, Glenn Miller at the Paramount, Jimmy Dorsey at the Audubon and Claude Hopkins, Apollo.

Jerry Blaine Values His 405 Arrangements at 18¢

Jerome Block, professionally Jerry Blaine, filed a N. Y. federal court action last week against the National Security Insurance Co. for \$18,368. The plaintiff, an orchestra leader, claims to have insured 405 musical scores in December, 1938. They were stolen in March, 1939, and the company refuses to pay the insurance.

Byrne Rehearses Wagging

Bobby Byrne, young trombonist from Jimmy Dorsey's band, who's to lead his own outfit under the name Jimmy Dorsey Presents', left Dorsey's crew just before the latter went into the Audubon theatre, N. Y., last Thursday (21), to start work on his new crew.

His place with Dorsey was taken by Jerry Rosa, from Van Alexander's band.

DON IRWIN NABBED ON DOMESTIC PLEA

St. Louis, Sept. 26. Alfred Beadman, 28, a dance band leader known professionally as Don Irwin, is being held in the local hoosegow as a fugitive from justice in New York City. The Child Welfare Dept. in New York requested local gardemes to locate Beadman, who is alleged to have abandoned his wife and three children, who are being cared for by the Child Welfare organization.

Beadman, currently at the Tux Town dance hall, in midtown, was nailed in a local hotel with Ruth Smith, 19, singer with the band. They had registered as man and wife, according to local cops. Beadman declined to discuss his affairs and New York is being queried as to whether they will send for him. A member of the arch subbed as being waver while Beadman was behind the iron bars.

Eddie DeLange and Emory Deutsch waxing this week for Victor. Bluebird label, and Bob Zurke for Victor. They'll each make four sides.

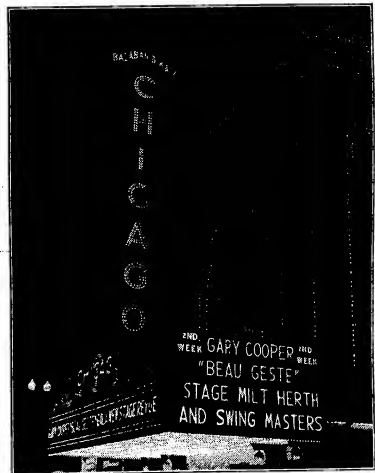
Indiana School, C. C. Pyle's Wax Co. Settle Copyright Infringement Suits

Whiteman Pacts Rita Rhey, 18 Years Old

Pittsburgh, Sept. 26. Rita Rhey, 18-year-old high school girl auditioned recently by Paul Whiteman during his engagement at Palace theatre in Youngstown, O., has been placed under contract by the maestro, and will report to him at Hotel New Yorker late next month. She'll work in his floor show there and also on sustaining broadcasts from that spot, and may later join on his sponsored program as well. Whiteman deal, which starts Oct. 23, has brought flock of local offers to Miss Rhey in meantime. Without any previous professional experience just a few months ago, she's set now for several shots on KDKA, a hi-hy job at Hotel Summit in Uniontown and also a downtown Pittsburgh, cafe spot when she washes up two-week engagement at Summit.

Mechanical rights bureau of the Music Publishers Protective Association has settled for \$1,000 a claim that it had brought against Nager's Schools of Music in Grand Rapids, Ind., for publishing sheet Hawaiian guitar arrangements without permission of the copyright owners. These arrangements were sold to the fretted instrument teaching trade. Harry Fox, manager of the bureau, has been conducting a national campaign against this practice. Bureau has also settled for \$5,000 the royalty debts accruing from the Radio Transcription Corp. of America, which the late C. C. Pyle organized. The company is now being operated by the latter's widow, Andry Schrader and John T. Wilson, attorney. The claim was made after an auditor had been sent to Hollywood to go over the transcription outfit's books.

This Picture Speaks for Itself...



MILT HERTH AND HIS SWING MASTERS

BREAKING ALL BOX OFFICE RECORDS

DOUBLING: LA SALLE HOTEL, CHICAGO

NOW IN 18th SMASH WEEK

NBC COAST COAST—both Red and Blue Networks

DECCA RECORDS (NO. 1 IN SALES)

Personal Manager:
ANDREW D. WEINBERGER

Exclusive Management:
CONSOLIDATED RADIO ARTISTS, INC.
New York - Chicago - Cleveland - Hollywood

ONLIGHT SERENADE

MATCHLESS PARISH

Music by GLENN MILLER

On the Upbeat

Katharine Lane has been replaced by Dolores O'Neill as vocalist with the Bob Chester orchestra, currently at the Van Clieve hotel, Dayton.

Tommy Dorsey will continue his "Tommy's night" NBC full hour show, whatever possible while he's away from New York. Program executives have arranged and other inside dope on each number used.

Jack Teagarden orchestra and George Russell have been assigned as part of a unit to circulate through the four Broadway club houses in New York. Open Oct. 19 at the Flatbush, Brooklyn.

Benny Goodman changed trombone player, Ted Vesely taking the chair held by Bruce Squires. He shifts to Harry James.

Sammy Kay's opening at the Commodore hotel, N. Y., set back to Oct. 1 by four weeks of vaude still unplayed. Ends at Palace, Cleveland, Oct. 28, opening in N. Y. next day.

Teddy Powell orchestra, which debuted at Famous, New York, recently signed for four weeks, four sides at Decca. Cutting starts next week.

Johnny Magee's new band, now at Donohue's, Mountain View, N. J., signed to record for United States Records.

Will Bradley-Ray McKinley new crew now on one-nighters. Plays Johnson City, N. Y., and Pottsville, Pa., Friday and Saturday (28-30).

Don Redman replaced Cal Calloway at the Cotton Club, New York, Saturday (28) for two weeks. Lou Armstrong's band is in for new show.

Johnny Burkhardt band shifts to Bluegrass Country club, Lexington, Ky., for an indie stay beginning to night (Wednesday).

George Dameron, son of Myrt of the "Myrt and Marge" team, is currently leading a small sweet combo at the Trocadero, N. Y.

Bobby Hackett, who recently gave up his own band after finishing a stint at the Trocadero, has joined Horace Heidt's orchestra.

Woody Herman band last week cut a 15-min. transcription by request for station KSM, Sydney, Australia. Platter expected and new, contrived "blues" style. Station has a swing program on Fridays.

Jan Savitt's theme tune basis for new pop titled "Moonlight" by Johnny Watson and Harold Adamson.

Glenn Miller booked for ASCAP's Carnegie Hall, N. Y., music festival. He's down for Oct. 6.

Jack Negley, WINS, N. Y., commentator, set for role in Gray Gordon's musical "Golden Glory."

Benny Goodman goes back to the New York World's Fair, Oct. 2-3. Band is set for Oct. 6 at N. Y.'s Mayor LaGuardia's Music Week.

Little Jack Little closes his stand at Edison hotel, N. Y., Oct. 14. Shifts to Ford exhibit at Astor hotel, N. Y., for one day, 15th.

Rachmanoff Cycle at Carnegie Hall, N. Y., Nov. 8, will feature a number of composer's first recordings as conductor of Philadelphia orchestra.

Ray Noble's band moves into Beverly Hills hotel in Beverly Hills Oct. 5 for three months.

Brad Hunt's orchestra, out of Pittsburgh, opened engagement Monday (28) at Desler-Wallick hotel in Columbus. For two weeks with options.

Ralph Allen and his Detroiters into New Penn, Pittsburgh road show, for an indefinite stay.

Jimmy Walsh's band moved into the Red Club, Santa Monica, for the fall season.

Howdy Baum band moves back into Hotel Schenley, Pittsburgh, Sept.

30, for fall dance season. Spots been dark all summer and boys were just rubbing through tri-state territory.

Ann Cleveland new ditty-dort with Don Ramon's orchestra at Nile Spot, Dallas.

Bill Bardo's crew moved into Plantation, Dallas, Sunday (24), for one-week stand, to be followed by Jan. Barber's one-nighter Oct. 1, closing the place.

Lon Breesse now at Hotel Apartment Century Room, Dallas, following Ray Wilde.

Joe Reichman may open fall season at Baker Hotel's Mural Room, Dallas, Oct. 14.

Hal Kemp set for N. Y. Strand the end of October.

Johnny Duffy, novelty organist, after three-month run at Willows, Pittsburgh, goes into, Oct. 12 for a three Oct. 1 for indefinite stay.

Ran Wilde opens at the Commodore, New York, on Oct. 12 for an indefinite stay.

Don Bestor goes into the Paxton hotel, Omaha, Oct. 3. No closing date set.

Thelma White has organized 18-piece all-girl band and is touring Australia, with a South African jaunt it was permitted.

Cappy Lewis, trumpeter, replaced Charles Willard in the Woody Herman band. Willard goes to Emory Deutch.

Slim Gaillard, of Slim and Slim, signed to record for Vocalion with a five-piece band.

Bob Zarke's new band set for the New York Paramount about Nov. 1.

Dinah Shore, vocalist, set for four single solo recordings on Bluebird. She records with the Xavier Cugat band in Victor.

Tina Gale, road manager of Ella Fitzgerald's orchestra, reported married in the middle west last week.

Paul Whiteman's two Decca albums of living Berlin tunes set to be released this week.

Johnny Green's "Gershwin Day" at the New York Paramount has been postponed for his band.

Sammy Kaye added, Maury Cross as arranger for his band.

Red Shetter's Rhythm Octette signed by NBC Artists Bureau.

Larry Clinkens's recording of "In Arranger for his band."

Joe Frastello's orchestra, now winding up a six months' engagement at the Rialto, reported married by Elie Oberstein's U. S. Record Co.

Mickey Whalen's orchestra went to work at Metro in "Broadway Melody of 1940."

Ben Cutler outfit opens at the Rainbow Room, Radio City, N. Y., Oct. 11.

Kirk Torney to N. Y.

Kirk Torney, of CRA's San Francisco office, has been shifted to New York to handle bookings of small cocktail units. Jump in demands for abbreviated units forced the switch.

He handled same department on the Coast.

EMIL GABER WITH KARZAS

Emil Gaber has been appointed advertising and publicity chief for the New York Karzaz, Karzaz and Karzaz. Gaber was formerly promotion manager of the new daily morning Hearst Herald-and-Examiner.

Band Bookings

Erkine Hawkins, Oct. 22, Savoy Ballroom, Chicago; 24-25, Blossom Heath Inn, Oklahoma City.

Blue Barron, Oct. 11, Yankee Lake, Brookfield, Ohio; 13, Army, Grand Rapids, Michigan.

Freddie Fisher, Oct. 12, George F. Johnson City, N. Y.; Oct. 27, 28, Stanley theatre, Pittsburgh.

Ray Hutton, Oct. 11-12, Orpheum theatre, Madison, Wis.; Oct. 13-14, Long Island City, Orpheum theatre, Memphis.

Mal Hallett, Oct. 19, Paramount theatre, Springfield, Mass.; 20-22, Earle theatre, Philadelphia; 23-24, Astor theatre, Reading, Pa.

Al Donahue, Oct. 23-24, Washington and Lee U., Lexington, Va.; Inkspott, Oct. 12, 5 days, State theatre, Hartford; Oct. 18, week, Royal theatre, Baltimore.

Woody Herman, Oct. 21, week, Indiana; Oct. 20, 21, 22, 23, 24, Charles Agnew, Oct. 21, one-nighter, Stevens Hotel, Chicago.

Freddie Fisher, Oct. 12, Grand theatre, Evansville, Ind.; 8, Bass Lake, Judson, Ind.; 15-16, Ann Arbor, Mich.

Ina Ray Hutton, Oct. 20, week, Paramount theatre, Anderson, Ind.; 21-22, Trianon-Aragon, 23-24, 25, 26-29, Michigan theatre, Ann Arbor, Michigan.

Ray Marshall, Sept. 29-Oct. 11, Club Trocadero, Henderson, Ky.; Ben Pollock, Oct. 2, four weeks, Grand Hotel, Detroit.

Blue Barron, Oct. 7-8, Castle Farm, Cincinnati; 11, Yankee Lake, Brookfield, Ohio; 14, 15, 16, Edison hotel, Flint, Mich.; Oct. 18, Edison hotel, N. Y.

Johnny Garr, Oct. 11, Indef., Henry Grady Hotel, Atlanta, Ga.

SPONSORS RETURN, CBS STAFF DOWN

Now that summer time filling stations are being replaced by sponsored shows, CBS is slicing its house band of 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Disc Row

Continued from page 37

that various recording companies, as a result of recent court decisions, are suing every effort to control the provision to have members assign their property rights to the recording companies. As a result the International Executive Board has adopted the following rule:

Any member who assigns any property rights in any recording to any recording company or to any other entity, without the consent of the American Federation of Musicians, by such action gives notice to the American Federation of Musicians that he is immediately resigning his membership in the American Federation of Musicians.

This rule is effective immediately and is a strictly enforceable rule. The rule is an important milestone in the union's drive to exert its measure of control over records used in broadcasting and in coin-operated machines, whose record buying powers and similar places, it claims, has contributed to unemployment in musicians' ranks.

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Inside Stuff—Bands

Unique situation rare in the band biz sees two leading theatre bands trying to outbid a new band hardy out of rehearsal. Paramount and Strand on Broadway are both wrangling for Bob Chester's orchestra which opened at the Van Clieve hotel, Dayton, last week (14), and prior to that time was comparatively free of the theatre.

Also in that time the Chester crew has been grabbed by Victor Records for a new band which has already cut 10 sides. Chester is a son of the Body family of Detroit. Arthur Michael, band manager, has left it to Music Corp. of America, broker, as to which theatre will play the outfit. CBS broke a long standing deal with Paramount by dropping the band board sustaining shots to the new Chester band out of the Van Clieve hotel, Dayton. Net has never been in the theatre (within the memory of its N. Y. theatre).

Starting Monday (25) crew is picked up at 11 p.m. Monday through Saturday each week for the duration of its Chicago run. In the east the band will air only 15 mins., the 11-11:35 slot being taken by a news period.

Tommy Dorsey's orchestra played a benefit Thursday night (21) in a temporary ballroom in Bernardino, N. J., specially constructed for the occasion. Dance floor, one acre in size, was made of plain wood strips nailed together with the ground as underpinning. It was covered by a hired circus tent big enough to protect 450 tables placed around the dance floor.

Benefit was in behalf of the Bernardino volunteers fire dept., where Dorsey lives. His band failed at the Pennsylvania Roof, N. Y. Saturday night (16) and plays one-nighters until Sept. 28 when it opens at the Ainsley Road, Atlanta. Goes to the Palmer House, Chicago, Oct. 12, for three months.

Failure of the General American Corp. to produce Jimmy Dorsey's orchestra in private party tossed by A. B. Donahue, Chicago, set the booking organization \$350 out of pocket. After the date had been set Dorsey decided to give himself and his men a three-week "vacation" at James Pettit's, New York, and to return to the city, as he appealed to by Ray O'Hara, the original agent for the date, and since it couldn't furnish Dorsey the general office Jimmy Lunceford's crew took over. At Pettit's, the cost of the show absorbed over half of the cost of plane passage, which amounted to \$500.

Philadelphia local 77 of the American Federation of Musicians has taken steps against the domination of the city's Class A spots by outside bands and bookers. Standards rated, A. mostly hotel rooms, have had their scale upped \$25 a man per week to \$100 a week. B. mostly clubs, \$15 a man, at least 24 weeks, which case it remains normal, which is said to be \$68.

Obvious intention is to force the use of local outfits. None of the spots can be taken by outside bands that long. As a rule the welcome mat is thresholds long before that time.

Edgar Sampson has a unique arrangement with the Ella Fitzgerald orchestra. While the band is in New York, where he plays a fifth sax. When it's on the road for any length of time, he stays in N. Y. making arrangements of the newest tunes, thereby keeping band's books stocked with fresh material. Few bands have musical routine and may have been caught on the road without an arrangement of an overnight session.

Strictly from Joe Rines' road build-up for a French waltz, "Café Boule," Liberty Music recorded that maestro's version of the tune, and Chappell arranged for the American rights to the foreign composition.

Inside Stuff—Music

Sammy Cahn and Saul Chaplin, Warner Bros. music contract writers, were signed last week to do the tunes for the new Cotton Club, New York, show which is scheduled to open about first week in October. Since both writers are tied to Warner's latter would allow them to score the show. One of the WB tunes they are to write is to be published in one of Harms, Remick or Witmark will get them. Mills Music had published the C. C. show tunes almost exclusively for past 12 years or so. Cahn and Chaplin are also writing tunes for Harry Doliner's Revue of 1940, musical set to open on Broadway soon.

Louis Armstrong's orchestra will probably play the C. C. show, Major points to the fact that it is up to the ruling of N. Y. local 802 of the AFM which forbids a seven-day week for musicians. Latter didn't interfere with Cab Calloway's playing of the last show as it was made during his run there and was not applicable to runs already started. Stepin Fetchit will be featured comic.

Warner Bros.' music companies, Remick, Harms and Witmark, and the Shapiro-Bernstein Music Co. have consented to the use of their-tunes-on the basis of 15 cents on American Records' new 50c Columbia label. Companies had been demanding 25c per side but capitulated after meeting with Joe Higgins, Columbia exec, late last week.

Records which were the result of the deal are to come to terms with. First of Columbia's 50c line hit the stands several weeks ago.

Mitchell Parish, who hadn't had a hit for about three years until "Deep Purple" stands to be top royalty collector for this year. He'll get a cut on about 1,000,000 sales if his two latest, "Starlit Hour" and "Lilies in the Rain" reach 100,000 copies.

"Purple" sold 450,000, "Starlit" to the Stars' 150,000, "Lamp Is Low" 100,000, and "Annabelle," "Don't Be That Way," and "Moon Is a Silver Dollar" an aggregate 100,000. All are published by the Robbins company.

From disposing of something which later may prove an invaluable asset, one existing with the phonograph companies. Efforts have been dropped by the music publishing industry to investigate the United States Record Corp. to accept a license that would restrict the use of its products in coin-operated phonograph machines. The form issued to U. S. will contain but one restriction, the use of the records for broadcasting purposes, a condition which applies to the war of all other records of the industry.

U. S. Corp. had been discussing with counsel for certain publishing houses, which would use the ban on coin-operated machines, but it was agreed last week that United's sales interests would be impeded if the ban alone were a party to this restriction. Though unsuccessful through the music publishing industry, the U. S. Corp. is now turning to other means to restrict the use of its records in coin-operated machines, since the latter caters to multiple persons in place of one person operated for profit.

2007/07/05

Majestic, Bklyn, Cast Left Holding Bag for Salaries

Performers at the Majestic, Brooklyn, which had a quick vaudeville career before last, claim to be still waiting for their cash. None of them was paid off after the show, unveiled on Sept. 15, played through to the following evening and failed to relight thereafter.

Forty-eight actors, singers and showgirls and eight men in the pit orchestra are out almost \$1,000. Producing stage manager and press agent are also unpaid, although ushers, projectionists and other house employees were taken care of by the house manager from proceeds of the box office for the two days of operation.

Promoter of the show was John Head, who informed members of the company he was from Ohio, where he produced similar shows, but it is said by Tom Phillips, big agent of the Brother Burlesque Artists' association, in New York to be a member of that organization. He got the house on a split with the girls.

With their week not up and pay day not scheduled until last Thursday (31), members of the cast reported for work on the preceding Monday only to be told by Head there would be a slight delay because the American Federation of Musicians and the IATSE were demanding that a bond be posted.

Head said he was going into Manhattan to get the coin for the bond and would be right back. As far as is known, that is the last time most members of the company saw him.

Most of the cast in the combination vaude, musical revue and burlesque show were non-union. Three members of the BAA, who inquired at the org's office before entering the show, were told to take the jobs at their own risk. Rose Gordon produced the chorus numbers.

Treasure Island Follies (ROXY, SALT LAKE CITY)

Salt Lake City, Sept. 24. Helen Werthe, Harry Savoy, Miles & Durne, Two Rover Boys, Treasure Island (4), Blue Floor's house band (5); Navy Secretes' (Mono) and Gateaux' (20th), dual.

A gazman-m.c., not new to regular parties, this vaudeville, shares spotlight honors with a semi-nude dance. The latter, in a black, Current fisher introduces line of six chorines who click in their precision dancing, m.c. duties here handled by Savoy.

Harry Savoy, Coast comedian, who handled a similar show here some six months ago, returns with a new number, m.c. duties here handled by Savoy.

Bill Floss's house band, c stage opens with a pop tune which paves the way for the chorus. Each member of the sextet works hard and the result is a pleasing array of soft show, topped, aided in appearance by attractive costumes.

Savoy's initial showing is marked by a song, m.c. duties here handled by his pins serves as a buildup for the Two Rover Boys, a Mutt and Jeff comic.

Savoy on next with an unnamed girl. Sinit is nearly all gagging and the dance devoted to the zany expressions of the femme. Regular customers instantly recognize several situations which Savoy uses, but the greater portion of his nine-minute appearance is predominantly new to hometowners. Choicest smile-developer is being about how an Indian lost his color while continually fading in a crip game.

Two husky-voiced femmes, Miles and Durne, on next with several pop songs. Backing on tricky licks and w-a-d-a, girls' treatment of 'I've Got Rhythm' smacks interestingly of unique chorale rhythm. In only one department do they falter—m.c. duties.

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Two husky-voiced femmes, Miles and Durne, on next with several pop songs. Backing on tricky licks and w-a-d-a, girls' treatment of 'I've Got Rhythm' smacks interestingly of unique chorale rhythm. In only one department do they falter—m.c. duties.

Miss Werthe's second appearance is marked by a song, m.c. duties here handled by her pins serves as a buildup for the Two Rover Boys, a Mutt and Jeff comic.

Hale Girls Due Back

Italy is the only country in Europe running normally, according to Jim Wittered, director of a troupe of Chester Hale Girls who closed at the Lido-Venice Sept. 17. Both he and the girls are en route to New York, due in next Monday (2).

Matha Merryfield, featured American act who appeared at the Lido, elected to stay in order to star in a new revue which opened at the Olympia, Milan, Sept. 17.

Orpheum, Mpls., Cutting Mat. Scale to 35c Top Despite Indies' Squawks

Minneapolis, Sept. 26. With Chester Morris as the 'Bon-Air' show, starting Friday, the Orpheum here is reducing its vaudeville matinee prices to 25c to 1 p.m. and 35c from 1 to 5 p.m. Scale for past several years has been 35 and 40c, respectively. Admission starts 5 p.m. remains at 55c.

Action is getting a rise out of independent exhibitor organization, which previously had waged a successful fight to get vaudeville prices boosted from 25-35-40c to 35-40-50c. The fight involved a boycott of RKO product.

Inasmuch, however, as the Minneapolis theatre has a 15-25-30c scale for its vaudeville shows, Orpheum feels justified in making the slight matinee cuts. Protesting indie nabe exhibitors, who have claimed they couldn't exist with straight sub-gal-run film at 25c, in the face of combined first-run cinema and stage shows at low admissions in the loop, have been so informed.

Two Philly Niteries Newly Refurbished

Philadelphia, Sept. 26. Two niteries are displaying brand new fronts this week.

Frankie Falmouth, in Philly's Latin Quarter, underwent Monday night (25) with a new cocktail room and a redecorated dining room and new stage.

Irvine Wolf's Rendezvous has been redecorated. Musical Bar, and reopened tomorrow night (Wednesday). A 60-foot circular bar has been installed on the site of the dance floor. Instead of the old policy, Wolf will have a small band and two acts, a continuous show from 9 p.m. to closing.

Weiss' Bkptcy, Listing \$145,841 Debts at N. Y. H'wood, Marks Finale of Lavish Niteriy Epoch

Max Adkins New Leader At Stanley, Pittsburgh

Pittsburgh, Sept. 26. Max Adkins, sax player and arranger for WCAX Airlines, staff band at that station, has been named conductor of house orchestra at Stanley theatre, VB deluxer. He replaces veteran Dave Broudy, latter stepping down on his own request after more than 20 years of bawling for a first violinist's berth.

This summer to study and has since been replaced as arranger for Airlines by Joe Schafer.

COAST NITERY TRADE SCUTTLED BY HEAT

Hollywood, Sept. 26. Night club biz last week passed through its most agonizing period in the memory of the earliest ringster. Seven straight days of better than 100 degrees temperature, with little relief at nights, just about doomed any chance of a turnover. Few of the spots are air cooled and tourist trade is in-between seasons, the next big influx being for the Santa Anita race season at Yule time.

Most of the bistros were operated by skeleton crews and talent costs were shaved to a minimum. Weather respite came with Sunday's (24) storms.

2 Dallas Spots Renew Former Niteriy Policies

Dallas, Sept. 26. Rapidly booming niteriy biz here, which has resulted in opening of several new spots, has drawn two older back to original policies. Lou Bovis, of English Village, has dropped the strictly dance idea and returned to melodrama. 'Nellie, the Drunkard's Daughter' is the opening opus.

Ab Weinstein has opened his 25 Klub, temporarily shuttered, with floor show which includes three femmes from Casa Manana cast, billed as Three Flashes. Hy Stein's org is playing this spot.

The voluntary bankruptcy petition by Nicholas A. Weiss, listing \$145,841 in debts for the Hollywood restaurant, extinct Broadway niteriy, marks the end of an epoch in Main Stem niteries, according to the show bun. Still current are such spots like the Paradise, International Casino Billy Rose's Diamond Horseshoe and Cotton Club (latter colored policy), but it's no secret that the first two haven't been doing too well.

The ever-growing dissipation vogue augurs an increasing tendency by the customers to make their own fun while hoofing on the dance floors. Exceptional spots like the Stork, 21, Morocco and Monte Carlo are celebrity and socialite haunts, where the others come to gaze and gawk. For the main, therefore, a couple of good bands and some light divertimento seem to have eclipsed the elaborate floor shows.

The Hollywood's \$150 table d'hôte with an elaborate menu and three bands didn't click after a couple of reorganizations. The Paradise had one of its best revues this past season, but the N. Y. Fair influx didn't come up to expectations. The International Casino, with Alex Pink and a fresh Boston bankroll, topped all shows with a lavish Georgie Hale revue that cost plenty.

Rose alone has a real crack at his Horseshoe. The Harlemaque Cotton Club did well, but then eased off and is currently bridging the gap with a vaudeville show until Louis Armstrong, Stepin Fetchit, et al., come in next month. Cab Calloway is taking the current 'Cotton Club on Parade' into the presentation houses, and Bill Robinson is anchored at the Fair in 'Hot Mikado', from where he had been doubling into the C. C.

Who, who lists himself as a designer, for the restaurant business, filed his voluntary petition of bankruptcy the N. Y. federal court Friday (22), listing \$250 in assets against \$145,841 in liabilities.

Among creditors are the Maxwell Co., Inc., and M. Brenner for fixtures and equipment, \$10,000; Local 802, American Federation of Musicians, \$8,000; Pauline, the Hotel Elvira, \$20,000 on a note; the Atlas Ad Co., \$5,000 on a note, and the Hotel Edison, \$1,000, for services rendered.

WILLARD & STEWART

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And Tomorrow

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Best Coffee in England
QUALITY INN
Leicester Square
LONDON, WEST-END

The THEATRE OF THE STARS

Maryris Chaney in Hat

Business on the Side

Maryris Chaney (and Fox) has a millinery store in San Francisco, and says she will open one in each key city the team plays, leaving managers in charge.

Team recently closed a date at the Mark Hopkins Hotel, S. F., and hops to the Clover Leaf Club, 49 miles south of S. F.

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THE REAL THING COMES ALONG!

and his "CLOUDS OF JOY" featuring

MARY LOU WILLIAMS JUNE RICHMOND
PHA TERRELL and FLOYD SMITH

The greatest array of musical and entertainment talent ever! No wonder they're breaking records everywhere ... they're coming up like a comet!

LOEW'S STATE, NEW YORK, WEEK OF SEPT. 28

PERSONAL MANAGEMENT: JOE GLASER DECCA RECORDS

Glaser-Consolidated, INC.

30 ROCKEFELLER PLAZA, RADIO CITY, NEW YORK

Orlando Oro	Katie, Jack & Ralph
Neah	Pattie Cranford
John's Grille	Boyle & Varian
John's Grille	Haydon & Phillips
John's Grille	Stad Golden
John's Grille	Elmer
John's Grille	Tecora Rudolph
John's Grille	Robert Mutchman
John's Grille	Yacht Club
John's Grille	Jimmy Bentley
John's Grille	Katie Helmberg Oro

MILWAUKEE

James Club	Chas. Parca
James Club	Wally Valencia
James Club	Claver Club
James Club	John Bryant Oro
James Club	Paul Heath
James Club	Paula Roberts
James Club	Mary Roberts
James Club	Chas & Ruth
James Club	2 Ladies
James Club	Rick
James Club	Club Forest
James Club	Virginia Grey
James Club	Madeline Dickson
James Club	Heide Kovo
James Club	Wally

Revision of Equity's Agcy. Rules Gets Precedence Before Council

Disposition to revise Equity's regulations concerning casting agents was clearly indicated last week when the association's council met to make the subject the special order of business at this week's huddle. Motion was to reconsider the rules governing the licensing system and its limitations, also the rules which were imposed last season when the agents not only failed to get concessions, but were placed under stricter control.

The present system is compared to the Volstead Act of prohibition days and those in favor of making changes declare that it is similarly unenforceable. Principal revision intended is to "legalize" the 10% commission for most engagements, instead of the present 5% limit, which many agents feel is inadequate. Salaries should be reduced.

Equities who demand that the rules be brought up to date are not exactly altruistic in their efforts. They say that managers are being put at a disadvantage under the present system. Explained that there are two classes of people, namely those who do more than the rules permit and those who do not because they fear detection and possible prosecution.

Discrimination
The result is one actor is played against another, unwittingly sometimes, and with a ready-made class is bound to suffer. Indicated discrimination in the placement of players is claimed. The average player, 10% or possibly more commission getting the berth. It is believed that if the fee to agents were doubled from the current 5%, such a condition would be eliminated.

Stated that changes in costs are often made during the probationary period. It contended that in some instances, at least, the changes could explain whether one actor agreed to pay more than the player originally named or not. Any such arrangements are necessarily verbal, with the latter unable to definitely explain his agreement.

There are a number of well-known on Equity's council, of course, and some of them are. Evidently they are privately aware that the percentage payment is, but necessarily remain silent, because implication of breaching the rules would bring about the strict discipline which officials of the association have often threatened to mete out. Regardless, they are convinced that more than 5% commission is being paid by any number of members.

Last season, when the move to obtain concessions was made, it was activated by the agents, but their fingers burnt, the agents do not openly figure in the revived effort, which appears to be promulgated by the actors themselves.

Equity Meeting
Equity's first quarterly meeting of the season will be held at the Astor hotel Friday (29), with Bert Lytell, the new acting president, slated to preside.

Proposed changes to the casting agency rules are being ordered by the council among the principal topics to be discussed.

SAN CARLO TEES OFF CHI AUD'S 50TH YEAR

Chicago, Sept. 26.
The Auditorium begins its 50th anniversary season Oct. 10, when the San Carlo Opera Company opens its tour here. Despite the length of time the house has been operated, it is still regarded as the best of its kind, house for comfort and acoustics.

San Carlo is starting considerably earlier than last season. It will be the outfit's 29th tour.

B.O. Men Switch

Changes in several Broadway box-offices have been ordered by managers and more are anticipated. Eddie O'Keefe, switches from the Plymouth to the Grand, replacing Dick Moon, who is expected to be assigned another berth. Arlie Wright, who is leaving the Biltmore, replacing Herman Fuchs. Louis Harris remaining as assistant.

Al Hildreth, now at the Majestic, moves to the Longacre, soon to light up with "Three Sisters."

REORG SWING 'MIKADO' AS STOCK COMPANY

The West Coast "Mikado" in San Francisco closed its Los Angeles after playing six weeks at the El Capitan, will be reorganized by the "Mikado" stock company, then going on a stock basis with the consent of Equity. Showman reported that he is to be allowed to play three performances on Saturday, with the Wednesday matinee out. Equity replied that in light of concessions already made, a third Saturday performance would require an additional one-tenth salary.

Under stock conditions, show can play 10 times weekly, but not more than 10 days a week. The salary will be reduced from 70 persons to 40, orchestra will be cut and so will the hotel tour, required under stock basis. Clorus will receive \$30 weekly as against \$35, which is the scale for shows on a production basis.

Syracuse's Little Theatre Group Set For Pic House Series

Syracuse, Sept. 26.
Solution to the woes of various amateur theatrical units throughout the country may have been reached by the Little Theatre here, which has just completed arrangements with the Pic House, managing director of RKO-Schine Theatres here, for a series of one-act presentations at the Paramount theatre during the next 10 months.

The one-act plays, the nearest approach to legitimate stage comedy the city so far this year, will be presented in conjunction with the regular Little Theatre productions, on alternate Wednesday nights. The move apparently solves the need of a theatre for the amateur performers and also gives LITTLE an added attraction.

First offered by the Little Theatre outfit is "Upstage," listed for Oct. 11.

B'way Turns Out For Vallee Legier, But Ultra Strawhat Proves the Star

By HERR GOLDEN

MILBURN, N. J., Sept. 25.
Large Broadway mob that turned out for Rudy Vallee's legit debut in the metropolitan N. Y. area tonight (Monday) at least had a chance to give its initial oar to the luxurious Papernill Playhouse. Event was to measure the introduction for the Manhattanites to a pair of curiosities, Vallee as a legit star, and the ultra straw hat, the touring troupe.

The 700-seat auditorium, with its complete air of comfort. From its resplendent lobby, paneled in natural wood and heavily draped with the large, comfortable seats and white aisles, there's a complete feeling of comfort. The ultra straw hat, which has its first production, an immediate edge.

The playhouse, opened by Frank Prentiss, is the outgrowth of the New York City theatre. The touring troupe started 10 years ago. Antoinette started in 1929, when it was the New York (N. J.) Evening News, became interested, and in 1934 the paper and the theatre were landmark, was purchased. The lobby represents the old mill proper, the ultra straw hat, which has its first production, an immediate edge.

Current Road Shows

(Week of Sept. 24)

"My Dear Children" (John Barrymore)—Selwyn, Chicago.

"Ladies and Gentlemen" (Helen Hayes, Philip Merivale)—Forrest, Philadelphia.

"Tonight We Dance" (Ruth Chatterton)—Hanna, Cleveland.

"The Man Who Came to Dinner"—Plymouth, Boston.

"I Married an Angel"—Royal Alexandra, Toronto.

"Hamlet" (Maurice Evans)—McCarter, Princeton, N. J. (30).

"The Merry Girls"—Shubert, New Haven.

"Skyline" (Gertrude Lawrence)—Nixon, Pittsburgh.

"Theodore Reed"—Memorial Hall, Salina, Kans. (25); City Aude, St. Joseph, Mo. (25); Liberty, Kansas (25); Municipal Aude, Kansas City, Mo. (28-30).

"Desert Song"—Curran, San Francisco.

"The American"—Theatre, New York.

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14 Theatres Operating, Yiddish Legit Hopes to Climb Out of Last Year's Bog

By NAT KARN

Yiddish legit 1938-39 season will be operating at full blast within the next couple of weeks, when 14 theatres in the U. S. and Canada will be operating. Eight are in New York; the others in Chicago, Cleveland, Philadelphia, Newark and Toronto. Another will function in Toronto.

Production schedules this season will be considerably heightened over last year, which saw the most disastrous recent season in the history of the Yiddish theatre in America in point of production and box office.

Heading the N. Y. list, as usual, will be Maurice Schwartz, operating once more from the Yiddish Art theatre, formerly the Johnson. First on his schedule will be "Salvation," Schwartz's adaptation from Sholem Asch's novel, which he's staging and in which he'll star along with his niece, Miriam Risale; Anna Appel, Max Schwedl and Ben Shimon. Schwartz was formerly with the Theatre Guild. "Salvation" opens tomorrow night (Thursday). Also scheduled for this season is "Ederke," by Aaron Zeitlin, which Schwartz had intended doing last winter, with Miss Risale in the lead role. Production of "Ederke" is being urged upon the stage of "Salvation."

The downtown National will also have the same line-up. First, I. J. Singer's folk play, "Chaver Nachman," dramatized from his novel, "East of Eden," Jacob Ben-Ami and Yiddish Schwartz will stage and star, being supported by Ludwig Satz and Celia Adler. Satz has been absent from the Yiddish stage for several years, while last year Miss Adler was with the Irving Place group.

At the 2d Ave. Saturday (30), Nuchim Stuchkoff's "In a Jewish Kitchen" will be the main attraction. Rosenberg, Judah Bleich and Wolf Barzel heading the cast. Stuchkoff last year was the author of the Irving Place theatre's long-running "Round the Family Table," best of the usual stock last season.

The ambitious Art theatre, cooperative, which last year didn't operate for lack of proper scripts, will be going into its 15th operating season, sponsored by the Dramatic Art Theatre Association. Its intailer will be "Clint Eastwood" at the Mercury in midtown Manhattan, a dramatization by Louis Miller of Chaver Paver's book on the East side. The script won the first prize of \$300 in the Art play contest last year. Lem Ward, who staged "One Third of a Nation" and "Awake and Sing" (in Yiddish) for the Federal Theatre, will be directing the production, which is described as a Yiddish "Dead End." The Art group is mounting a subscription basis, debuting the week of Oct. 9.

Brooklyn and Bronx
In Brooklyn, the Hopkinson and Kaitz are again operating, with Grossman and Diana Goldberg (Mrs. Grossman), with Julius Nathanson's "Theatre troupe last season, heading the unit presenting shows at the Hopkinson. Their opener is "The Premeditated Murder" (21). In the Bronx the McKinley opened the same evening with "My Mother's House," which was the first to get on the bandwagon, started Sept. 15, with "The Iron Horse" in the lead. The troupe is headed by Michael and Mary, with Michael Michaelsohn, are in for a season, opening Saturday (22). "My Mother's House" was served as a Jennie Goldstein vehicle for a limited run last year at the National. Now it's headed by the people's Julius Adler, Henrietta Jacobson, Hyman Fritant and Jacob Sussanoff head a local stock company,

which premiered also Saturday night (22), in Detroit.

Herman Yablitchoff and Bella Meisel are running stock at the Met, Newark, N. J., which is operating under way at the Manhattan, Cleveland, and the Dinah Concert Hall, Toronto.

Particularly marked this season will be the maintained shuttling, as far as the Yiddish theatre is concerned, at least, of the Public, on Second avenue, more often known as the Broadway of the Yiddish theatre. This would be the first time in the history of the field in this sector that the Public will not be open for Yiddish shows. Marked, too, is the lack of inactivity in Boston and Philly, once outlying Yiddish theatre towns. This marks the second straight season that both will not have permanent theatre.

Heading the Yiddish theatre in the height of Yiddish legit activity, about a decade ago, there were about 24 permanent Yiddish theatres. In Gotham alone. Also, for the first time in the history of the Yiddish theatre, there will be no theatrical on Second avenue. Yiddish vaude bowed recently at the Clinton Street, where it had been operating for years, run permanently with a Yiddish legit star policy.

BROADWAY PRODUCTIONS JUDGE 'ABE' CONTEST

Evansville, Ind., Sept. 26.
Arthur Hopkins, John Galt and Arthur Hammerstein are the final committee in the Lincoln play-off. The contest is sponsored by the Southwestern Indiana Civic Assn.

First prize, for the best play on the Broadway of Indiana, age 7 to 21, will be \$1,000.

Contest was inaugurated in 1934 and 1935. In 1936, 1937 and 1938, the association committee, Mrs. Bess Eirman, Rockport, Ind.; Mrs. F. J. Fortney, Indianapolis; and Karl Kae Knecht, Evansville, Ind., selected 20 which have been sent to the judges for their selection.

In addition to the prize money, the author will receive 75% of royalties that would come from any stage or picture production, the remaining 25% to go to the association.

'Three Sisters' to Solo On B'way After All

Yen by three different producing outfits to present Chekov's "Three Sisters" in the Yiddish theatre, the Surry Playhouse, sponsored by Dwight Deere Wiman, have their version in rehearsal and it will open at the Longacre, N. Y., about mid-October. Cheryl Crawford planned doing the play, but she was not in the idea, with others entering the field.

The Theatre was to have started the season with its "Sisters," but early this week announced a postponement of the play. The play, which has a light, Group sought a concession in the matter of rehearsals from Equity, but was turned down.

Boris Bernardi Broke

Boris Bernardi, known as Boris and known as Boris, was declared bankrupt in N. Y. federal court yesterday (Tuesday), listing assets of \$800 and liabilities of \$4,612.

The bankruptcy is the first of its kind in the theatrical management formerly employed by Academy Management Corp., and now by Jafer Management.

Creditors include 10 actors with royalties at the Hebrew Actors' Union.

Lawyers Turn Theatres

"Court Street," drama treating problems of the legal profession, by Arthur Miller, will have a two-day run at the Heckscher theatre, N. Y., starting Oct. 21. Sponsored by the National Lawyers Guild.

Play is said to be the first full-length drama ever written by a lawyer association. Cast and director, Julius Cohen, are all practicing attorneys and members of the Guild.

Fleischmann Donates \$250,000 to World Arts, Ballet Ruse Producer

Julius Fleischmann, of the yeast clan, has contributed a sum understood to be \$250,000 to World Arts, Inc., producing company for the Monte Carlo Ballet Ruse. This gift to the ballet was passed out by Fleischmann once before. He is expected to arrive in New York from his home in Cincinnati today (Wednesday) to make the formal presentation of the coin.

American ballets are burning at

Fleischmann's tremendous philanthropies to a foreign country. They feel it makes it almost impossible for them to compete. Ballet companies, ordinarily with a good break, can just about come out even on operating expenses.

Fleischmann coin, however, will help a good many American tapers this year, particularly men. Many of the Ballet Ruse's stellar European figures have been called

to their countries' colors, or for other reasons are unable to appear in America. Leonide Massine, Ruse director, last week held auditions at the Met Opera House, N. Y., for American dancers.

American ballets are also squawking about pressure on them from the American Guild of Musical Artists, to which dancers belong, while foreign ballets are not organized. They claim AGMA is pushing up costs to such a degree that it is necessary to curtail tours. Ballet Caravan, which formerly had a tour before Christmas and another later in the winter, will compress its sked into one fall trip. It can't guarantee cash enough work during the second portion of the season. The AGMA is planning a layoff by AGMA during the holiday period.

Inside Stuff—Legit

The Empire is claimed to be the only legit theatre on Broadway that is self-sustaining, regardless of the number of weeks the house is successfully operated during the year. Most lucrative adjunct to the house itself is the store adjoining the entrance, occupied by a shoe company which is \$50,000 annual rent. Idea of financially protecting the property was Al Erlanger, who built the theatre, with his business partner, Al and Charles Frohman, headquartered in the offices upstairs, which also provide revenue. These showmen, all deceased, were prominent in the former Klax & Erlanger theatre. Property is owned by the Hayman heirs, with Lester Myers the manager.

Arthur Hammerstein, in building the Hammerstein theatre at 53d and Lexington, New York, erected the first five-story building which was figured to more than carry the theatre, but a slump in realty work was out. Fortune Gallo, too, built a theatre-office building, now called the New Yorker, nearby, and was similarly unfortunate.

Though still billed in the Alvin, N. Y. program, Raymond Middleton is out of Scandals! Bartlett's principal assignment, "The Pan Alway," which is the first act finale, is being handled by Craig Mathews, new to legit. Mathews worked at a Pennsylvania resort during the summer and, after auditioning, received a five-year contract from George White, revue's producer.

The Knight Sisters were out of the show last week, one having injured her shoulder so badly that it was placed in a plaster cast. Fee changes have been made in the routine since the show's debut.

A sudden decision of Brook Pemberton not to tour "Kiss the Boys Good-bye" again, and a subsequent release of stock rights to Clure Boothie company, has brought swift in Pittsburgh Playhouse's opening plans and local community theatre will get their hands on "Kiss the Boys Good-bye" (Boy Meets Girl), as previously announced. Fred Burleigh, who took over direction of South Shore Players at Cohasset, Mass., alone upon death of Alexander Dean, is back again this time as Playhouse's general director, landing a new contract with pay tilt as result of successful 1938-39.

Alexander Woolcott attended the first performance at Hartford Saturday (22) of "The Man Who Came to Dinner," the acting version of the pen picture of himself, written by his pals, George S. Kaufman and Moss Hart. Former critic was to have played the lead, but elected instead to go on a lecture tour this fall, the part going to Monty Woolley.

"Dinner" is a laugh show and was highly touted after a private performance at the Music Box, N. Y., last week. Attraction is currently in Boston. Due at the Music Box in two weeks.

Julie Le Gallienne, 82-year-old mother of Eva, is due in New York aboard the liner Manhattan and may remain for the duration of the war. She translated a number of Ibsen plays in which her daughter appeared and up to departure from London was still actively doing newspaper work. She was wed to Richard Le Gallienne, author and poet.

Louie B. Lurie, wealthy San Francisco realtor and showman, has been humorously to a friend in New York. He has been with after three doctors ciphers a day. He expected his smoking allotment would be reduced to 20.

Lurie is due east soon to rest indefinitely from business routine.

Judith Abbott, 17, daughter of producer George Abbott, is recovering from an appendectomy at her home in Rochester, N. Y., after which she will enter the American Academy of Dramatic Arts in New York City. She has changed her mind since two years ago, when she scorned a theatrical career, saying the theatre did not thrill her a bit.

Bartlett's Frisco Debut Marks Opera Debut

**'AIDA' OPENS SEASON
OCT. 14, ST. LOUIS**

Michael Bartlett, musical comedy and picture singer, will make his operatic debut, Oct. 21, with the San Francisco Opera Co. in "Don Pasquale." He'll subsequently sing "Manon" with the same outfit.

He'll give his first New York recital in December at Town Hall.

**St. Leo Aud. \$26,000
In the Red in '38-39**

St. Louis, Sept. 26. The \$700,000 Municipal Auditorium—was operated at a deficit of more than \$26,000 during the fiscal year of 1938-39, according to a report made by James E. Darrah, manager. This is the largest annual deficit incurred since the building was opened about 10 years ago.

One of the reasons attributed by the Auditorium Commission for the red ink is the increased number of cello events held in the structure.

ENDOWES N. O. MUSIC

Mrs. E. G. Rogers Paying All Expenses for Free Concerts

New Orleans, Sept. 25. This city has a "fair godmother." She is Mrs. Edgar G. Rogers, of Dallas and New Orleans, and she has big plans and the money to carry them out. She is giving this city good music and concerts by noted artists, all out of her own pocketbook. No admission fee is charged. The concerts are being held in the Municipal auditorium.

"Some people like to build hospitals, or churches, or schools to make people happy," she says. "I myself have donated to such causes. But I think the world needs music, especially now."

The first concert went on the boards at the auditorium Sunday (24), with Ole Windstad, a Norwegian composer, directing a symphony, with Paul van Katwijk, pianist, and Philip Williams, violinist, as soloists.

St. Louis, Sept. 26.

The fall season of the St. Louis Grand Opera Association, a non-profit organization, will get under way Oct. 14 with Verdi's "Aida" as the first of five operas to be presented in the Municipal Auditorium opera house. Others to follow are "La Boheme," "Pagliacci," first title presentation of "Amelia Goes to the Ball" and "Siegfried." Initial effort of the season was made last spring.

Management has announced that a guarantee fund has been obtained to cover any deficit during the fall season and that of next spring. Guarantors of the first try received back all but 1/5 of the \$200,000 guarantee it's reported. The admiral scale at all performances will be scaled from \$1 to \$5. New York's Met singers will be engaged for lead roles, namely Nino Martini, Bruno Sastana, Frederick Jacobi, Carlo Zucchi, John Gunsey and Bida Cayaga.

Indpls. Opens Oct. 23

Indianapolis, Sept. 26. Concert bookings, starting Oct. 23 and running through April 8, are set for the English theatre.

These due for local appearances are Bida Sayag, Vronsky and Babin, Fritz Kreisler, Vladimir Horowitz, Jossé Ballet, Rose Bampton and Nino Martini. Tickets for all six concerts go at \$12.50 top.



Met: LOU CLAYTON

1938-CELEBRATING OUR FIRST YEAR-1939

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Reed, Dean and Reed
Shirley Wayne
Bergh and Moore
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Mary Barth
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Phyllis McBride
Bobby Barry
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Earl Robinson
Alfred Hayes
Paul Mann
Stephen Wells
Mary Sutherland
Joe Wang
Helen Felix
Helene Eckland
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Margaret Bacon

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Karl Lynn
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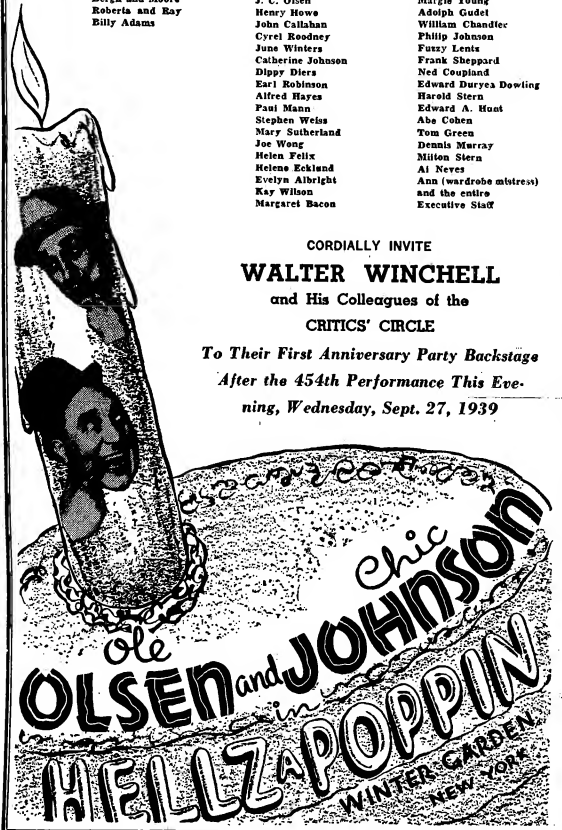
WALTER WINCHELL

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CRITICS' CIRCLE

To Their First Anniversary Party Backstage
After the 45th Performance This Eve-

ning, Wednesday, Sept. 27, 1939



Frisco Heat Socks B.; Desert Revival 10G, 'Cavalcade' \$21,000

San Francisco, Sept. 26. Summer returned to the Coast with a vengeance that sent the thermometer into record highs. As a result nearly everything in town has been crimping. Desert's "Cavalcade of the Golden West" and "Poles Bergette, at the Fair, were hit especially hard. Desert, which has been revived at the Curran with its original Coast, had a last week's Pery Ashken, ended the first week fairly well.

Estimates for Last Week (REVIVAL)
 "Desert Sings" Curran (1st week) (\$1,700, \$155). Revival okay. Romberg opera has been given an excellent production. Take of \$10,000 won't show much profit.

Treasure Island
 "Cavalcade of the Golden West" Cavalcade (1st week) (\$11,100). Show has a nut of around \$5,000, so \$12,000 on the profit side though quite a drop from recent levels. On "Poles Bergette," California Auditorium (7th week) (\$3,300, 75c). Another big drop recorded last week. Takings in the name of \$13,000. "Bergette" is said to have a guarantee of 12 weeks at the Fair. Not is around \$10,000.

ROBT. LOWE DIES; EVIDENTLY SUICIDE

Robert Lowe, 64, who had a long and varied career on the legit stage, was found in the kitchen of his home at Staten Island last Thursday (21) with the gas jet of the stove turned on. He had been indicated by his last engagements were with the WPA theatre project and it is believed that he became despondent when the relief theatre was discontinued by Congress.

Lowe's career dated back to the road company of "The Girl I Left Behind Me" in 1927 he appeared in "Dear Me," followed by "Keep It to Yourself," a George Broadhurst attraction. For five years he has been with John Golden, appearing in "Lightning" and "Seventh Heaven." Another appearance was in "Dear Me to Home," along with two Theatre Guild attractions, plus stock engagements in Washington and Cleveland.

Younger actor named Robert Lowe with Golden shows died a year or so ago.

Kay Sutton Lands Role in 'Du Barry'

Hollywood, Sept. 26. Kay Sutton gets the femme heavy role in the Buddy DeSylva musical "DuBarry Was a Lady" set to stage on Broadway this fall. Rehearsals start Oct. 1.

The recently filmed a role in the Universal picture, "Man from Montreal."

Engagements

Violet Henning, "Saturday night." Bert Lytle, "Lief Erickson," Philip Coodige, "Margin for Error." Patricia Thatcher, "Road to Rome." Uta Hagen, "Key Largo." Laurette Taylor, Florence Reed, Herta Ellertse, Louis L. Lorraine, Daney, Diana Barrymore, Reynolds Denning, Henry Richards, Stephen Courtois, "Outward Bound" (road) (complete cast).

Eddie Dowling, Julie Haydon, Horne Allen, Donnell Fox, Curran, Conway, Edward Andrews, Charles de Schied, Reginald Beane, Neve Vibber, Martin Rife, John Golden, Stephen, George Burgess, William Bede, Katherine Rahl, Mchelle Buden, John O'Mara, Evelyn Geller, Randolph Wade, Dorothy Francis, Mary Cheffy, Will Lee, Charles Henderson, Ben Ros, Carl Malden, Richard Benedict, Ross Bagdasarian, Loren Gorge, "The Time of Your Life" (complete cast).

Patricia Waters to replace Dorothy McGuire in "My Dear Children."

Glenda-Brief Moment' Poor 3G, Maplewood

Maplewood, N. J., Sept. 26. "Brief Moment," starring Glenda, did not do as well at the Maplewood last week, despite good reviews.

Estimate for Last Week
 "Brief Moment," Maplewood (1,840, 25-31). Did under \$8,000, poor.

Chi Perks Up; 'Comedy' Set, 'Children' 13G

Chicago, Sept. 26. Lagged season is picking up. Another item has been set, with "No Time For Comedy" dated into the Harris for Nov. 6, following stay of "Tommy We Danced."

At the same time, Barrymore show, "My Dear Children," started during the delay. After the delay and layoff due to a Barrymore indisposition. On its most recent night, the show was advertised as "last weeks," but business boomed to such proportions in the last few days that last-week's notice was withdrawn and a fifth month "tag" substituted. "Mamma's Daughters" returned to the Grand on Monday (23) as the first engagement of the season and figures for okay stay on advance press building of the season and figures.

Auditorium also rights next week for nine days of the San Carlo pop-opera, which always does well in the \$4,000-seater.

Estimate for Last Week
 "My Dear Children," Sylvania (19th week) (1,000, \$275). Smacked home with healthy \$13,000.

Phil Reagan East On Three-Way Deal

Hollywood, Sept. 26. Phil Reagan motorized east for guest shot with Alka Seltzer in Chicago last night (Monday), proceeding to Washington and New York for personal.

He due to start rehearsals in New York for "DuBarry Was a Lady," which will co-star Ethel Merman and Bert Lahr.

Future Plays

"Salon in the Fantasy," comedy by Theodore Tiller, Jr., and Doty Hovart, has been bought by the Star Line. Star West will direct and a Broadway premiere is planned for autumn.

"Reglar Genies," comedy by Paul Barry, will be tried out at the Bar Plaza Playhouse, N. Y., Oct. 12-14.

Hereafter, Mrs. Patrick Crowley, new play by Doran Hurley based upon his own novel, is tabbed as a November New York hit, although her schedule of Hall Sheldons. Rehearsals are expected to start within the coming week.

The last-demanding celebrity-lovering townfolk, it must be said, have a very substantial ovation, even shouting for a curtain speech to which Valerie Hagen, who has been a bit of a show business, rest of the cast seemed dragged down to his level. Hagen did the play for a week at the Delectables theatre, Harrison, Me., during the summer.

'Comedy' Stops

"No Time for Comedy" ends a profitable engagement at the Bar Plaza, N. Y., Saturday (30), at which time it will have completed a run of six weeks. Attraction, starring Katharine Cornell, is one of three plays with female names which considerably strengthened Broadway's list during the spring and summer. Others which are still playing are "The Philadelphia Story," with Katharine Hepburn, and "The Little Foxes," with Tallulah Bankhead. Trio was alluded to in agency circles as the "three little maids."

"Comedy" drew consistently good grosses, although the weekly grosses. Attendance surged upward recently when the final weeks were announced and last week's takings were quoted above \$18,000. Play goes on tour.

NO TIME FOR COMEDY
 Opened April 27, '36. Opinions somewhat excepted were favorable after the S. N. Bradburn comedy, starring Katharine Cornell. Audition (Kline) termed it "Astonishingly amusing."

Variety (Thee) declared "Broadway can be said to be doing very well for World's Fair visitors."

HART-KAUFMAN TROUT OPENS

Boston, Sept. 26. "Man Who Came to Dinner," the Moss Hart and George S. Kaufman comedy, opened the new season last night (Monday), coming in for a two week tryout before its Broadway showing. Advance sales indicated a full early season for the Hub.

Oct. 2 brings in "No Time for Comedy," starring Katharine Cornell. "Too Many Girls," a new musical presented by George Abbott, with book by George Marion, Jr., music and lyrics by Max Gordon and Earl Broward, and "The Time of Your Life," another new play, by William Saroyan, starring Eddie Dowling and Julie Haydon, is slated for Oct. 16, under the Theatre Guild banner.

"Abe Lincoln in Illinois," with Raymond Massey, Edward G. Robinson, and Laurette Taylor, and "Nice Goin'," new musical by Ralph Ringer, with book by Robert Lawrence Schwab, starring Bert Wheeler and Mary Martin, are due Oct. 23. Oct. 30 brings in another tryout, "Very Warm for May," musical by Max Gordon, the 2nd, presented by Max Gordon. On the same date, "The Last Mile," such Robinson, and presented by Michael Todd, is penciled in.

Two new ones are posted for Nov. 13: "Key Largo," by Maxwell Anderson, and "The Time of Your Life," a new production by the Playwrights Company, and "The Philadelphia Story," musical by Cole Porter, B. G. Desylva and Herbert Fields, with Ethel Merman and Bert Lahr.

"Light," play by Patrick Hamilton, being a straight through in Newport, may open here in November.

Shows in Rehearsal

"Nice Goin'" - Laurence Schwab and Courtney Burr. "Farm of Three Victims" - Arthur Haines and Victor Foyne Jennings.

Three Sisters - Surry Playhouse. "Hamlet" - road. Maurice Evans. "The Time of Your Life" - with the Lunts, Oct. 12.

Estimate for Last Week
 "The Time of Your Life" (1,551, \$221). New Abbott offered by Richard Maibaum and Harry Clark; first week, with \$6,000 the count.

Time of Your Life - Theatre Guild-Eddie Dowling. "Margin for Error" - Aldrich and Meyer. "The Time of Your Life" - Theatre Guild.

"Outward Bound" (read) - William A. Brady. "What a Life," "The Master Builder," "Hedda Gabler," "On the Waterfront," "The Time of Your Life" - Legitimate Theatre Corp.

B'way at New High; Way's Final Week Tops at 34G, Heliz' \$32,000. Scandals' \$26,500, 'Paris' \$25,000

'Greeks' OK 5G, B'klyn

Brooklyn, Sept. 26. Helen Twelvetrees and Elaine Barlow, who have been in the "Word for It" at Brighton theatre at seashore last week.

Estimate for Last Week
 "Greeks Had Word For It," Brighton (1,400, \$11). Okay \$5,000.

Hayes-Ladies' Hurdle Philly's Crix, Hefty 25G

Philadelphia, Sept. 26. No question but that Philadelphia got off on the right for its new legit season. Initial show, "Greeks Had Word for It," starring Helen Twelvetrees and Elaine Barlow, despite a somewhat tepid press, rang up a first week of \$25,000, which is its first at the Forrest.

Leave it to Monday night (2) at the same house, it is Maurice Evans' uncut "Hamlet," limited to a two week run. Two performances have been sold to the Philadelphia Forum for \$35,000.

Regular scale is \$2,85 and mail order seats are very good. The show is upstairs seats again getting the call. Locust lights Oct. 9 with "Outward Bound" revival, first under Theatre Society subscription offering.

This house, instead of the Chestnut, will be the ATS home, the capacity being about 300 seats less. "Abe Lincoln in Illinois" is the ATS program will go to Forrest, as announced. There have been a few theatricals announced since last week, but the "Greeks" has not yet been announced and not likely to open until date next month.

Leave it to Me will be the city's musical, opening for two weeks at the Forrest Oct. 16, to be followed by "Abe Lincoln in Illinois" on the same date. "Abe Lincoln in Illinois" is the Forrest Oct. 16, to be followed by "Abe Lincoln in Illinois" on the same date.

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NEW ABBOTT COMEDY OK \$6,900 IN BALTO DEBUT

Baltimore, Sept. 26. Season opening last week with a George Abbott pre-Broadway comedy, "The Time of Your Life," under the curtain at the indie Maryland. Comedy, with Milton Berle and Fanny Brice, drew a strong Baltimore press and gate. No bookings or touring have been secured. Theatre Guild subscription season set for Oct. 12-14.

Estimate for Last Week
 "The Time of Your Life" (1,551, \$221). New Abbott offered by Richard Maibaum and Harry Clark; first week, with \$6,000 the count.

'Mice' N.G. in Newark

Newark, Sept. 26. At the new Adams (formerly the Shubert) Theatre, the "Mice" by Guy Robertson, did not make out so well last week. Play had been presented in the last week before Maplewood. Current attraction is "Kiss the Boys Goodbye," which is repeat in this locality.

Supermarket Playhouse, "Flight Into Night" was held over, due to booking entanglements with the Co-Op and the City. Current show is Rudy Vallee in "Man in Possession."

Showmen and ticket brokers have their fingers crossed, hoping the "Mice" will do well. The "Mice" way theatre attendance was not a temporary fluke and that it portended a new era of success. The "Mice" success finally arrive in town, the "Mice" will do well. The "Mice" is interested by the limited number of new boards.

Musicals distinctly had the advantage, but none contended with "Hellscape's" \$25,000. Although "The American Way" topped all in its first week, \$24,000. The "Mice" special played to standing room all the week.

Scandals' \$26,500, which strongly with an accredited \$25,500, while "Street of Dreams" was around \$20,000 and "Yoke Boy" over \$23,000. "Philadelphia Story" set out around \$20,000 to \$21,500 and should hold the right play leadership for some time, though several strong grossers are due to debut during October. "No Time for Comedy," which concludes at the Barrymore this week, has a high new advance among the dramas, with over \$10,000.

"The Little Foxes" climbed materially, too, and reached \$12,000. Its best mark in some time. "The Little Foxes" is carded for this week, there are none next week. "The Little Foxes" is carded for this week, there are none next week. "The Little Foxes" is carded for this week, there are none next week.

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