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48 PAGES

FILM 8-9% FOREIGN BOX

Music Pubs Slant On Radio Fees

As it figures under present ASCAP contract, a top music publisher collects around 2% of radio's total billings. The music publishers hope for a 5% basis, under the new 1941 deals, figuring this is a modest enough fee for the use of their music, since 60% of radio programs today are based on musicals.

In dollars, a publishing group like Metro-Robbins collects around \$300,000 for its copyrights. Publishers of that category figure that a \$500,000 annual yield from radio is not disproportionate.

Britain Mobilizes Its Showmen; Details of Amusement Morale

By JOSHUA LOWE

London, Sept. 15.

Show business is going into the war in a big way. In fact, in a variety of big ways. Freely recognized in governing and military quarters is the urgent need of continuity of entertainment to stiffen and increase the fibre both of the home folks and the lads on active service. This is the task performers and others of the amusement world have wholeheartedly set for themselves, while additionally, many individuals are merging themselves into the fight by enlisting for active duty in the front line or on the home sector.

Providing fun for the khaki clads is an objective of the War Office to which attention was devoted so well in advance that outbreak of hostilities was straightway followed by setting up of organizations to cater for the soldiers, sailors and airmen. So they will get drama, variety, highbrow and lowbrow concerts, films, bands and what have you, with the nation's showmen and talent mobilized to keep the party alive.

Playtime needs of that some population will be looked after, now. (Continued on page 45)

Wash. Probe Likely To Spotlight Radical Factions In Hollywood

Washington, Oct. 3.

Probe of un-Americanism and subversive activities is likely to turn the spotlight on Hollywood pink and left wing outfits, besides including attempts to find out about Nazi operations through foes of Hitlerism.

Definite plans are not made yet, but the Dies Committee, which House is contemplating calling Hollywood personalities for quizzing in the near future. Date remains uncertain, depending on completion of preliminary undercover work.

Coast witnesses are expected to be grilled this week, but indications they will not be connected with films nor discuss conditions in picture circles.

Reports that boxoffice names have been subpoenaed is premature. So far, committee has not decided what (Continued on page 46)

Church's Show Biz Lure

Minneapolis, Oct. 3.

Friends church here is running large display ads in newspaper amusement sections, asking the public to 'spend Sunday nights from now on at church' and promising films, drama and music.

The film, 'Creation,' described as 'an excellent talking' the drama, 'Honest Doc,' which the ads state is 'delightful comedy on stage.'

LOU GEHRIG MAY GO TO BAT FOR RADIO

Lou Gehrig, inactive captain of the N. Y. Yankees, is going on the radio in a script series, 'Our Coach,' intended to be a year-around show devoted to cueing American youth on all sports problems. Motif of the show is 'every kid's coach for every sport,' with Gehrig acting therein and co-authoring.

Dick Fishel, WHN and CBS' pro football sportscaster, is associated with Gehrig as co-owner of the show and its producer. A commercial sponsorship deal is on the fire. A condition of it will be a WHN outlet, in addition to other facilities because of Fishel's affiliations with that station.

NEWSREELS' ELABORATE WORLD'S SERIES PLANS

World's Series games, which start with the clash in New York today for 12 cameras, soundmen, technicians and narrators.

By using a long 21-inch lens the (Continued on page 47)

BE LIGERENTS'

B.O. WAS 17%

At Least Half of That, If Not More, Should Be Retained, War or No War—Maybe Only 25% Thereof Will Be Lost

BREAKING IT DOWN

Unless there is complete dislocation theatre business in Europe, the American picture business probably will not lose more than 8-9% of its total world gross as result of the European war. Latest survey shows that the net loss to U. S. distributors will be around 8% even if half of the normal grosses are lost in these countries.

These findings are based on the fact that normal foreign business of 10 American film companies is 35% of world total. Of this, approximately 17% of the revenue comes from foreign nations, principally England, France and Poland. Of this 17%, the full market is far from being lost entirely.

[Germany, of course, has long since been deemed a lost market for U. S. films, save for skeleton organizations maintained by Metro, 20th-Fox and Paramount. For another reason, all the majors bowed out en masse from Italy Jan. 1 last.]

Most officials believe a 50% dip in revenue from belligerent nations is large, and many feel that a 25% decline is more likely. Nor does this (Continued on page 18)

Saranac Lake Names

Park as Memorial To William Morris

Saranac Lake, N. Y., Oct. 3. Agitation for a memorial to William Morris at Saranac Lake, started five years ago by Happy Benway, is bearing fruit. The land formerly occupied by the Saranac Lake Day Nursery is being converted into a park and will be named the William Morris Memorial Park.

Property was owned by Mrs. A. W. Callahan and was donated to the village. Benway, who had brought up the matter before, petitioned Mayor Thomas Ward anew last year about a Morris memorial park. The plan was communicated with Mrs. Morris and Bill, Jr., and with their permission, the Saranac board okayed the idea when the grant of the land to the village became official. Benway, a Saranac innkeeper and an ex-vaulter, is Vaux's correspondent here.

William Morris was something of a patron saint of Saranac, taking part in all of the village's charitable and civic activities. The Morris' Camp Intermission at Saranac is still the summer home for the family and a host of friends.

See Restricted Travel Abroad

As Boon to American Resorts

The Kitchen Time

Bobby Robinson (and Martin), dancer, returned Saturday (30) from Europe on the U. S. liner Manhattan, following his femme partner by one week.

Unable to buy passage on the boat, Robinson joined the crew as a dishwasher. Not only didn't he have to pay a fare, but received \$50 salary for the kitchen chore.

Nitery agents are already working on talent lineups for Florida, Havana and Southern California, on orders from cafe managements which anticipate a bull season this winter. It's all part of 'see America first' for vacation purposes, now that European travel is cold. With the gambling lure, the Cuban capital, as the self-styled 'little Paris of the western world,' is counting on plenty, particularly since the British West Indies will be no further lure, in view of the sea hazards for belligerent vessels.

Miami last year clamped the lid on gambling, but several spots operated outside the city's limits and will do so again this year. It is believed that Miami itself will relax when the tourist rush becomes clearly evident.

Canadian resorts likewise expect to benefit, but probably not very much until next spring and summer seasons that are more feasible for those traveling Honolulu is another spot that should be hyped. Fear of submarine warfare, even though traveling on neutral vessels, may militate against Hawaii.

THEATRE PARTY REVENUE UP ON B'WAY

Although production on Broadway has been slow in getting started, theatre party people have been making ticket deals considerably in advance of slated performances. They are particularly active in taking over the house for preview performances and the price of such parties has jumped considerably.

For instance, one straight play with a cast sans names brought \$1,500 for a preview. Manager of a musical, which will not open until next month, asked \$2,500 for a preview performance, but agreed to accept \$500 less. Some previews are held for attractions which do not book regular salaries, except when such showings are given before 100% gratis audiences.

Most of the fall's attractions appear to be passing up 'cold' debuts and are booked outside the city. Previews or dress rehearsals call for regular salaries, except when such showings are given before 100% gratis audiences.

ABBOTT & COSTELLO'S AIR-LEGIT SHUTTLE

'Streets of Paris,' Broadway musical, may have to retooling its runoff Friday nights because of the spotting that Abbott and Costello hold in the Kate Smith-Grape Nuts show (CBS) which opens this week (10). Team wants to retain the spot it has filled in the Smith program, namely, with the final quarter (8:45-9 p. m.), whereas A. & C.'s first scene in 'Streets' brings them on the stage at 8:45 and they're off at 9:15. The pair's contract with the Shuberts insures them against any interference with their radio schedule.

Canada's Expectations

Montreal, Oct. 3. Tourist biz from the United States to Canada is expected to skyrocket during the coming year as result of war in Europe. Figures during the last year indicate that more Americans visited Canada than in any other four-year period, in that era, even including the United States.

(Continued on page 46)

Ed Sullivan's B'way

Torch, But Dan Walker Likes N. Y. Conga Better

Ed Sullivan, the New York Daily News' columnist in Hollywood, is carrying the torch for Broadway. Broadway status will remain as far as the matter is ironed out by Harvey Duell, editor. Danton Walker, who is in the States, does the main stem rumba for the News, is unwilling to swap partners with Sullivan as he likes the State routines better in the east.

Sullivan's yen to return to the Broadway beat has been on for more than a year, the old love affair getting another dash of paprika when he came on recently for the News-sponsored Harvest Moon ball finale. He made a two-week pay, with the dance stars at Looney State, did another 'take-me-back-to-Broadway' application with Duell, and then returned to Hollywood.

Talk of a switch was on a year ago, when Sullivan came east and John Chapman went to the Coast and filed columns to the News from there for a month or so. The switch was only a temporary formation and they returned to their original positions when signals were called off.

background is 'Blackout Over Europe.'

U.S. in D.C. Ratifies the IATSE: Studios 'Surrendered,' Says Mannix

Tough on the P.A.s

U.S. to Temporarily Abandon I.V. Trust Suit vs. Major Film Cos.; Concentrate on Scheme in Buffalo

Washington, Oct. 3. Outcome of ballot competition between International Alliance of Theatrical Stage Employees and the United Studio Technicians Guild was earlier was ratified Wednesday (27) by the National Labor Relations Board. The IATSE, which was rebuffed as the Wagner Act administrators certified it to bargain for its members at 11 Hollywood studios. Action waxes out any Guild hope of another election based on complaints the winners engaged in forbidden solicitation, or that recognition by the producers was but a ploy to gain a friendly attitude. The union from gaining full status.

Results are officially stamped by the NLRB for the IATSE, 4,400; for USTG, 1,507; for neither, 420, unchanged.

Under the terms of the order, IA does the negotiating at Columbia, Metro, Paramount, RKO, manager, 20th Century-Fox, Universal, Warners, Goldwyn and Roach.

Producers Surrendered to Threat
Hollywood, Oct. 3.

E. J. Mannix, chairman of the film producers negotiating committee, branded the recent 10% wage boost granted to IATSE as a surrender to threat rather than a friendly agreement, in a statement submitted to the all-night session that resulted in the strike.

Under present circumstances, Mannix declared, reduction instead of expansion is the only logical way to save the picture industry. "My statement follows:

"It would be unfair to the motion picture producers, to our employees, and to the industry as a whole if I should be allowed to say that the producers are proud of or satisfied with their action in agreeing to an increase of 10% in wages for members of the International Alliance of Theatrical Stage Employees.

"The action was taken in haste. It was forced. Not only was it enforced with reckless disregard of possible results; it was executed arbitrarily by those who used the threat of immediate strike to accomplish their demands.

"Knowing that a strike in the motion picture industry at this critical season could bring economic disaster to upwards of 200,000 workers, and might spell ruin to the industry itself, the producers felt they had no choice but to yield.

"To the producers, a strike meant additional loss to the rank and file of the unemployed; it meant all of the consequences of industrial disputes.

"It cannot be said the producers 'granted' an increase or that they were persuaded that one was fair compromise. They were merely surrendered. What the consequences will be we are not now in a position to know.

"In their long negotiations with the IATSE representatives the producers presented a series of demands and figures which show the injustice and danger of adding to industry costs at a time when industry revenues are decreasing to the point of disaster. But in each instance our arguments and representations were met with an unyielding ultimatum.

'Only Compromise'
"The only compromise obtained was acceptance of a 10% increase instead of 20% as originally demanded.

"It should be known by all that reduction, not expansion in industry which is the only possible road by which the industry can be saved.

ADV. FOR EXTRAS War Boom in New London, Conn., Embrasse M. of T.

With ship and submarine building, chief industries at New London, Conn., operating under war conditions, March of Time found it necessary to advertise in local papers for local good super for shooting of its first feature, 'The Ramblers We Watch.' Each of the extras, mostly local boys, was paid \$5.50 a day. Largest number, 178, was used Friday (29) in a peace parade scene. Couple of weeks ago 75 extras were employed, being pictured marching out of factories.

Extras acted under the supervision of Mike Connelly, of the Screen Actors Guild. Principal roles in the film are handled by 55 members of the SAG whom M. of T. took up from New York. Union did not insist on members for the super parts because of the impossibility of housing them anywhere near New London now.

Sue Disney-Technicolor For Third Dimension Patent Infringement

Vincent I. Whitman filed a New York federal court suit Saturday (30) against Walt Disney Productions, Technicolor, Inc., Technicolor Motion Picture Corp., and RKO Radio Pictures charging the infringement of his patented invention involving color photography in 'Snow White' and 'Pinocchio.' The plaintiff asserts that prior to May 3, 1935, he invented a composite system of motion picture photography, whereby a portion of a still background scene is recorded in black and white in superimposed relation on visual actions, which occur in the foreground.

When Disney started production of 'Snow White' in 1937, he claimed the plaintiff as the producer of the infringement. Now he asserts the same infringement is taking place in 'Pinocchio.'

An injunction against both pictures, all past profits and future profits, and an award of damages for past and future infringement, was sought. Reference to a master of the actual profits is also sought.

11 PIX IN WORK TAX CAPACITY OF 20TH LOT

Hollywood, Oct. 3. Tops in production for recent years was registered by 20th-Fox, with 11 pictures overflowing the capacities of the Westwood studio and spilling into the old lot on Western-Avenue.

Among the pictures are 'The Blue Bird,' 'Swanee River,' 'Daytime Wife,' 'Everything Happens at Night,' 'Little Old New York,' 'The Sign of the Cross,' 'The City,' 'The Adventurer,' 'The Man Who Wouldn't Talk,' added to the 'High School' series. 'My Married His Wife,' which rolled yesterday (Mon.).

Warner East for GN Confabs With Hammons

Franklyn Warner, head of Fine Arts Pictures, is due in New York on Friday (6) for confabs with Earle Hammons, Grand National president. Warner is slated to buy production of films for GN release as soon as a \$600,000 loan for the distributing company from the RKO comes through.

GN has about a dozen films on its shelves which also have a good signal from the Washington financial world.

code to demands which in the long run will prove injurious to those who made them as well as to the rest of the motion picture organization.

'PIX LEFT ME,' MAE MURRAY TESTIFIES

Albany, Oct. 3. Mae Murray's career as a picture star has not ended, the 41-year-old actress told Judge J. P. Prior, attorney for Bessie Cunningham, John Cunningham and Corbett Cunningham, during testimony, s. r. o., in Supreme Court, Albany, in her action to obtain custody of 12-year-old son, Koran, now living with the Cunnings at Averill Park, near Troy. Boy has been a member of Cunningham family since 1935, when their brother, Dr. Daniel Cunningham, New York brain specialist, performed a double lobotomy operation and placed the youngster to reside with them.

Miss Murray had testified that her first theatrical engagement in New York City was in cabarets (she did not remember which one); that from there she went into the Ziegfeld Follies, rising to stardom in 1918. It was then that Prior asked, "When did your stardom end?" She replied, "It has not ended. I stopped work to look after the welfare of my boy."

Records of court actions in New York City for the last 10 years have been reviewed. It is found that she is seeking \$120,000 a year in the latter state from her former husband, Prince David Mavri, once known as David Manners in Mack Sennett comedies for the boy's maintenance and educational development, so far that she was broke when first she left the prince and that she was forced to live on her own income when Koran became ill in N. Y. City. She told reporters that failure to pay for the films he made in England was held against her by other companies, and that, "I did not know where the pictures left me, but they were 'telephonic,' and her future in television looked bright. Miss Murray said she had been working in radio, on WMCA and other stations.

Disapproves Pix for Kids
Through a question in court, it developed that although she had taken Koran to films and other places he had been in the picture business in New York in 1938. "I don't approve movies for youngsters," Miss Murray testified, "but still only young people should see them."

One of her three sons, now known as Prince Mavri, as such, because it was the only one known to laws of the Roman Catholic Church. She said there had been a Greek press marriage once in 1935, but it was dissolved the same year, the other to director Ernest. Leonard in 1936 and dissolved by a Paris divorce court.

The religious question has figured in the trial, the Cunnings permitting her to return to a Catholic church to serve as altar boy in an Averill Park church. An accomplished musician, she keeps playing the organ there. A conflict of testimony has been heard on various points as to how both sides have been open or closed for the boy, etc.

**Dunne's \$100,000 Plus
% For RKO's 'Overboard'**
Hollywood, Oct. 3.

Irene Dunne, deal for RKO's "Dunne Overboard" is reported getting her \$100,000 plus a split of the box office and a percentage of the gross. Actress drew \$150,000 flat on her last picture at RKO, "That's That," which she made at three at Universal.

McCarty produces and directs "Overboard."

RAPHAELSON VS. KANE \$25,000 Suit Over 20th-Fox Writing Chore in London

Application will be made today (Wed.) by Samson Raphaelson to examine Robert T. Kane before trial, in connection with a \$25,000 breach of contract suit against the British production head of 20th-Fox Film in N. Y. supreme court. The writer asserts he was hired in February, 1938, on a 10-week contract, at \$2,500 weekly, to work for Warner New World Pictures, Ltd., the 20th-Fox English production branch.

Kane's defense consists of a general denial and, as an affirmative defense, he claims that he acted as agent for New World in any agreement which might have been made with the plaintiff, and thus the suit should not be against him, but against New World Pictures.

Kane flew back to England on the Clipper last week.

Quebec Eases Kid Law For 'Oz'; Even 'Snow White' Couldn't Achieve It

Montreal, Oct. 3. Quebec provincial law banning minors under 16 from admission to picture theatres has been relaxed for 'Oz,' currently at Loew's here, and hundreds of children saw the film at all showings Sunday (1).

Announcement to this effect came from Hon. Gilbert Layton, Minister without Portfolio in the Quebec Government. He stated that he had raised the question with the Attorney-General's department and that Premier Bennett had given permission to lift the ban on minors for this particular picture.

Since the first lifting of the ban since its imposition some eight years ago, not even 'Snow White' escaping the effect of the law.

HEY! WANTS TO BOW OUT OF HER M-G PACT

Hollywood, Oct. 3.

Attorney for Hedy Lamarr has served notice on Metro demanding cancellation of her contract.

Complaint charges actress, drawing \$75 weekly, had not been paid since July, 1938, and that her contract seemed abrogated by her studio. "She was originally signed at \$75 weekly on a 40-week contract."

Her attorney contends Miss Lamarr's salary later was pro-rated over 52 weeks, reducing the stipend to \$5 weekly.

She was brought to Metro by Louis B. Mayer after making 'Ecstasy' last week. A week of a salary is said to be around \$5,000 a week.

All Co-Op to Keep Barry, Pitt, Open for Skirball

Pittsburgh, Oct. 3. Last-minute adjustments made with William Skirball, operator of Barry Theatre, keep downtown, twin bill first-runner open indefinitely. House was originally announced to be shut two after having been in action only a month since Cleveland shutdown.

Skirball came down from Cleveland, where he runs a string of houses, and went into huddles with landlords, exchanges and union men. Result was a willingness on all sides to make proper allowances for Skirball's needs. He is now, however, is problematical since Skirball has to him must pick up considerably despite adjustments in order for him to keep Barry running. The old Pitt, long a Shubert legit, is shut.

Mannie Greenwald, who was all set to setam for other parts, is playing in at Barry's manager.

A complete switch of ballfrost between the U. S. Government and the major film companies became evident today when the U. S. Govt. with the extension of time to answer interrogatories extended on both sides from 7 to 10 days.

United Artists had allowed the U. S. until that day to answer its 38 questions, and the Government had granted the same extension to UA and to the balance of the majors.

However, after due deliberation, the U. S. Attorney's office has decided to abandon the N. Y. action temporarily and to shift the frontal attack to the Schine case.

It is this case that the Government now hopes to prove a unique and unprecedented theory, which would not only cast the case, but the major suit in N. Y.

This theory will be to have the film industry named as co-defendants. If the Schine case can be won on these lines, no producing or distributing company may sell to chains, but only to the highest bidder. Individual selling would be the outcome, and would automatically give the Government divorce of theatres in its major action in N. Y.

A similar case was the situation of the railroads a few years back, when they were declared a public utility and would not be allowed their own coal mines, but were forced to give contracts to the lowest bidder.

The Government will base a major part of its offenses on the Injunction provisions of the Sherman law, which will argue this matter has no bearing, and is res adjudicate.

Even should the Government fail in its Schine suit, it still will in no way have hurt its stand in the major action where the contract is at issue. Federal Judge John C. Knox has declared that until the interrogatories are received, he will not take any action. The present situation, coupled with the numerous delays, will mean that the case will not begin until April or May, or even carry over to next fall.

On another side, the Government's move at the moment, but which may gain impetus, is that if the major film companies are named in the Schine action, the N. Y. suit may never go to trial, since the trade practices of the industry contain many of the demands of the Government, which will probably ask for a permanent injunction against divorce be a foregone conclusion.

It has also been ascertained that Berkley W. Henderson, formerly in charge of the U. S. office of the anti-trust department, has been assigned from Washington to prosecute the Schine case.

U. S. Argues for a Curb On 'Further Expansion'

Buffalo, Oct. 3. "Government motion picture for a real injury injunction to prevent expansion" of the five-state Schine theatre chain, which was named in the Schine action, is being argued against it is pending trial, was argued before Judge John Knight here yesterday (Oct. 2) in the U. S. court decision, ordering the filing of briefs by the defendants next Monday (9) before the Government the following Monday.

Seymour Krieger, special attorney for the U. S. Attorney General's Department of Justice's request for the injunction. He cited as a reason for the injunction that the Schine group used its buying power as a circuit to restrain trade and to create a monopoly, which constitutes a violation of the Sherman anti-trust law.

Fredrick H. Wood, of New York, counsel for the Schines, asked Judge Knight to dismiss the entire complaint, and to allow the Schine group to continue its business. He argued that the junction on the grounds that the case is doubtful in both law and fact. He also argued that the Schine group in general allegations of wrong-doing which the Government rests its case on.

Arguments were so lengthy it was impossible to hear a motion by the defendants for summary dismissal.

(Continued, on page 21.)

Atlas May Cut Its \$4 Per RKO

Share Underwriting To \$3.50-\$3.75; See This Further Delaying Reorg

RKO may shortly find itself in a serious predicament, despite the fact that its common stock is in no real trouble at the moment.

The failure of the Atlas Corp. to raise its offer of \$4 a share for the underwriting of 375,000 shares of the new common stock of RKO, may throw the entire proceedings out. Atlas spokesmen have declared that they are waiting for the court to stabilize itself, and then they will decide what a "fair offer" would be. The Atlas Corp. is one of the investment companies now considering a figure of \$3.50-\$3.75 a share for the stock. Since the offer of \$4 a share was vigorously opposed, it is expected that a lower figure will meet with even more opposition. The matter will be taken up by Federal Judge William Bondy on his return to New York Oct. 10.

Before he left on a vacation, the judge had referred the \$4 offer to special master George W. Alger and the SEC to decide. It is also reported by persons close to the veteran jurist that he considers the underwriting agreement an integral part of the plan of reorganization, and that he feels it is jeopardized the company's welfare, if it was omitted. In view of these circumstances, it is expected that the Atlas offer should be deemed too low, it is expected that the judge will withdraw his approval of the plan, until the changes necessitated by these events have been once again referred to stock and bondholders, and new consents to the plan secured. This would be a drawn out process, and it is expected that the company struggling in the throes of reorganization for another six months to a year.

Due to the war in Europe, it is almost certain that the Atlas does not intend to offer the offer, will be less than it was before. It certainly will not

Depinet's New Contract

A new contract as vice-president in charge of distribution of RKO has been issued Ned E. Depinet, one of the few executives of the company to be given a contract pending reorganization. Depinet declines to comment on the announcement, but has been voted a new long-term contract, the length of which is not indicated.

He is reported getting \$95,000 annually, under the new contract.

Depinet has been with RKO eight years.

N. Y. Par Sets 2-Week Date for Dick Powell

Dick Powell will make his first appearance in the picture "The Sign of the Cross" at the Warner Bros. player roster at the New York Paramount starting Oct. 12. He is due to tour the country in the only play he has set thus far.

There have been reports that Powell would organize such a tour as its maestro, but he's appearing solo at the Car.

Par Sues to Cut Its N. Y. Property Assessments

Paramount Pictures filed two actions in the U. S. supreme court yesterday (Tues.) against the N. Y. Tax authority alleging over-assessments.

Par claims that in August, 1938, the court assessed the property at 331-337 West 44th street at \$125,000, unimproved, and \$220,000 improved. The property at 400 West 42nd street, at \$65,000 unimproved, and \$135,000 improved. In each case the company claims the value assessed was \$30,000 over. The first named property is a film exchange, the second a film lab.

Jake Miller Retiring

New Orleans, Oct. 3. Sale of the Lafayette by Jake Miller to the Merris Show, Inc., which Charles V. Meyer is president, marks the retirement from amusement of a pioneer showman.

Miller for 30 years exploited stage shows and motion pictures. He started at the old Shubert

N. Y. ALLIED MAY GET BACK INTO NAT'L BODY

Remnants of Allied Theatre Owners of New York, but reportedly representing a majority of leaders, are coagulating for what, it is believed, will result in an application to Allied States Assn., national body, for reinstatement. Important moves in this direction were foreshadowed by the calling of a meeting yesterday afternoon (Tues.) in Syracuse of strong upstate N. Y. leaders. A resolution is reported to bid itself down to a break away from Max A. Cohen, president of the long dead N. Y. body, that was thrown out of the national body recently for having gone astray in the handling of the States, headed by Col. H. A. Cole, in rejection of the trade practices of the industry. Following action of National Allied in ousting the N. Y. group from its body, Cohen declared it would go on as an independent organization without national affiliation.

Inside, it is understood, is that various upstate leaders had a meeting in the city of Albany, at the office of the code at the Minneapolis Allied convention and inclined toward leaving the group. Cohen, however, quickly, through influence of Cohen and followers, were steam-rolled into doing the opposite.

Cohen as president of what is constituted as an orphan of national Allied, which is scheduled for Oct. 17 to consider policy. The Syracuse session yesterday (Tues.) was held in a hotel, a meeting in connection but expected that Cohen will put up a strong fight.

It is reported that Cohen is organizing a non-Allyed body, and that he is planning to acquire the rights in his organization as a non-Allyed body.

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Economy

Continued from page 3

these weak sisters when it came to distributing abroad. Included in the list are the naturally numerous "B" productions. But some of the so-called Class A films grossed so little in foreign territories that they were distributed at a loss in certain instances. This practice will be halted by a majority vote of the exhibitors, their attitude being that those pictures handed exhibitors will be almost assured money and exhibitors will be kept solely for domestic distribution.

The economic saving effected in trimming the number of productions set aside for tiling for the Latin-American market by the U. S. companies also will use extreme care on films allotted for distribution in France because every picture shipped for French distribution must be dubbed into the French language. Executives believe that will reduce the sync expenses which have been heavy, considering the amount of revenue lost in France.

What Europe favors particularly are films of the slapstick and comedy type, highly popular in that part of the world.

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UA's 26 For 1940-41; Goldwyn's 'Bonus' Silverstone's Statement

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EXPLOITATION

By John C. Flinn

Radio and Newsreels

Dramatize 50th Anniversary of Edison's Invention

Favorable reaction of independent exhibitors, affiliated circuits and the industry's press to the Golden Jubilee campaign of the Edison Trust in Detroit developments this week as the 50th Anniversary drive reached the peak period, Oct. 1-3. Numerous civic and dunder clubs are holding sessions to commemorate the anniversary of Thomas A. Edison's invention of the kitescope 50 years ago.

The date, Oct. 6, 1889, when Edison first made successful use of a moving picture will be celebrated both by radio and television news Friday (6). Reproduction of Edison's "Black Maria" still will be used on the television program (8:30 to 9:30 p.m.) over NBC-RCA. Veteran screen actors and old films will show the program.

"Mrs. Mins N. Edison Hughes, widow of Edison, appears on WEAF and National Broadcasting Company's red network, sponsored by the N. Y. State Federation of Women Clubs.

The New York Public Library has a motion picture exhibit showing the highlights in the history of the film industry.

"Newsreels handled the Golden Jubilee with pictures of Mrs. Edison Hughes visiting West Orange, N. J., and showing the original kitescope. Reels also as an industry tribute made by Will Hyatt.

With the campaign actually little more than a month old, anniversary committee reports nearly half as many favorable stories as the previous year as received on the drive last year. Total outlay for the campaign so far has been about \$1,000.

Indie exhibitors are visibly pleased because the Golden Jubilee campaign offers them an opportunity to show the importance of the local theatre in its community.

CASH-AND-CARRY TO INFLUENCE WIS. B.O.

Milwaukee, Oct. 3. Indications point to an increase in cash in general business and the entire territory is largely industrial, the trend of big seems to depend upon the decision of the Wisconsin State Board of Commerce to allow "cash and carry" selling to foreign nations is concerned.

It is believed, however, that Congress decide to shift foreign nations on this basis, a tremendous increase in cash would take place in this territory.

Thunder Crashes Press As Cuban Cadets Attend

New Orleans, Oct. 3. Rodney D. Tobs, Woods' his passenger on the Cuban cruiser with load of cadets Wednesday (27) to grab off some space for the Cuban cadets (M-G-M). Officers and cadets of the group were invited to see the pix as guests of house.

Walter Dunn, Saenger blurbist, heisted some of the publicity in radio columns of boys by taking advantage of public's interest in the news. House broadcast war bulletins and flashes.

Gar Moore of Orpheum tied in with a string of "Fifth Avenue" (RKO) with department store advertising featuring fall fashions.

Heifetz Film Spurs Music Scholarships

Milwaukee, Oct. 3. Warner theatre conducted an unusual stunt in connection with the showing of "They Shall Have Music." A contest was open to all boys and girls between the ages of 10 and 15 with the six receiving the highest scores at auditions winning scholarships for two for the study of violin, two for the study of piano and two for the study of voice—at the William College.

All applicants registered at the Milwaukee Sentinel. The two violin scholarships were called the Jascha Heifetz violin scholarships in honor of Heifetz.

Controversial aspects of the European War, as it affects both domestic and foreign relations, are rigorously deleted from stage and screen entertainment at Radio City Music Hall, New York, the country's largest grossing film theatre. While some of the leading overseas conflict, W. G. Van Schuyler, managing director of the plant theatre in Roosevelt, Conn., has been arrested in connection with the past month.

"The European War is the most distressing happening during our time," he said. "It is a compelling force which leads people to theatre in their desire to escape from the perplexities which the war arouses in the mind. The Mutual Hall weekly has convinced us of this fact. As a policy of operation we are apt to avoid on screen stage any reference to the war which might incite demonstrative differences of audience convictions."

This does not mean the elimination of war scenes from the newsreels, but the films are edited if they contain editorial comment, pictorial or vocal. Average weekly attendance at the Music Hall through the summer and early fall months has reached the record figure of 140,000 paid admissions. A large section of audiences during the past summer has been out-of-town folk, attracted by the New York World's Fair, who have had the Music Hall on their "must see" list, along with certain metropolitan landmarks and historic places, such as the Statue of Liberty, Brooklyn Bridge and the Empire State Building.

"It's WAR'S DEEP ANXIETY IN U. S.," this does not mean, according to the Mutual Hall, that the weekly throngs are representative of a broad cross-section of American opinion. There is nothing provincial, strictly east-of-the-River, in the viewpoint of Music Hall payees.

NEWSREEL HOUSES Fox-WC Houses Resume EXPAND ON COAST Car Give-aways to Head Off Pre-Yule Stamp

Hollywood, Oct. 3. War abroad is stimulating the newsreel theatre idea and, in addition to three already functioning locally, half a dozen more will be in operation in the territory in next few months. Newest to come under that category is the Fox, Bakersfield, which inaugurated new policy of newsreels and one feature. Similar policy goes into the Fox California, renamed Fox News-Columbia, at San Bernardino. If policy clicks in these two Fox-WC district of Los Angeles, it will be tried in one or two of circuits' Hollywood theatres, and in Long Beach.

Tele-View Theatre, Inc., presently operating Hollywood's only newsreel house, is planning to add a feature newsreel theatre in Hollywood, with Christmas day opening scheduled. Broadway houses, formerly formerly President and Palace, are both operated by Principal-Cohen Bros.

Trans-Radio, is proving successful at the Panatges and RKO Hillstreet in L.A., continues indefinitely.

Figured to carry a strong appeal with World's Series and football to augment war flashes. Trans-Radio's new newsreel given in each show.

Des Moines Gets World's Preem of 'Eternity'

"Eternity Yours," new Walter Wanger film, slated for the RKO, N. Y. Friday (6), will have its world premiere in Des Moines tomorrow (Thursday) night.

Wanger office, with some fanfare, was set to bring to the RKO for the opening of the longest married couple in the country. They are Mr. and Mrs. George W. Goben, of Lucas, Ia., who have been married 78 years, yet they can't come to N. Y. because of illness in the family. A last-minute plan placed "Your Eternity" in Des Moines, as an addition to the regular bill, with the old couple's honor in their home town.

Constance Bennett Mixes Cosmetics and Show Biz

Portland, Ore., Oct. 3. On a tie-up between the local theatres and Fred Meyer Stores (selling cosmetics) Constance Bennett made the longest personal appearance at the Broadway.

The presentation consisted largely of a live interview by two girls from the KOIN announcing staff and a talk by Miss Bennett on women's fashion. This is the first time the Broadway was a big-getter for the presentation.

Random conversations between visitors and some of the theatre's staff have confirmed the impression that the prevailing mental attitude toward the European War is one of deep anxiety. Van Schuyler comments that the prevailing mental attitude toward the European War is one of deep anxiety. Van Schuyler comments that the prevailing mental attitude toward the European War is one of deep anxiety. Van Schuyler comments that the prevailing mental attitude toward the European War is one of deep anxiety.

"I believe from practical experience that the policy of American show business, particularly in theatre operation, should be to keep the public mind. The theatre can best serve itself and its customers by studiously avoiding the projection of scenes, comments or views which foster debate and argument. We must provide what the public at the most moment desires—a sureness from the pressure of world events, an escape from the fear that is happening in Europe might draw America into another foreign war."

It was not so in 1914, despite the neutrality proclamations. Outbreak of the World War found the American public ready and eager to take sides in the issue. Many remember that audiences during the first weeks of the war were vociferously partisan in reactions to newsworthy scenes and screen portraits of army leaders and national rulers. There were boos and cheers. But it all seemed far, far away, too distant for the serious concern of America.

As events unfolded and the Wilson administration was drawn inevitably into the war, the film theatre became a live and vital issue in thousands of communities. Propaganda was spread across the screen. Time was taken out nightly for the appearance of four-minute speakers, local orators for the most part who stirred audiences by reprints of Wilsonian messages. Came the Liberty Loan campaign, the Red Cross and the National War Reliefs, and the nation's theatres played an important part in the patriotic program.

It is different now, and the Music Hall policy of rigid avoidance of war controversy appears changed and perturbed state of public mind.

N. Y. THEATRES-OPS TO COMPROMISE NEW SCALE

A compromise move, rather than permit the matter to go to ultimate arbitration, is hinted in inner quarters in the dispute between managers and Local 308, Moving Picture Machine Operators of N. Y., over a new contract.

Reaching an impasse several weeks ago, the theatres demanded arbitration over a 25% increase in wages, with result arbitrators were appointed by both sides, but since then neither side has been willing to agree on a neutral arbitrator. There have been numerous meetings during the past few days, but the arbitrators also getting into the picture, but the names submitted as neutral arbitrators by either side (theatre and union) have all been turned down.

Under the provisions of a long-term contract, renewable on negotiation every two years, if there is disagreement the matter is to be submitted to arbitration, with two to be appointed by Local 308 and two by the theatre committee. In the event these two sets of arbitrators can't agree on a fifth, he is to be appointed by the Chief Justice of the Appellate Division of the N. Y. supreme court. This appointment of a fifth has been stalled although no progress has been made so far.

Scale of the fact 308 is demanding a 25% increase for its members. It is believed in some quarters that the theatre committee is more than the chance on arbitration in view of the war situation, other requirements, being much more could weigh unfavorably at this time.

Scale of the operators under the two-year contract which expired last week, but in wages up 10% in the larger houses, on the basis of a seven-day week, but ops are on a 10-day week. In the order of the employment for a greater number. They also have been getting a week's vacation. As the matter has been reached would be retroactive to Labor Day date.

Dancing Classes Again In Detroit Nabe Houses

Detroit, Oct. 3. Dancing schools, for some time advertised in a profitable venture for United Detroit's Theatres, are being resumed in the city's spots and night mornings. Children between 15 and sixteen years may participate, only requirement being a minimum which also entitles them to see a regular show.

The classes are under direction of Monte Carlo Studios here, and will be conducted in the Annex, Regent, which is a new building, with a few, which cover various sections of town.

Once a Theatre Toy, Bingo Now a Headache For Detroit Showmen

Detroit, Oct. 3. Theatre ops' hopes for a complete ban on bingo, keuo, etc., which seemed likely two weeks ago when Gov. Luren D. Dickinson's order to Detroit police, where shattered last week by lifting of the embargo by Mayor Richard Reed on games sponsored by non-profit charitable groups, such as churches, fraternal and veterans organizations.

Reading's decision, specifying that it did not apply to commercial bingo games or those promoted by commercial interests with charity as pretext, was brought about by urgent appeal from Mercy Hall, a private institution for medical care of destitute and incurable cancer patients. Last week's announcement is believed to carry fight to state supreme court, ledged that it depended on its weekly bingo games to cover institution's overhead.

Bingo and similar gambling games have been a bone of contention for many years, with churches and other organizations drawing heavily on the state for money prizes often aggregating several thousand dollars nightly.

Java Hypo Philadelphia, Oct. 3. With Bank Nights outlawed, local exhibitors are looking around for new gimmicks to bring in the trade. The latest idea is a "Sammy" out of cash coffee.

SEATTLE STUDES JOIN FILMS TO EDUCATION

Seattle, Oct. 3. As "They Shall Have Music" (UA) got under steam at Liberty currently, word came from head of Music department of all high schools that studies who see the opus and write report will get double credits. This is indicative of the keen interest in the picture, with attention the pix is getting and the effectiveness of the campaign in schools.

Students asked for more info, stills, data, etc., following initial planning of posters telling the history of the campaign at public schools and at all music schools throughout the city. The UA put out by LeRoy Johnson of the Jensen-Von Herberg string (genre), along with the picture, is a heavy exploitation sharpshooter, for U. A.

Music stores 'came to us,' reported Johnson, for window displays, for six weeks prior to opening. Liberty has been the place to go for playing Heifetz records, with stills adjacent plugging for pix.

Claims Map Sold 20th-Fox Film Rights Sans Permission

Application by Mary Orr to bring in Pictorial Review Co., Inc., and its subsidiary, the Pictorial Review Co., Inc., as co-defendants in connection with her suit against 20th Century-Fox, will be heard in the N. Y. supreme court Oct. 10. The plaintiff will drop her old suit for an injunction against the film, "The Battle of Broadway," and will charge conspiracy.

It is her contention now, that after having sold her story of the same title to the magazine, they sold Fox the rights. She claims that the magazine's rights were hers, and not the magazine's. She will ask \$75,000 damages.

Donald Gives a Party

Rochester, Oct. 3. Jay Golden, manager of RKO Palace, celebrates Mickey Mouse's birthday Oct. 31 with 10 Donald Duck cartoons. Event will be morning show for kids, with the cartoon. The party is the Chronicle's Uncle Dan Club, numbering some 5,000 children whose names are being collected in the paper. All youngsters having birthdays in Oct. will be admitted free.

Mpls. Opposites Increases as Biz Decreases; Women Torrid \$300

Minneapolis, Oct. 3.—At a time when people here apparently are retreating into their homes and there's less patronage to go around, the supply of opposition is increasing.

The city this week is celebrating its 100th anniversary. Two school football games drawing 20,000 people, featuring Vincent Lopez, Edna Harris and a variety of wood screen stars, at 25c admission, with street carfare included, are not at all helpful to the showhouses.

Otherwise, there are four big school football games Friday afternoon; the Minnesota grid team opened with Arizona and pulled \$15,000. Paychick-Alexander's team attracted 6,000.

The Rains Came (20th) was considered a lumpy business at the State last week, opening \$10,500, but not so long ago it was an outstanding picture would pull from \$14,000 to \$16,000. Incidentally, this attraction has moved over to the Century for a second long week.

Unable to obtain any first-run major product, the Minneapolis, which continues with big stage shows at the Capitol season, Friday, the element of using a major release, "The Rains Came," is not so much attracting some attention. At the other extreme, "Palomar" (20th) and "Honey-Moon" (20th) are not proving the expected b. o. magnet.

Estimates for This Week:

Aster (Par-Singer) (8:15-25-40)—"The Rains Came" (20th) dual first-run. Fair, \$14,000 in prospect. Last week, "Chicken" (20th) and "The Rains Came" (20th) dual first-run, split with "Queen" (20th) and "The Rains Came" (20th), first-run, \$12,000, mild.

Par-Singer (Par-Singer) (20th)—"Rains Came" (20th) (2d wk). Moved here after big week at State and still doing strong. Strong, \$10,000. Last week, "Angels Wash" (20th), \$10,000.

Granada (M-G) (25-35)—"Bachelor Mother" (20th) and "Livingstone" (20th). First neighborhood showings. Satisfactory \$2,200 in prospect. Last week, "Bachelor Mother" (20th) and "Livingstone" (20th) (M-G) split with "Bachelor Mother" (20th), \$2,000, okay.

Minnesota (Mpls Co.) (4:00)—15-25-30 Human Bondage (RKO) and 15-25-30 The Rains Came (20th) stronger than usual. May hit big week, \$17,000. Last week, "The Rains Came" (20th) and "Human Bondage" (RKO) (M-G) split with "Bachelor Mother" (20th), \$10,000, mild.

Orpheum (Par-Singer) (2:30)—15-25-30 "The Rains Came" (20th) and "Bon Air" revue and Chester Morris. Lots of show and good business for the price, but bad general conditions. Last week, "The Rains Came" (20th) and "Bon Air" (M-G) split with "Bachelor Mother" (20th), \$10,000, mild.

Time (Gillman) (20th)—25-35-40—"The Rains Came" (20th) and "Slipping Baby" after big initial capital. House changing name to Equinox. First three new shows look like fair \$800. First week, \$2,000, fine.

Stolen Life (Par). Too much show for the price. May build, however, as carriage trade. Last week, \$1,000. Last week, \$1,000. Last week, \$1,000.

Blue Moon (Hamrick-Evergreen) has been newsworthy in the Music Box is now the extended-run picture for Hamrick-Evergreen. For showing the RKO's Broadway musical, to handle moviegoers from Palomar while the Warner Bros. advances to the chain's top second-run spot.

Currently, "The Women" at Fifth "Music" at Liberty. "Angels Wash" (20th) and "The Rains Came" (20th) at Palomar, and "Honey-Moon" in Ball. At Paramount, are giving the choicest picture to the risk from.

Estimates for This Week:

Cellulium (Hamrick-Evergreen) (2:00)—15-25—\$2,000. Last week, \$1,000. Last week, \$1,000.

Fever (M-G) and "Could Hopen" (20th) (2d wk). Fair, \$2,400.

Shall We Marry (Hamrick-Evergreen) (2:30)—27-37-40—"Women" (20th). Expect \$15,000, marvelous.

His Girl Friday (20th) and "Hawaiian Flight" (U) (2d week), sold for \$15,000.

Liberty (J-v-h) (1:30)—21-27-42—"Shall We Marry" (20th). Expect \$15,000, marvelous.

Shall We Marry (Hamrick-Evergreen) (2:30)—27-37-40—"Women" (20th). Expect \$15,000, marvelous.

Palomar (Sterling) (1:30)—21-27-42—"Dust Devil" (WB) plus vaude. Last week, \$1,000.

Looking for Mr. Good (WB) and "The Rains Came" (20th) (2d wk). Last week, \$1,000.

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Looking for Mr. Good (WB) and "The Rains Came" (20th) (2d wk). Last week, \$1,000.

'Women' Hottest Thing In Portland at \$7,500

Portland, Ore., Oct. 3.—The "Women," at Parker's, U. is the burg's top bizzette. Two other dual-tickets are Golden Lady, Liberty, and "Rains Came" Broadway.

Estimates for This Week:

Brigade (Parker) (2:00)—35-40-40—"Blackmail" (M-G) and "Hawaiian Flight" (U). Strong from the start and over the top for good \$4,800. Last week, \$4,800.

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Vaude-Hungry Pittsburgh Sends 'Glamour Girls' to Big \$33,000

Pittsburgh, Oct. 3.—Looks like old times downtown this week, what with "Glamour Girls" to flesh after four months and p. a. of Eddie Cantor stirring b. o. tempest and passing on lot of overflow to the city.

Neat \$10,000, Denver. The "Rains Came," at Alladin in second week downtown, is getting the best comparative gross with "Fifth Avenue Girl" and "Conspiracy," at Orpheum, strong second.

Estimates for This Week:

Alladin (Fox) (1:00)—25-40-40—"Rains Came" (20th), after a week at the Denver. Strong \$8,000. Last week, Iron Mask (U.A.), very nice \$4,000.

Estimates for This Week:

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GINGER \$20,000 35 FEET IN PUB

Boston, Oct. 3.—The "Rains Came," "Fifth Avenue Girl" and "Golden Boy" all tallying big numbers here this week, and in that order.

RKO Boston plays a full week of the "Rains Came" unit Oct. 12, and following that booking would take one day to its vaude playing time. In-tended of the present three-day presentation schedule, house will play four dual films a single feature instead of dual film.

Estimates for This Week:

"Conspiracy" (RKO) (2:00)—20-30-40—"Golden Boy" (WB) and "Fifth Avenue Girl" (WB). Strong from the start and over the top for good \$4,800. Last week, \$4,800.

Estimates for This Week:

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OPPOSITES AT COURTS L.L.E.; TFE \$10,000

Louisville, Oct. 3.—No big grosses in downtown houses this week, with product on the average and opposite presentation.

Courier-Journal's Kentuckyana Institute for women (2-6), with plenty of free attractions for the families, including lectures and concerts, diverting attention from the film houses. Baseball continues to pack 'em with the Louisville Colonels playing the Rochester Wings in the Little World Series.

Medium-sized picture, "The Rains Came," is doing well in the city. The field broke the local record—\$10,000 for "The Rains Came." The picture is shaping up for nice takings. Otherwise grosses on the light side.

Estimates for This Week:

Brown (Loew's-Fourth Avenue) (1:00)—25-40-40—"The Rains Came" (20th). Still attracting some female pull, but not as strong as last week. Last week, \$1,800 on moveover. Last week, "Women" (20th) and "The Rains Came" (20th) split, \$1,800 in third downtown week.

Estimates for This Week:

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TITLE CHANGES

Hollywood, Oct. 3.—"Miracle at Midnight," a tag on "A Traveler's Tale" at Metro.

"The Rains Came" (20th) and "Golden Boy" (WB) all tallying big numbers here this week, and in that order.



**WHEN YOU SEE M-G-M's
"NINOTCHKA" you too will
pronounce it SENSATIONAL!**

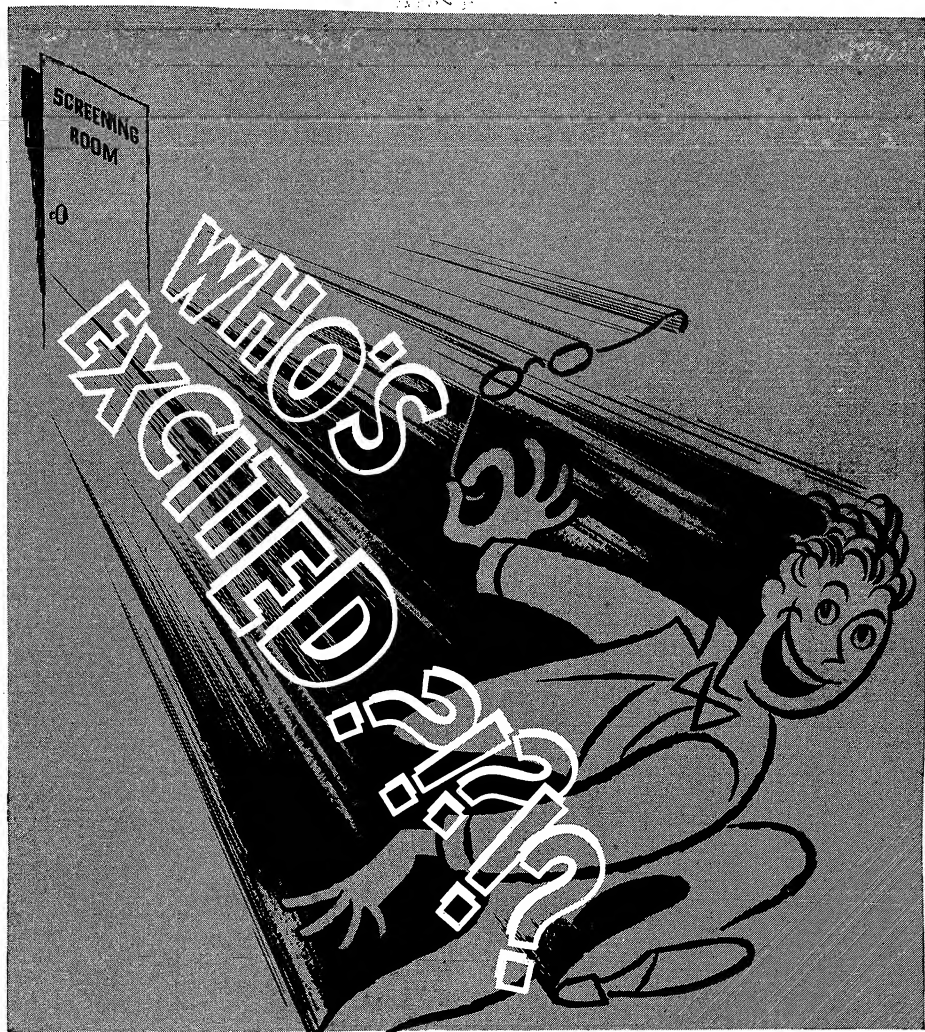


GARBO blushes!



GARBO goes gay!

Long live the Lubitsch touch! It has brought your box-office a new Garbo, sly as a wink! A gorgeous Garbo they've never seen before! A champagne lady, lively, lovable! This comedy of a flirtatious secret affair in Paris will positively captivate the nation! It makes Garbo a bigger star than she ever was before! One of the year's IMPORTANT pictures! See it at one of the Trade Screenings in your territory and prepare for another M-G-M triumph!



Who isn't?

ZORINA

in
"ON YOUR TOES"

with
EDDIE ALBERT
ALAN HALE • FRANK McHUGH
Directed by **RAY ENRIGHT**

Screen Play by Jerry Wald and Richard Macaulay
Adaptation by Sig Herzog and Lawrence Riley • Based
on the Musical Play by **RICHARD RODGERS**,
LORENZ HART and **GEORGE ABBOTT**
A First National Picture

They've previewed 'ON YOUR TOES' and mama!—that Zorina! If 'The Old Maid' made you happy this'll make you turn handsprings! It's a Warner biggie—looks like THE biggest! More about it later...a lot more!

*You
get
more*

The
UNCENSORED*
VERSION!
**ALL QUIET
ON THE
WESTERN
FRONT**

Each Month
Reunions
Greatest
Novels

*Uncensored by War or Military Authorities

St. Louis—"All Quiet" does five times normal gross in test run at St. Louis Theatre!

Detroit—"More timely today than when it capped Academy Award!" —Detroit Free Press

New York—"...a smash hit..."
—Ed Sullivan, N. Y. Daily News

HISTORY DUBBED
THIS HUNCH-
BACKED PLOTTED
A MONSTER
IN SILKS!"

**TOWER of
LONDON**

starring
BASIL RATHBONE
with **BORIS KARLOFF**
BARBARA O'NEIL - **IAN HUNTER**
NAN GREY - **VINCENT PRICE**

ROWLAND V. LEE
production

FOR RELEASE
OCT. 20TH

*It'll be
SRO
with*

RIO

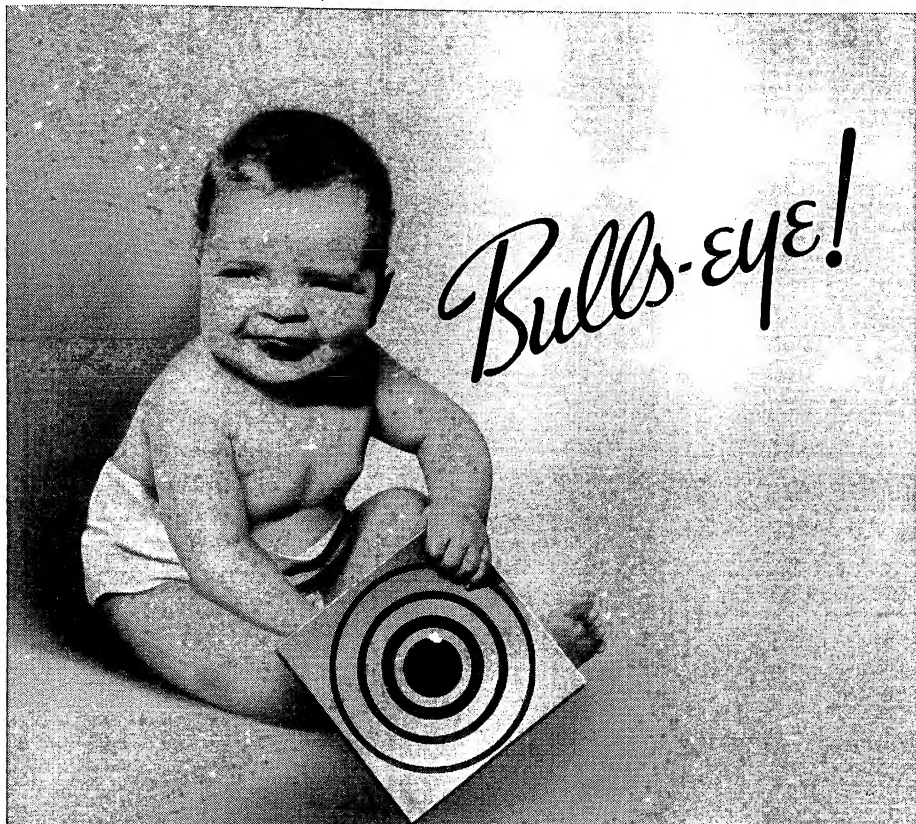
starring
BASIL RATHBONE • VICTOR MCLAGLEN
with **SIGRID GURIE • ROBERT CUMMINGS • LEO CARRILLO**
Directed by John Brahm

"Geared to score
at b.o." —*Film Daily*
"...Power to
draw at box-
office!" —*M. P. Daily*

from
UNIVERSAL

... MORE
For Your Money!

... MORE
Pay-Off Pictures!



For Attention-Value!

For Selling-Punch!

For Dependability!

For Low Costs!

For Ticket-Selling!

NATIONAL SCREEN
Special! Announcement
Trailers, too, hit the Bulls-
Eye... for Quality... for
selling value and for Serv-
ice. Cost so little and sell
so much!

For rapid-fire, quick-action, forceful, dramatic all-round
"come-hither" theatre advertising

NATIONAL SCREEN TRAILERS hit the bulls-eye every time...

Reaching a 100% customer-audience at every performance...

Cheapest... most effective... most consistent advertising
you can buy!

NATIONAL *Screen* **SERVICE**
PRIZE BABY OF THE INDUSTRY

Film's Foreign Loss

Continued from page 1.

account for any improvement in revenues likely in many neutral countries, which promise to show improved business condition. It's expected that Latin-American box office, plus United U. S. and Canadian income, will partially offset the foreign diminution.

Figures obtained, naturally, are predicated on the free flow of currency or not too limited coin restrictions. They do not take into account any heavy decline in the rate of exchange, because it is obvious that the English pound worth \$2.75 in American money means a loss as compared to business done with the pound sterling valued at \$4.70 in U. S. money.

Emphasis on British B.O.

Survey of the foreign business stressed one point. That was how heavily a majority of U. S. film distributors leaned on Great Britain for the bulk of their revenue outside of the domestic field (U. S. and Canada). But even now, with some theatres closed or restricted night performances, gross return is running about 75% to 80% of normal.

Metro, which always has been regarded as obtaining a heavy proportion of its total revenue from the foreign market, actually gets only little more than 38% from outside

the domestic market. Ratio dipped during the past year ending last July, because of pickup in domestic business. Approximately 18% of world revenue is tied up with present belligerent nations. Despite such setback, Metro evidences its ability to take up the slack by proportionately making the fewest reductions in personnel, and with no cuts at the home office.

Because of its alignment with Alexander Korda, British producer who gives it strong English product, United Artists claims 50% of its revenue comes from the foreign field with approximately 52% of that foreign total listed as coming from the belligerent nations. Company naturally is interested in the possibilities of maintaining an open money market in Great Britain. As one official put it, "We can't produce pictures in England on the basis of frozen currency; we must be able to get back our money laid out in negative costs." United Artists in the past has figured its Korda (British) productions among the top money-makers on its schedule.

Like Metro, an increase in the domestic revenue for Paramount also showed the gross foreign business dipping lower than in recent years. Difference was that Par foreign revenue

actually fell off because of the failure to keep several favorites with the foreign field on its picture lineup. In their places, the presence of typical American productions with Jack Benny, Bob Burns, Bing Crosby, and Burns and Allen failed to stand up well abroad. Productions with these players are known to salaried to be severe handicaps to maintaining the usual high ratio of foreign sales to domestic revenue. Paramount foreign market during 1938 is listed as 28% of its gross revenue came from the world total, with about 16% of this coming from belligerent nations.

Independent companies, such as Republic and Monogram, naturally had less revenue coming in from the foreign market because not maintaining so elaborate a sales setup as the majors. Monogram claims 18% of its gross revenue came from the foreign field but it currently is reported as being even lower as compared with domestic returns.

Readjustment in the foreign market is apt to be a little confusing for four months or longer, because European countries generally play six months behind U. S. release date. Because of this delay, it means that product which hit the domestic market last April and May, and subsequently, will be affected by any diminishing return from belligerent nations.

Below is list of American companies, with the gross business done in the foreign market and with

London, Sept. 23. They say Alex Korda received £10,000 (more than \$50,000) from the government towards the cost of shooting his current propaganda film, "The Lion Has Wings," which has Merle Oberon and Ralph Richardson at the top of the cast.

3 Pix In Work

While producers and studio labor interests are battling with the Board of Trade on the issue of retaining or dropping the quota laws for the duration of war, only three pix are currently in production—Korda's propaganda epic, "Band Wagon" at Gaumont, and one at the Ealing.

Trade Sees Quota Retention

Trade, incidentally, is willing to wage dollars to doughnuts there will be no lifting of the quota laws, except perhaps in so far as relaxation may be made on minor points such as trade previewers, etc.; producers and labor bodies are waiting.

belligerent nations as compared with the total world revenue:

Paramount: Foreign gross sales, 28%; domestic, 72%; belligerent nations, 16%.

Warner Bros.: Foreign sales, 34% (estimated); domestic, 65%; belligerent nations, 20.4%.

Metro: Foreign sales, 36%; domestic, 64%; belligerent nations, 18%.

United Artists: Foreign sales, 50%; domestic, 50%; belligerent nations, 28%.

Warner Bros.: Foreign sales, 35%; domestic, 65%; belligerent nations, 18%.

Monogram: Foreign sales, 18%; domestic, 82%; belligerent nations, 12%.

RKO: Foreign sales, 33%; domestic, 67%; belligerent nations, 18.6%.

Columbia: Foreign sales, 25%; domestic, 75%; belligerent nations, 12.5%.

20th-Fox: Foreign sales, 37%; domestic, 63%; belligerent nations, 18.6%.

Republic: Foreign sales, 34%; domestic, 66%; belligerent nations, 17%.

Totals: Average foreign sales, 33%; domestic, 67%; belligerents, 17.6%.

London in Wartime

a further call to confer with the Board of Trade.

Censor's O.K. "Mamlock" Censor Board underwritten a change of heart in respect to the anti-Nazi films, and has now given okay tickets to Prof. Mamlock's "Captives of Nazi Germany" after originally rejecting both.

"Bagdad" Finished

Trick cameramen and other technicians have been let out at Denham, signifying production is at last wound up on "Thief of Bagdad."

Sales Dept. Back to London

Rustication in the sticks proved too much for the distributors, and all sales departments have been hastily recalled to Wardour street; move was largely prompted by squawks of exhibitors, who claimed extreme difficulty in booking so long as film offices were scattered over half of England.

Push Matinee Price Drop

Members of Cinematograph Exhibitors' Assn. are being instructed to drop cheap matinee prices for the duration of the war, as it is anticipated a large part of theatre business will be done early in the day.

Private Theatres Turn Shelters

Practically every private viewing theatre in Wardour street (film row) has been converted into a public air raid shelter, with an air raid warden or volunteer cop on duty outside all day long.

Emergency Programs

When first batch of nearly 3,000 theatres got reopening permits, Ben Hurry of Associated British, offered to provide an emergency picture program for every house on the Gaumont-British circuit, which Arthur Jarratt promptly accepted.

1st London Legit Reopening

First London legit theatre to reopen was Gilder's Green Hippodrome, where "Impagines of Being Earnest," began its tour. Show opened with a matinee, for which "crowds began to assemble at 8 a. m., and house was jammed except for the balcony, which is not being opened because of feared panic during air raids.

REMEMBER THEM?

THE GREAT TRAIN ROBBERY... BRONCHO BILLY... THE BIRTH OF A NATION... CHARLIE CHAPLIN... BROKEN BLOSSOMS... THE FOUR HORSEMEN... THE COVERED WAGON... THE BIG PARADE

They, and a host of other truly great pictures and stars, helped through 27 glorious years to build the finest entertainment the world had ever known. But they were all silent, shadowy images on the screen.

....and then
the screen
came
to
life

...and then
the screen
came
to
life

New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

HELD OVER
"THE REAL GLORY"
with GARY COOPER
CASTED
ARTISTS RIVOLI Broadway at 49th St.
Starts 8:30 A.M. MONDAY SHOW

RADIO CITY
MUSIC HALL
LESLIE HOWARD in
"INTERMEZZO"
Spectacular Stage Productions

HELD OVER
Fred MACMURRAY in PERSON
and Modesto CARROLL
"HONEYMOON
IN BALI"

PARAMOUNT
Gloria SWANSON
"THE SIGN OF THE CROSS"

Gaiety
Colleen (from 12 A.M.)
"The Sign of the Cross"
Robert Donat in M-G-M's
"GOODYBY MR. CHIPS"
with Greer Garson • 8th MONTH

Starts Friday, Oct. 6th
John Garfield • Priscilla Lane
"Must Be My Destiny"
IN PERSON
Ann SHERIDAN • Ted WEEMS
AND OTHERS

STRAND N.W. 47th

LEWIS (1941)
"Last Time You Said 'Goodbye'"
"LAX OF LOVE"
In Person
ANN RYAN
GUY VAN
In Person
Delmonte & Orchestra, Orleans

2, HELD OVER
10 BIG WEEK
NORMA
SHEARER • CRAWFORD
"THE WOMEN"

WITH the startling suddenness of a bursting bomb, came SOUND! The screen came to LIFE, new entertainment was born... TALKING MOTION PICTURES!

Bell Telephone Laboratories and Western Electric gave the screen its voice in 1926. Then came EXPI, in doing the vast job of replacing silent sound in the studios and theatres of the world. From Iceland to New Zealand, from Manchoukuo to Chile, it furnished

men and equipment to help the industry through the most sudden transformation modern business has ever known.

ERPI, in collaboration with Bell Telephone Laboratories, will provide leadership in bringing further vital scientific developments to the talking picture. Thus ERPI carries on the responsibility it accepted thirty years ago, for only through continuous progress can the motion picture survive as a living force.

Electrical Research Products Inc.

SUBSIDIARY OF
Western Electric Company

Aussie Show Biz Won't Be Curbed; British Pic Lag Ups Prod. Need, See Yankee Tax Eased to Okay Imports

Sydney, Oct. 3. No curtailment of amusements will be made throughout the Commonwealth under the Dominion of New Zealand because of the war, it's reported.

Majority of managements do not anticipate an immediate shortage of pic; there is said to be a fairly strong supply in the vaults to cover some considerable time. However, since British studios are compelled to reduce their output greatly, the managers would have to be prepared to turn to the U. S. There is said to be a possibility that if supplies ran low, New Zealand would have to look to the U. S. for pictures, but the right of rejection currently operating on all U. S. product. It's said that the government now will not proceed with tax increase covering basic wage of \$16, originally planned as a preparatory tariff. This decision will greatly assist nabe operators, especially those in the industrial centers, to carry on as before with bid for workers' parities.

There is a marked calmness throughout the Commonwealth. The major pic looms continue with a four-day policy; vaude-revue reverts on two-day, and legit is set on a nightly basis, with two matinees weekly. It is stated that Tivoli Theatre will continue to buy British imports, mainly now from the U. S., with Williamson-Tal also bidding for players.

OKAY TO KID HITLER ON BRITISH RADIO

London, Sept. 23. British radio comics are fastening all their rays on one man these days, and Arthur Askey, Leonard Handley and Arthur Askey are all waxing comical at expense of Hitler. Before they had had to lay off for fear of causing diplomatic trouble. Askey had a gag about training Hitler's parrots to fly across to die Nasty's house at Birdington and sing "We'll be glad when you're dead you racist yoi!" and Handley's best routine concerned famous characters which have made their way in time, including one called Adolf, who looks like Hitler, and is passing time, which is about to make it lay out.

H'wood Prod. For RKO's 'Marie Lloyd'

Hollywood, Oct. 3. "Marie Lloyd" originally planned for production in England, but suspended because of the war, has been revived by RKO for shooting in Hollywood in January.

Yarn is based on the life of the British music hall star. Arthur Askey is named for the title role, with Herbert Wilcox as producer-director.

Beaulac, New Canadian Pix Exec, Linked to Gov't

Montreal, Oct. 3. Appointment of Eugene Beaulac as secretary and managing director of Quebec Allied Film Exchanges Ltd. last week is regarded here as a spokesman, giving picture industry a glimpse of the new government circles. It's believed that Beaulac will do a lot of work in the province. He was previously in the board of censors.

At annual meeting of QAFI, B. E. Norris, of Associated Screen News, was elected president; J. A. DeSève, of Film, first vice; George G. Takos, United Amusements, second vice; E. N. Tabak, Confederation of Amusements, treasurer; Arthur Hirsch, chairman of executive committee.

Chatlain Recamping
Louis Chatlain, a director in Metro's organization in France, is recuperating in New York from a sudden illness suffered on the Coast. Presently he is convalescing at the home of Art Leiser; head of Metro's foreign department, at Glen Cove, L. I. Although his condition is improved since coming east about two weeks ago, Chatlain probably will not return to France or business for some time.

FRENCH INFLUENCE BAN ON 'GESTE' IN CANADA

Toronto, Oct. 3. At the request of the French consul-general in Canada, "Beau Geste" (Par.) will not be shown in this country, according to G. G. Silvestro, chairman of the Motion Picture Censor Board. Film had previously been passed, then withdrawn on complaints of French authorities, passed again with cuts, held up by continued censorship.

Banning is general now, although provincial censor boards had given it the stamp of approval prior to the French Government seizure. Film was on its third week in Vancouver but was withdrawn immediately as soon as the British Columbia board learned that sister provinces had turned thumbs down.

Pro-Russian Hurok Chided Into a Jam With French Surety

Kidding cabaret to Sol Hurok, concert entrepreneur, almost landed him in a Paris jailhouse when the war abroad was declared, it was revealed this week.

His now in this country, has long been a Russian sympathizer. One of his 'friends' following the Nazi-Soviet pact, cabled him, "What will your friend Stalin say about your being in France now?" Message's arrival was followed by the surety, who put Hurok on the grill until satisfied that it was a joke.

This prank is a switch on Hollywoodian, who influenced Donald Ogden Stewart not to sail on the Bremen last year by telling him they would bombard him with gas radiograms to the effect, "Never mind Goering; get Hitler."

BOOTHMEN'S WAR CALL WRECKES FRENCH SKEDS

Paris, Oct. 3. Picture theatres in France are operating on a highly modified scale far because of the war. Black-out and other restrictions thus far have not proved as much of a handicap as the lack of projections for theatre booths.

Because so many operators were called to the colors, exhibitors have had to wait until substitutes could be located. Some have virtually skeleton staffs, those left on duty being over age or incapacitated for service. Universal is reported to have lost 10 men left in its office here, with some 16 to 18 already called into service. It will have to replace virtually every U. S. company in Paris.

Delayed French Mail
Long delay, presumably caused by elaborate system of censorship, broke up mail from France, was broken last Friday (29) when film companies received their mail. They received the first letters from Paris in weeks. Most of them were dated Sept. 8.

They indicated just how the call to military service had crippled both distribution and exhibition in France. In the early stages of the war.

PARADISE SHOW CLICKS

London, Oct. 3. "Back to Back" revue opening at the Paradise Club last night (Monday), troupe drawing some 200.

House was packed.

Spanning the Ocean

Hollywood, Oct. 3. Playing safe in the current international financial muddle, an actor drawing \$50,000 a picture in a major studio made a deal with one foot on each side of the Atlantic. Pact provides that he be paid \$5,000 in American currency and \$15,000 to be placed in his credit in London, to be delivered when the British "pound" is lifted.

Further proviso is that the studio invest the \$15,000 in British war bonds if the actor, a former English subject, so chooses.

Italian Shortage Pushes Deal For American Films

The war is expected to cripple production in belligerent countries. Italy is no exception. The shortage probably will be heavily felt in Italy, with the possibility that the country will adopt a more liberal policy towards American distributors. The greatest pressure comes from theatre patrons in Italy, according to former distribution reps of U. S. companies, recently arrived from New York from Italy. Next few months are expected to tell the story because the picture season does not get into full swing in Italy until this month, with the dearth of product probably not being felt until later this fall.

Consensus of district opinion is that Italy's minimum annual requirement is 300 features. Italian producers turn out only about 70 full-length pictures, most of which are weak. With American distributors, aside from a couple of indies absent from the Italian market, theatres in Italy have had to depend on German, British, French and Scandinavian pictures.

Picture houses in Italy, which ordinarily close in July when the hot season sets in, shuttered in April and May because they lacked strong screen fare. Thus, many foreign films have been accumulated for fall use.

Aside from the fact that the Italian film monopoly, set up by the government, has been virtually skeleton terms for all product deals in Italy. American distributors see little possibility of making money in the current heavy taxes continue. The complete domination of the picture market in Italy has been by recent moves, one being the establishment of a government theatre monopoly, and another, the fact that formerly controlled by indie exhibitors.

WB Fears for Safety Of Its Rep in Warsaw Due to 'Nazi Spy Pic'

Warner Bros. home office this week expressed fears for the safety of B. Jankowicz, managing director of Poland, with headquarters in Warsaw, who has not been heard from for the last two or three weeks. Jankowicz is a Jew, and German representatives in Poland would be in an onerous position because of the company's "Confessions of a Nazi Spy" playing in many key cities of that country at the time of the German invasion.

Secretary to Jankowicz escaped from the country at the start of the invasion and recently arrived in New York with other refugees from Europe.

Colbourne-Jones Tour Of Canada Is Delayed

Toronto, Oct. 3. Sailing of Colbourne-Jones troupe, largest English dramatic company ever to visit Canada, and sketched to open at the Royal Alexandra Theatre, Oct. 9 in George Bernard Shaw's "Ghosts" has been postponed by Admiral's Center.

Unit will open its trans-Canadian tour in Toronto week of Oct. 18, according to N. Y. says to director M. Rawley, manager of the tour. Troupe is representative of the British Government for propaganda purposes.

U.S. Economists Also See Ultimate Worldwide Boon to American Pix Biz-Frozen Credits Major Problem

MONTGOMERY'S BRIT. 2 SHIFTED TO COAST

Hollywood, Oct. 3. Two picture Robert Montgomery was to have made in England for Metro will be produced at the Culver City plant. Ben Goetz, production boss at Denham plant, taken over by the British War Ministry, declined New York Friday (29), while Fred Pelton, production manager, arrived here last week.

"Bushman's Holiday" ran up production cost of around \$300,000 as 13 sets were ready for early September start and a cast reserved for that date. Studio also helped to cover the total as it sought to neutralize the loss of "Mr. Chips."

The other Montgomery picture, "Earl of Chicago," with Richard Torrey directing, rolls here Oct. 9, with Victor Sautelle producing.

Sam Morris, Not Well, Retires as WB Foreign Head; Hummel Moves Up

Sam E. Morris, vice-president in charge of foreign sales for Warner Bros., is retiring, effective immediately, because of ailing health. He had suffered a heart attack during a business trip to South America, which forced his early return to N. Y. Since coming back, Morris has been following a modified schedule of business activity because of illness.

It was officially announced yesterday (Tuesday) that Joe Hummel, next in line for the job, will be in charge of all foreign sales excepting Continental Europe, which remains in charge of Robert Schless. Hummel has a wide knowledge of foreign film business and is a veteran in the industry. It was reported several months ago that Morris proposed retiring, which was denied.

Reassignment of the foreign department, which has been reported in the offering for some time, is credited to N. Y. says to a veteran when Harry M. Warner went to Europe. While he was there, the First National City Bank of New York, which has been in charge of Continental Europe, at that time both were said to be reportable only to Harry M. Warner.

David Griffith, who shared the sales spot with Milder in England, did not like the new alignment, and dropped out of the active picture, leaving the job to Milder and Kinematograph Renters Society.

At the time of this reshuffling, Morris was understood to have been assigned South America, the Orient, Australia and other sectors not affected by the revised European setup. This was reported as done to lighten Morris' duties so that he would have more time for restoring his impaired health.

Rep. Concentrating Also On S.A.; Wyr, Davis Moves

Another American film company turned attention to concentration on South American market. Republic worked when Republic appointed Paul M. Wyr as sales manager for Central America and the Caribbean. Wyr, who moves into South American territory where he will open two new sales offices, formerly with Famous Artists and 20th-Fox, is a veteran of 12 years in Panama. He will head office at Colon, Panama, effective Oct. 15.

Davis moves at the end of this month to Santiago, Chile, where he will open a central office and then establish a branch at Valparaiso.

Republic's European foreign chief, believes these moves will enable the company to cash in on any American prosperity in the Latin-American areas.

Washington, Oct. 3.

Blowoff in Europe may not be such a pain as the film industry now fears. Government economists mostly hoping for the best, the trade experts see a chance that American producers and distributors may profit to some extent and find their business hyped by the concentration of foreign nations on buy-sell and shelling one another.

With the principal competitors of the U. S. in the heating of their own self-preservation, the American industry should be able to build up its foreign trade in neutral nations, particularly South America. That's the general outlook of the doers who are mulling out a concerted campaign to make hay to the maximum extent. Germany in particular has been most much attracted to its hothouse film industry and cultivate the Latin-American market, while Italy has a deal count with Britain and France.

Even with the belligerents there is a chance that the American producers can make strides. As the war settles down to routine, the rest of the world's theatre films are loosened even more than they have already in Europe. Furthermore, the American industry, and at camp behind the lines will be clamoring for diversion and relaxation. Just as people at the front will want entertainment to take their minds off the gore. For the maintenance of the theatre, films are likely to be in greater demand.

If the war continues for a substantial length of time, the picture business is more certain to do, and if the United States is successful in attaining a "fair peace" at peace, the American industry ought to lighten its grab on screen time around the world. It's fair to expect that even losses have been suffered in the past three or four years through the charge of foreign affairs for the destruction of theatres, and lack of cash for pleasure.

Only sour mood in the optimism chorus is the concern about getting the money out of the warring countries. There is a lot of office quarters that the governments falling each other may find it imperative to liquidate their assets. The inflation of currency so they will have the maximum available for purchase of war materials. The money that would leave the U. S. exporters holding a bag of I.O.U.'s or a paper portfolio that could not be enjoyed back home.

YANK FILM SHIPMENTS ABROAD ARE SNAGGED

The problem of getting American prints abroad has been aggravated by the war, which has caused less shipping.

Some foreign countries have produced a market for movie pictures, while others need replacements immediately.

World's Fair Planned By Mex. Despite War

Mexico City, Oct. 3. War or not, Mexico intends to go ahead with its long-prepared plans for a World's Fair to open here next May and running into 1941. Ex-President Pascual Ortiz Rubio is chairman of committee in charge.

Ex-Shubert Aide Injured Critically in Plane Crash

Toronto, Oct. 3. Passenger in a taxiing plane which crashed, Palmer, ex-shubert aide, director at the Casino Theatre here, lies in a critical condition at St. Michael's Hospital. He sustained a claim nearly every bone in his body is broken. Pilot Jack Pate, of the Royal Canadian Air Force, sustained a slight cut over one eye and minor bruises.

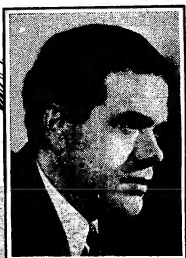
Beaulac has been connected in a directorial capacity with several Shubert productions, the St. Louis Opera House and the Opera Under the Stars, Los Angeles.

OCTOBER 19th

is the most important release date of

1939!...

**... Columbia Pictures
Presents The Motion
Picture Industry's
Greatest Contribution
To World Entertain-
ment!.....**



FRANK CAPRA'S

Mr. Smith Goes To Washington

JEAN co-starring JAMES
ARTHUR ★ STEWART

with
CLAUDE EDWARD THOMAS REULAH
RAINS • ARNOLD • KIBBEE • MITCHELL • BONDI

Directed by **FRANK CAPRA** • Screen play by **SIDNEY BUCHMAN**

A COLUMBIA PICTURE

Nat'l Biscuit's Kid Test on WWJ; Seek a Show Neither Uplift Nor Cliffhanger in Formula

Detroit, Oct. 3. On the theory that kid listeners can be weaned away from a cliffhanger shows if the entertainment is made funny and exciting enough, Lord & Thomas has prevailed upon the National Biscuit Co. to try out a juvenile quiz program on WWJ, Detroit. If the season clicks on this station it will be given a national hookup. The product tied up with the experiment in children's air fare is Cub.

The show will run a half hour and be spotted in the late afternoon. Particular care will be taken to sidestep any possibility of the program being labeled as educationist. The producers will direct their efforts mainly along two lines: first, getting as many laughs as they can out of the proceedings, and second, trying to maintain a steady level of excitement through the competitive device.

Showman L. K. Sidney Due Back in Active Supervision of WHN

Louis K. Sidney is expected back in New York within a few days. Similarly, he is expected to resume actively as managing director of Station WHN owned by Loew's which he has been for years a top personage.

Sidney came into radio about four years ago and promptly began the task of putting a shimmer on the much-neglected WHN. As a result of these efforts and his immersion deeper and deeper into radio, he became the key man of the Metro-Maxwell House Coffee organization out of which the 'Good News' program resulted. This ultimately took him to Hollywood, where he has since remained.

His return to WHN is expected to continue the competitive showmanship fight in local N. Y. radio.

DENIES PUG SLANDERED

WOL Answers Charge It Broiled Brother's Feelings

Washington, Oct. 3. Remarks about Nate Brown, local heavyweight fistfighter, in reference to his defeat last winter by Tony Galento were only fair, and not criticism and consequently not slanderous. That was the answer of the Wakeman, sports commentator on WOL and the American Broadcasting Co. to Brown's \$150,000 damage suit filed a month ago in the Federal District Court.

The puglist, who used to be a beer sales proprietor and was known for his tender feelings which allegedly were injured by Wakeman's remark that Brown took a 'good one' from the New Jersey suds dispenser last February. But Wakeman denied making any 'false, malicious, and slanderous statements' and asked to have the suit dismissed. In fact, Wakeman said he had 'had' him the particular statements cited in Brown's legal wall for monetary indemnity.

Fred Shields Elected AFRA Prxy on Coast

Hollywood, Oct. 3. New president of Los Angeles chapter of American Federation of Radio Artists is Frederic Shields. He succeeds Carleton Kadel, now working in Chicago. Other officers elected were William Brand, Vice-President; Homer Hays, Secretary; Seabury, William Brand, Freeman Hay, Raymond Clark, William Davis, Henry J. Bland and Richard Bailey. AFRA constitution was amended to allow balloting on important issues by mail.

Hot Flashes

With so many sensations before and since the war, radio has been a little slow to take new items really hot unless it breaks in on the radio time signals like this:

"We interrupt this dash to bring you another flash."

GLENN MILLER GETS SPONSOR

Glenn Miller will replace Paul Whiteman on Chesterfield's Wednesday night 8:30 spot on WGN, Chicago. Miller's first commercial program will include the Andrews Sisters. Miller's contract stipulates that he remain in New York for his broadcast during the first 12 weeks, and after that he has traveling privileges. Deal was set between General Amusement Corp., Miller's reps, and the Newell-Emmett agency. Whiteman has been on for Chesterfield consistently since the first week of 1938. Account also has Fred Waring on a quarter-hour strip over the NBC-red net five nights a week.

Proximity of Oxydol To Boraxite Compels NBC Shift of 'Name' Quiz

NBC is trying to find another spot to take care of 'What's My Name?' which has been bought by Procter & Gamble through the Chicago Sample-Hummer, office of Chicago. Account had picked the 9 to 9:30 spot on the red (WEAF) for Saturday but it is later developed that the product, Oxydol, which P&G was planning to tie up with the quiz would conflict with that of the following show, Death Valley Days on the WGN morning's schedule, named 9 to 10.

The Pacific Borax Co., backers of 'Death Valley,' also plugs a powdered cleanser, Boraxite. NBC ran into a similar situation with regard to 'Tops' Horace Heidt show this fall, and finally got it settled after three shifts.

P. & G. figures on getting 'Name' started the latter part of October. Program has just closed a summer run for Bristol-Myers as pinchhitter for Fred Allen.

Madmen Glide Artie Shaw's Behavior; Rockwell Points out Big B.O. Take

Lennen & Mitchell called Tom Rockwell in last week and expressed concern over what it termed 'bad press' that Artie Shaw has been getting recently on his tour of one-nighters. The bandman is on the Old Gold show and Rockwell is head of General Amusement Corp., which books Shaw.

The ad agency told Rockwell of letting 'bad press' manage itself by terribus complaining about Shaw's display of sultriness on these one-nighters, and it pointed out that while temperament was okay in his place, Shaw was not wise in letting himself be carried away. Lennen added that it hoped that this situation would be quickly rectified. Shaw is currently playing the Strand on Broadway.

Rockwell, in return, pointed out that the letters were most likely from cranks and that the fact that Shaw was maintaining as strong a boxoffice as ever would indicate that this feeling was not widespread among swing fans. It's rare for a sponsor or agency to step in on the outside personal behavior of one of its 'name' performers.

'MEET YOUR SUCCESSOR'

Key Barr Gets a Quick Exit After Years on Job

Pittsburgh, Oct. 3. Sherman D. Gregory, manager of KDKA, brought in James Luntel, of Chicago, as head of publicity for the station. He succeeded Kay Barr, who was notified of his dismissal only the day of his successor's arrival. Barr had job several years.

KCMO, Kansas City, Gets Canada Dry, La Palma Though Not on Webs

Kansas City, Oct. 3. Station KCMO, Kansas City independent, has sold Canada Dry a transcribed re-broadcast each week of the NBC Blue 'Information Please' program is on WREN, Lawrence, Kansas, but will be repeated on KCMO for supplemental Kansas City. Jack Stewart, station g.m., also has arranged through WRE, Kansas City affiliate, to carry Stoopnagle's 'Quizie Double Content' on Friday nights at 7, beginning Oct. 20. When not under air, it will be the program to KCMO as it does in the case of the Ed Thorngren sports blast for La Palma on Saturdays.

O. S. McPherson, publisher of the Kansas City Journal, has become a KCMO. Deal has been pending some time, and was recently skayed at a board meeting. McPherson becomes a station man.

JACK HOWARD KEEPS INTEREST IN RADIO

Jack Howard will maintain some connection with the Scripps-Howard radio station interests, even though he has been named assistant to John S. Sweeney, executive editor of the Scripps-Howard newspapers, and thus steps into the journalistic hierarchy.

Howard has been an operating executive of the S-H stations for the last four years.

ERNEST CHAPPELL TO L.A.

Bernard Herrmann Also West for Orson Welles Show

Ernest Chappell, announcer on Dave Atten's Hobby Lobby show and producer of WOR-Mutual's 'The Orson Welles Show' will be both of them to shift to Hollywood as announcer for the Orson Welles' radio show properly named 8 p.m. 'Budd Hulett replaces Chappell on 'Show of the Week.' Bernard Herrmann, CBS musical director, left for the Coast Monday (2) to conduct the music for Welles' airings and supervise the same item for his picture at RKO. Herrmann married Lucy O'Fletcher of the CBS press dept. in New York before heading westward.

TED COLLINS GROOMS WILLIAMS ENSEMBLE

Johnny Williams, leader of small outfit used intermittently on the Kate Smith program, is building a full-size dance band under Ted Collins, general manager. Williams is booked by Music Corp. of America and record for Columbia Records.

Williams has a recording arrangement with Columbia for the seven-piece combo used on the broadcasts.

Ruppel Imports Weber

Ted Weber, who has been press agent for the swank Club Paradise for the past three years, goes east next week to join the Columbia web's publicity department. Weber will likely be assigned to promotion activities by press chief Lou Ruppel. Weber was formerly associated with Ruppel on the Daily Times here.

Networks Premieres

(From Wednesday (4) Through Thursday (12).

WEDNESDAY, OCT. 4

BRISTOL-MYERS CO. WEAF-NBC, 8 to 10 p.m. 'Town Hall Tonight,' with Fred Allen, Portland Hoffa, the Merry Macs, Peter Van Steedan's orchestra. Young & Rubicam. Producer, Ben Larson. Announcer, Harry Von Zell. Originates from New York. Hookup, 53 stations.

BERGEN-WOODBURY SALES CORP. (Woodbury Soap). WEAF-NBC, 8 to 8:30 p.m. 'Woodbury Soap,' with Herbert Marshall, guests, Lennen & Mitchell. Producer, Jay Clark. Originates from N. Y. Hookup, 60 stations.

CHICKS & GULDS. WEAF-NBC, Wednesday and Friday, 6:30 to 6:45 p.m. 'Golden Serenades,' with Red Latham, Wamp Carson, Guy Bonham, Peg La Centra, Johnny Grant, Charles W. Hoyt. Producers, Frank Chase and Richard Pratt. Announcer, Hjerluf Proven-sen. Originates from New York. Hookup, 5 stations.

LENN & PINK (Hindi Hines & Almond Cream). WABC-CBS, 7:30 to 8 p.m., with George Brune, Grace Allen, Frank Parker, Ray Noble's orchestra. William Esty. Producer, Joe C. Donohue. Announcer, Truman Bradley. Originates from Hollywood. Hookup, 52 stations.

THURSDAY, OCT. 5

STANDARD BRANDS. WEAF-NBC, 8 to 9 p.m. 'Those We Love,' with Nan Grey and Donald Woods. J. Walter Thompson. Producer, Bob Brewster. Originates from San Francisco. Hookup, 46 stations.

PENN TOBACCO CO. WABC-CBS, 7:30 to 8 p.m. 'Fox Pop,' with Parks Johnson and Wallace Butterworth. Ruthrauff & Ryan. Producer, Nathan Tufts. Announcer, Wallace Butterworth. Originates from New York. Hookup, 46 stations.

WARD BAKING CO. WJZ-NBC, 8:30 to 9 p.m. 'Tip Top Show,' with Joe Penner, Dick Ryan, Gay Seabrook, Russ Brown, Kenny Stevens, George Renard, and the 'Tip Top' orchestra. Producer, T. Heisch. Announcer, Jim Bannon. Originates from Hollywood. Hookup, 22 stations.

FRIDAY, OCT. 6

GENERAL FOODS CORP. (Grape Nuts). WABC-CBS, 8 to 9 p.m. Kate Smith's Variety Hour, with Ted Collins, Bud Abbott and Lou Costello, Johnny Williams, Jack Miller's orchestra, Group Theatre, George Young & Rubicam. Producer, Harry Ackerman. Announcer, Andre Baruch. Originates from New York. Hookup, 66 stations.

SATURDAY, OCT. 7

QUAKER OATS CO. WEAF-NBC, 8 to 9 p.m. 'Step-Me-If-You-Heard-This-One,' with Milton Berle, me, Gabgrusters (G. C. Flippen, Harry Hershefeld, Col. Lumen Q. Stoopnagle), guest orchestra. Sherman D. Gregory. Producer, Larry Holcomb. Announcer, Dan Seymore. Originates from New York. Hookup, 45 stations.

WELSH CORP. WEAF-NBC, 11:30 to 12 noon. 'Hilda Hope, M.D.,' with Selma Royle, Richard Gordon, Ann Shepherd, House Jameson, Vera Allen, others, including appearances of various stage and screen stars, Charles H. Johnson, Jr., and the 'Hilda Hope' orchestra. Producer, Himan Brown. Originates from New York. Hookup, 17 stations.

SUNDAY, OCT. 8

AMERICAN BIRD PRODUCTS, INC. WOR-MUTUAL, 11:45 to 12 noon. 'Trained singing birds.' Weston-Barrett. Originates from Chicago. Hookup, 8 stations.

AMERICAN TOBACCO CO. WABC-CBS, 5:30 to 6 p.m. 'Ben Belton and All the Little Towns,' with Ben Belton, George Young & Rubicam. Producer, William Rousseau. Announcer, Harry Van L. Originates from New York. Hookup, 53 stations.

FELS CO. (Fels Naphtha Soap). WEAF-NBC, 9:45 to 10 p.m. 'Sports Newsweek of the Air,' with Bill Stern, Armeahar quist, guests, Benton & Bowles. Originates from Chicago. Hookup, 44 stations.

GENERAL FOODS CORP. WEAF-NBC, 10 to 11 p.m. 'Jello-O-L Program,' with Jack Benny, Mary Livingston, Phil Harris' orchestra, Andy Devine, Rochester (Eddie Anderson), Young & Rubicam. Producer, Murray Bolan. Announcer, Don Wilson. Originates from Hollywood. Hookup, 80 stations.

INTERNATIONAL SILVER CO. WABC-CBS, 6 to 6:30 p.m. 'Silver Theater,' with Conrad Nagel, LeRoy Mason, Dick Joy. Originates from Hollywood. Hookup, 52 stations.

FELS CO. (Fels Naphtha Soap). WEAF-NBC, 5 to 5:30 p.m. 'Hobby Lobby,' with Dave Elman, Harry Salters' orchestra, guests, Young & Rubicam. Producer, H. Boorman. Originates from New York. Hookup, 46 stations.

WHEELING STEEL CORP. WOR-MUTUAL, 5 to 5:30 p.m. 'The Musical Steelmakers,' with Carolyn Lee, Dorothy Anne Crow, Ardene Crow, the Steel Sisters, the Singing Millmen, the Old Timer, Jean and Her Boy Friends, orchestra. Critchfield & Co. Producers, J. L. Grimes, Ardene White. Originates from Wheeling, W. Va. Hookup, 22 stations plus Colonial and Oklahoma networks.

MONDAY, OCT. 9

COEN PRODUCTS REFINEING CO. (Kri-mel, Linit). WABC-CBS, Monday through Friday, 5:15 to 5:30 p.m. 'Society Girl,' with Charlotte Marshall, Carleton Young & Rubicam. Producer, Roger White, Virginia Gladys Thornton. E. W. Helwig. Producer, Roger White, Announcer, Irving Kaufman. Originates from New York. Hookup, 52 stations.

GENERAL FOODS CORP. (Calumet, Swans Down). WABC-CBS, Monday through Friday, 2 to 2:30 p.m. 'My Son and I,' with Betty Grable, Kingdely Colton. Young & Rubicam. Producer, Harry Ackerman, Andre Baruch. Originates from New York. Hookup, 67 stations.

COLGATE-PALMOLIVE-PEET CO. (Concentrated Super Suds.) WEAF-NBC, Monday through Friday, 1:15 to 1:30 p.m. Ellen Rann, Gladys Elsie and John McGovern. Benton & Bowles. Originates from New York. Hookup, 59 stations.

GENERAL FOODS CORP. (Calumet, Swans Down, Diamond Crystal Salt). WABC-CBS, Monday through Friday, 12 to 12:15 p.m. 'Kate and I,' with Betty Grable, Carleton Young & Rubicam. Producer, Harry Ackerman, Andre Baruch. Originates from New York. Hookup, 67 stations.

GENERAL MILLS, INC. WABC-CBS, Monday through Friday, 5 to 5:15 p.m. 'By Kathleen Ryan,' with Arline Balaban, Santos Ortega, George Brune, Lawson Zerbe, others. Knox Reeves. Producer, Brice D. Balaban. Producer, Brice D. Balaban. Producer, Brice D. Balaban. Hookup, 31 stations.

WEDNESDAY, OCT. 11

HAWAIIAN PINEAPPLE CO. LTD. (Dole Pineapple Juice & Gems). WABC-CBS, 8 to 8:30 p.m. 'Al Pearce and His Gang,' with Billy Taylor, Don Reilly, Carl Wright, Carl Hoff's orchestra. N. W. Ayer. Producer, Brad Brown. Originates from Hollywood. Hookup, 52 stations.

WKY Man Turns Flyer

Oklahoma City, Oct. 3. William Kennedy, press agent for WKY, has resigned to re-enter the U. S. Army Air Corps.

His replacement, promotion manager, has taken over Kennedy's duties.

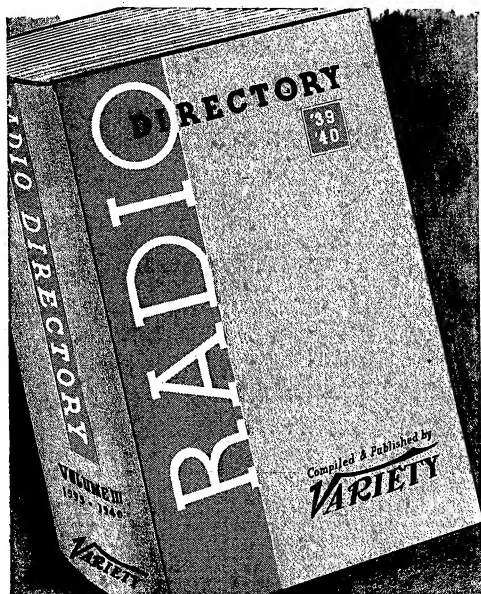
Account hasn't been on a hookup for three years.

Re-prime Life Savers

Young & Rubicam is trying to sell Life Savers on underwriting a national radio advertising promotion campaign. Account hasn't been on a hookup for three years.

"an exceptional job"

From the Association of National Advertisers



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

\$5 Per Copy

NEW YORK

VARIETY
154 W. 46th St.

CHICAGO

VARIETY
54 W. Randolph St.

BRENTANO'S BOOK STORES
586 Fifth Ave.

RANDOLPH ST. BOOKSTORE
54 W. Randolph St.

WRIGLEY BLDG. NEWSSTAND
MERCHANDISE MART NEWSSTAND

PHILADELPHIA
BRENTANO'S BOOK STORES
1726 Chestnut Street

HOLLYWOOD

VARIETY
1708 No. Vine St.

SATYR BOOK STORE
1620 No. Vine St.

G. SCHIRMER MUSIC STORES
737 So. Hill St.

WASHINGTON
BRENTANO'S BOOK STORES
1322 F Street, N. W.

"A Compendium of Information on Radio."

"In their third annual edition, the editors of Variety Radio Directory have again done an exceptional job in assembling and compiling a wealth of useful data on radio for those concerned with programming production, station, network and time selection and other phases of broadcasting. This year's Directory starts with a section consisting of 119 pages of radio program history prepared by the Cooperative Analysis of Broadcasting. Among the improvements is the section on radio station information which has been greatly enlarged and currently includes a list of the news periods regularly broadcast on each station. The information on radio editors this time includes not only complete data on type of material preferred by each editor but also the advertising rate on the radio page. The sports section has been expanded and made as complete as possible even to the point of listing the names of announcers who habitually call the play-by-play reports for the various games."

—A.N.A. News Bulletin, Sept. 28, 1939

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).

☐ Check Enclosed

☐ Send Invoice

Name

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Firm

"BUCK" BENNY RIDES AGAIN



or

JELL-O

Starting
SUNDAY, OCTOBER 8TH
SAME TIME
SAME STATIONS
Management: A. & S. LYONS

FCC ANGRILY PROBES INTO 'DECODING'; HERALD-TRIB, WMCA MEN LAMBASTED

Hearings Noted for Warmth and Sarcasm in Questions—Washington Anticipates Some Sort of Punishment for Station

Washington, Oct. 3. Punishment of some kind for WMCA, New York, is generally anticipated in radio circles, despite repeated denials to the FCC that any offense was committed in airing news reports about new instructions issued to German and British vessels before European hostilities began. Industry observers felt the Commission failed to prove station management was guilty of willful violation of Section 605 of the Communications Act, but prepared to see the regulators at least administer a stern rebuke to Donald Flamm, station president. Attitude of a majority of the members was the basis for expecting a punishment, while gossip from inside the Commission indicates a majority is likely to favor the most stringent possible sentence. Besides being the first instance where testimony has been taken on a revocation threat, the hearing was extraordinary because of the almost

unanimous opinion of the regulators. Although the chief issue was the FCC's charge that private messages were disseminated without authorization, the greater part of the time was consumed in angry questioning about the station's failure to call attention to WMCA's remarkable 'scops' during the pre-war crisis. Back-patting lackluster, by Chairman James L. Fly angrily attempting to stretch the public interest clause of the statute to justify control over printed advertising of licenses.

"Police Court Tactics" Hosts of radio baristas present were unanimous in declaring the proceeding was an abuse of regulatory power, while the local press sarcastically said "police court" tactics were used in trying to bring out the whole story. The Commission's deep resentment was made clear at the opening when Fly asserted WMCA's general denial of the indictment "failed to meet the requirements of the show-cause order and commented that 'no party under these circumstances is entitled to a hearing before judgment is rendered on his conduct'."

The Commission, reliably said to have voted originally 4 to 1 in favor of gagging the outlet without formality of a hearing, took the matter "under advisement" at the end of a four-hour session in which Fly was the principal prosecutor, with Commissioners George Henry Payne and Fred L. Thompson firing barbed phrases questions at the defense witnesses. Split decision is anticipated, with a minority opinion by at least two members possible in the event the license is revoked.

Although testimony was conflicting and many respects possible in the consensus of listeners was that the Commission made out a technical case against Stanley Wolff, chief radio operator for the New York Herald Tribune, but did not demonstrate that WMCA was guilty of anything more than unethical conduct in claiming to have eavesdropped on secret communications. Reference of

News by Phone

Under a cooperative arrangement the N. Y. Yankees will inform the sports public of any cancellation of a World Series game due to bad weather through the New York Telephone Co. The Yankees' game is postponed the phrase "Yankees announce World Series game postponed" will be added to the regular weather report obtained by calling WEather 6-1212.

This means subscribers can find out what's what for the price of a local New York call (seven cents at home, nickel in booth).

Transcript of the hearings to the Justice Department seems possible, although the FBI is immune from prosecution since he answered principal questions under compulsion after refusing to testify for fear of incriminating himself. The Herald-Tribune looked to be in technical violation of the Act for having printed the text of the British and German messages.

Whole case revolves around the question of whether the communications were addressed. Wolff contended he did not consider either message to be in this category, although he admitted he recognized them as 'orders' to vessels of the two powers. There was doubt—whether he told WMCA all the facts surrounding the interception.

As the only Commission witness Wolff related how he picked up the orders while copying routine press dispatches, transmitted in regular international code from DLA, Germany, and GBR, England. On each instance, the station abruptly interrupted the press traffic and sent the messages destined for their ships at sea.

The German message, sent in German sandwiched into English press bulletins, consisted of three words "Nachricht erhalten" which was translated by Johannes Steel, news commentator, as meaning "upon receipt of press transmission, act upon your special secret instructions." The British orders of all merchant vessels, likewise tossed into the middle of press traffic, but not in secret cipher, were detailed instructions for vessels in various waters, telling

them to return home or scurry to safe ports.

After explaining the arrangement with WMCA, Wolff said that he telephoned the station in each instance (on the nights of Aug. 27-28 and 29-30) the exact hour news was being broadcast, during testimony) and gave Leon Goldstein, WMCA's special events director and news editor, the story. The three German words were repeated to Goldstein, but several lines of code were British, while only the gist of the British message was passed along.

"I called and said I had heard this message," which was rather unusual Wolff said concerning the German directions to a large number of vessels at sea. "He (Goldstein) gave me a translation made and called back and gave it to me. Five or 10 or 15 minutes later I heard WMCA broadcast it."

Recording of the WMCA program was played for the Commission, giving an exact idea of what was said and showing that the bulk of the Nazi message which was rather incoherent. Microphone account was very brief, prefacing a routine news period.

Similar story was told about the British transmission, which Wolff said occurred in "plain language" and was relayed to Goldstein who aired a summary of the long dispatch.

Under both direct and cross examination, Wolff was quizzed intensively about the whole episode. Interruption occurred. Although he admitted that a general salutation prefaced each message, he insisted he didn't consider either could be considered as 'addressed' or confidential since it was intended for the course of free press bulletins intended for general reception. The British message followed the same pattern from Admiralty, message—all British vessels and the German introduction was "an all ships' ships," translated as meaning "to all German ships." (Story in the Herald-Tribune about the German dispatch said the order was addressed to several vessels, all of which were heard.)

To answer gossip column story that WMCA hired a code expert and stationed him at a receiver, Wolff declared he never made any representation that he could give the station illegal messages and insisted he was thoroughly familiar with the secrecy provisions of the statute. Subsequently, Goldstein declared he did not hear Wolff or any other I-T employee to render special favors, while Fred Thompson, auditor, testified no check ever was made out to Wolff for services to the station.

Flamm, president and sole stockholder of Knickerbocker Broadcasting Co., was on the stand only briefly after being denied permission to read a prepared statement. He explained the general relations with the Herald-Tribune and discussed the circumstances under which the advertisement was placed, entering denial that the station sought to eavesdrop. He said the advertisement—embodying two clippings from daily press columnists who buoyed WMCA for enterprising job—was an attempt to "tell the radio industry and you gentlemen of the FCC what kind of job we've been doing."

Sharpest criticism was given Goldstein, who assumed responsibility for tipping off Ben Gross (of Wall Street News columns) about the 'scops' but denied knowing how George Ross (N. Y. World-Telegram and Sun) learned about the interception of the German message. His testimony threw little additional light into the actual interception or broadcast, although Fly and William J. Dempsey, chief Commission counsel,

prodded him about what Wolff said in relaying the news.

There was no indication in Wolff's conversation that either message was a private communication that should not be made public, the WMCA spokesman insisted, although he appreciated the dispatches were of unusual significance. So much impressed with the importance of the German order that he queried International News Service to see if any additional details were available.

The Commission's indignation over the advertisements flared when Fly subjected Goldstein to a long series of sharp questions as to his motives in reproducing the communists' clippings. After he said he had "pooh-poohed" Ross' statement in the translation received the info by decoding 'secret' communications, Fly asked: "To what your idea of serving public interest?" (i. e., using a clipping which Goldstein said he never was incorrect.)

Elmore Vincent, formerly known to radio as "Senator Fishface," has developed his new character, "Uncle Elmer, Your Krackerbarrel Commentator," into a transcription series. He's in Los Angeles.

IN BALTIMORE IT'S **WOLFE**
NATIONAL REPRESENTATIVES
EDWARD PERRY & CO.
ON THE NBC RED NETWORK

GILLETTE
WORLD SERIES
BROADCAST
exclusive on
KFE **WOLFE** DENVER

KAY THOMPSON
and her Rhythm Singers
for **ETHYL**
with **ANDRE KOSTELANETZ**
and **TONY MARTIN**
CBS Every Monday, 8-10 P.M., KFE
Management
WILLIAM MORRIS AGENCY

WBAL
means business
in Baltimore

RADIO SECRETARY

An overworked radio executive will find me able to relieve him of loads of detail. Besides being rapid, clear-thinking, stenographer, have handled financial matters, office and sales detail, program auditions, confidential reports. If necessary, can write promotional material. 7 years experience, attractive appearance. "Accept reasonable starting salary. Box 61, Variety, New York."

BEHOLD T-O-R-O FIRE MEN

Returns to the air on OCTOBER 4, 1939

The Singers
MERRY MACS
WYN MURRAY

The Guest Star
NED SPARKS

The Orchestra
PETER VAN STEEDEN
And His
PAID-UP SWINGSTERS

The Writers
Arnold Auerbach
Herman Wouk
Fred Allen
Joseph Miller

The Quiz Participants
Any Three People Who
Are Awake in the Studio

The Cast
Portland Hoffa
Minerva Pious
John Brown
Charles Cantor

The Program Director
William Schorr

The Announcer
Harry Von Zell

The Station
WEAF—9-10 p.m. E.S.T.

The Agent **Walter Batchelor, RKO Building, New York City**

The Sponsor
Bristol-Myers Co.

The Products
Ipana & Sal Hepatica

The Crossley
??????

'THE NEILLS'
By JANE WEST
NOW RADIO'S MOST POPULAR
FAMILY BRINGS YOU MORE
LAUGHTER TEARS AND HEART-THROBS
Presented by Ivory Soap. 99% pure
LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P. M. EST
NBC Red Network, 5:00 to 5:15 P. M. EST
IN COAST TO COAST
DR. COWLEY ADVERTISING AGENCY
MG. ED WOLF—RKO BLDG., NEW YORK CITY

Inside Stuff—Bands

ASCAP FESTIVAL

WGN-Mutual wire from Bon-Ai
is summer and will continue on
the Mutual web from the Colony

15 Best Sheet Music Sellers

(Week ending Sept. 30, 1939)

•Over the Rainbow ("Wizard of Oz")	Feist
Man With the Mandolin	Santely
•Beer Barrel Polka	Shapiro
•An Apple for the Teacher (Star Mms.)	Shapiro
•You Crazy Moon	Witmark
•Sunrise Serenade	Jewel
Cinderella, Stay in My Arms	Shapiro
Blue Orchids	Famous
In an Eighteenth Century Drawing Room	Cante
•Moon	Shapiro
•A Man and His Dream ("Star Maker")	Santely
•Days of the Border	Shapiro
Day-In-Day Out	BVC
•Moonlight Serenade	Robbins
El Rancho Grande	Marks

*Fimiscal.

Divide Score Among Three Publishers To Get Equal Push on Each Number

Warner Bros. music combine is trying something new with its score from the new Cotton Club, N. Y., show which opens some time within the next two weeks. WB will write the six or more tunes that are being written for the show by Sammy Cahn and Saul Chaplin and distribute them among the three WB publishing firms, Remick, Harms and Witmark.

Usually when a score from a picture or legit musical has been published all tunes were assigned one company. This usually meant that uneven concentration resulted. With the new setup, each firm taking just two numbers, there's a possibility all equal sets.

First three numbers have been allotted. Remick gets "Love's Got Me Lucky Again"; Witmark, "You're a Down Guy"; and Harms "It's My Turn Now." "You're a Down Guy," "Account," "Ball-Ball," and "It's Only in Your Mind" and a production piece, "Hyde Park in Harlem" are still unassigned. Latter is a travesty on Father-Daughter's acquisition of an estate near President Roosevelt's Hyde Park estate, and will be done in the show by Stepin Fetchit and Lou Armstrong.

Drive Against Bootleg Folios in Drugstores Opens This Week

Drive—An stores and stands handing bootleg song sheets will open this week in Connecticut, Massachusetts, Rhode Island and New Jersey. Music Publishers Protective Association, which is directing the campaign, obtained special permits in New Jersey to co-operate with the Federal Bureau of Investigation and state authorities in prosecuting the cases in that state.

Charles Segal, Hartford lawyer, conferred last Friday (29th) in New York City with Walter Douglas, MPRA chairman, and Sydney Waterberg, MPFA general counsel, on the handling of the campaign in New England. Segal has so far made quite a number of settlements with Hartford drugstores where the MPFA sued after the former had been selling the contraband lyric folios. The settlement amounts have ranged as high as \$700.

802 MEDICAL FUND BENEFIT ON NOV. 27

New York musicians' union, Local 802, will stage its annual concert and dance for the organization's Medical Fund at Madison Square Garden Nov. 27.

After a symphonic concert by 150 musicians, there will be a string of name bands providing dance music.

Webb doing musical score for "Abe Lincoln in Illinois."

PUGGERS UNION FACES HUGE TASK

Publishers Willing to Play Along with A.F.L.-Chartered Contactmen but Latter's Cash Income of Less Than \$3,600 Nearly Not Impressive—802 Won't Punish Grant-Taking Leaders

A DILEMMA

Indications were given last week that the Music Publishers' Contact Employees of Greater New York, A.F.L. affiliate, will encounter no difficulties in obtaining an agreement from the Music Publishers' Protective Association authorized Walter Douglas, chairman, to negotiate an agreement with the union as possible and submit it to the board for study and ratification. The board meeting decided that industry as a whole was reconciled to the development and was interested to see whether the unionization of contactmen would prove an effective instrument in eliminating the evil practices stemming from songplugging.

Impression current among publishers is that this newly created union must depend on itself to wipe out these practices. Jack Rosenberg, head of the New York musicians' union, is quoted as having advised the MPFA that he would have to clean its own house and that it could not look to his local to punish band members for a practice of taking money for plugs.

The contactmen's union is also faced with the problem of proper financing. With its membership limited to 300 persons and a proposed fee of \$12 a year, the union's treasury can expect per annum is \$3,600. There is a per capita tax on the A.F.L. members which must come out of this, leaving not enough to cover the salary of a full-time official. Other items that also must be met are general costs of administration, headquarters rent and lawyers' fees. Question of setting higher union fees is complicated by the fact that these same contact men are supporting another organization, Music Publishers' Professional Men, Inc., which is exclusively devoted to beneficial purposes.

Walter Donaldson clefied "I'm Fit to Be Tied" for RKO's "That's Right, You're Wrong."

Dick Himer, Artie Shaw Into Music Publishing via Lincoln Catalog Buy

Dick Himer and Artie Shaw will most likely be the next two band-leaders to make investments in the music publishing business as the result of the stated purchase of the Lincoln Music Co. through the joint lawyer and personal rep, Andrew Weinberger. The stock, it is understood, will be split four ways with Sam Wigler, former Witmark professional man, who will serve as president, George Weinberger, 25%. The purchasing price figures around \$25,000. Memorandum on the purchase has been signed and contracts were to be exchanged and money passed late yesterday ("Tues.")

Lincoln catalog contains most of Harry Cline's tunes, including many in the popular field. It also includes "Daddy Doo" and "Study in Brown," several Mack and Wig scores and a "Garden of Eden" tune, the latter the original catalog from Joe Davis for \$10,000 about three years ago. Davis' firm from the "Jampango" in Philadelphia, for \$7,500.

Publishers' Lawyers Content New Writers Contract Pushes Industry At Disadvantage; SPA's Ultimatum

Songwriters Protective Association yesterday (Tuesday) moved to get all other music publishers to accept the standard uniform writers' contract and the main agreement which has been signed by the Warner Bros. group. The SPA has advised publishers by circular letter that unless they adopted the new uniform contract and approved the SPA's membership has assigned it, dating back to June 1, 1937. This assignment is for two years, effective since the new contract was signed.

SPA letter also states that even if publishers accept the new contract, the SPA will still bar them from exercising the mechanical rights involved.

Terms of the agreement between the Songwriters Protective Association and the Warner Bros. music group, which became effective last week, has aroused much comment among other publishers and their counsel. These sources are particularly of the increased authority that the agreement plus the standard uniform popular writers' contract has extended to the writers and the SPA. But they do feel that the documents might serve as a valuable basis for the working out of a general industry pact.

Common criticism of the contract is that it is not in the public interest in places and that its wording is not clear. Cited as a case in point are the words "K and M of the SPA" in paragraph 4. Under the contract, K and M are excluded from the writers' group exclusive of the composition in any form or for any purpose or for any territory.

Film Producers Rights According to these same critical sources, the provisions of paragraph A and B in section 9 of the main agreement would tend to curb the rights of film producers who maintain writers on salary. Any contract which restricts between writer and producer two are under these paragraphs subject to the contract which the firm publishing the producer's works has with the SPA. In other words, the producer, even though he paid for the creation of the work, is excluded from exercising his mechanical rights unless the SPA consents. Likewise the producer is deprived of the television rights.

Trade lawyers have also advised

their clients that the provisions of the contract which deal with foreign sheet music rights are particularly critical. If, according to the standard contract, the composition is printed in this country and shipped to Canada, revenue therefrom is to be considered of domestic origin and the writers are to get the same royalty. If the composition is printed by an agent in Canada the rights are to be considered as originated in a foreign country and the writers are to get no less than 50% of the net sums received by the American publisher. The SPA-WB contract also provides that a composition may be published in a folio or composite work. Any such work is to be between writer and publisher.

Other points in the contract which some critics don't like are those which allow for a three months accounting in place of the customary six months and the right of the writer to have the publisher's books and records examined at any time of the working day. The one big thing that the SPA has acceded in accomplishing through this contract is that it has secured recognition of its authority to administer the mechanical rights in the works of its members.

The agreement between the SPA and WB is binding until May 31, 1940, and contains an option for an extension of another six and a half years, ending Dec. 31, 1946. Heretofore, SPA has been in the public interest, has explained that the present binder will give the two camps equal opportunity to see how the terms work out and that if any of the terms prove impractical they can be revised for the long term. Under the present agreement WB is obligated to make it apply to composition which has been published since June 1, 1937, if the present terms are better than those previously obtained by the writer.

Uniform contract sets up a scale of fees for mechanical synchronization. In short subjects it's \$50 for each vocal vocal, \$75.00 for each vocal and instrumental, and \$25.00 for background use. In feature it's \$75 for vocal vocal, \$50 for vocal instrumental and \$25 for background use.

B'casters' Anti-ASCAP Bill Fails In Alabama; Revival Anticipated

Birmingham, Oct. 3. Alabama's proposed law against the American Society of Composers, Authors and Music Publishers, which was passed on the agenda of the lower house prior to adjournment last week. It had previously skipped through the Senate. The bill is expected to be brought up again by radio interests when the state legislature meets next June. The bill would require ASCAP to charge for its music by the piece and not by the blanket license. It would also require stations, hotels or other concerns using its music. It would also require stations to pay the receipts tax on the organization.

Oberstein's Studios

Eli Oberstein has taken the old Byer Studios, two upper floors of a building on upper Broadway, as recording studios for his United States Record Co. The building is being done over and will be ready for use Oct. 15.

Meanwhile Oberstein has been recording a number of Associated Record recording company to wax pop bands he recently signed. He recently signed from the "Jampango" (Gardman pianist).

Riccardi Sounds Warning

Calls Music Corporation of America and Big Bookers a Menace to Local Musicians

Philadelphia, Oct. 3. A. Rex Riccardi, secretary of the American Federation of Musicians, Local 77, last week issued a blast against the "invasion" by the Music Corporation of America of the Philly territory. "Unless the Federation takes action against the monopolistic tendencies of MCA," he said, "the other large booking agencies, the union faces the probability of these groups not only controlling the music field but controlling the union itself," Riccardi said.

Riccardi said that MCA had restricted the field for local musicians to only the second and third rate spots. MCA thus far has signed exclusive booking contracts with the Benjamin Franklin, Bellevue-Stratford, Ritz-Carlton, Warwick and Adelphi hotels.

"Local bands certainly cannot compete with MCA which offers them free remote wires on radio chains as a bait to sign up," he said.

Riccardi charged that hotels were paying name bands out of advertising budgets instead of charging them up to the operating expenses of the dance rooms.

"They take the money that ordinarily would go toward newspaper and sign advertising and pay for these bands on the grounds that plugs over the chains was advertising for the hotel."

The threat of the large booking agencies is serious. They have

gobbled up the cream of the business here. Because of national laws we are standing by helplessly watching our jobs diminish rapidly. Our hands are tied."

Riccardi said the national union had declared its intention to restrict remotes but thus far had taken no steps in that direction.

PALOMAR, LOS ANGELES, WIPED OUT BY FIRE

Palomar, Los Angeles, name band stand currently housing the Charlie Barnet orchestra, was destroyed by fire Sunday night (1). Loss to the spot's owner, Raymond Lewis, was estimated at \$500,000, partially covered by insurance. It has not yet been decided whether the damage will be rebuilt. Meantime Lewis is considering leasing the Shrine Auditorium to continue.

Barnet's orchestra, which was scheduled to close last night (Tuesday) to make way for the opening of Count Basie tonight, lost all its instruments and library in the blaze. Combined with damage Barnet was to have played on the way east, which will be cancelled, his loss amounts to about \$20,000. He will return to New York immediately to arrange for the setting up of a new library.

The ROBBINS and FEIST organizations

extend sincere best wishes to

LON MOONEY

in his new executive position as

GENERAL PROFESSIONAL MANAGER

Also a Salute to Miller Music's Great Line-up!

I'll Remember

By Ralph Freed and Burton Lane

It's A Hundred To One

(I'm In Love)

By Ronnie Kemper and Dick Jurgens

I Want The Waiter

(With The Water)

By Kay and Sue Warner

And ... the new Mack Gordon-Jimmy Van Heusen Hit!

Speaking Of Heaven

MILLER MUSIC, INC.

1629 BROADWAY • NEW YORK

Band Bookings

Ted Rito-Rito, Oct. 19, week. Loe's State, N. Y.

Jack Spratt, Jan. 5-25, '40, Coral Gables, Fla.; Lansing, Mich., 26-27, 28-29, 30-31, 1-2, 3-4, 5-6, 7-8, 9-10, 11-12, 13-14, 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, 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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, 1001-1002, 1003-1004, 1005-1006, 1007-1008, 1009-1010, 1011-1012, 1013-1014, 1015-1016, 1017-1018, 1019-1020, 1021-1022, 1023-1024, 1025-1026, 1027-1028, 1029-1030, 1031-1032, 1033-1034, 1035-1036, 1037-1038, 1039-1040, 1041-1042, 1043-1044, 1045-1046, 1047-1048, 1049-1050, 1051-1052, 1053-1054, 1055-1056, 1057-1058, 1059-1060, 1061-1062, 1063-1064, 1065-1066, 1067-1068, 1069-1070, 1071-1072, 1073-1074, 1075-1076, 1077-1078, 1079-1080, 1081-1082, 1083-1084, 1085-1086, 1087-1088, 1089-1090, 1091-1092, 1093-1094, 1095-1096, 1097-1098, 1099-1100, 1101-1102, 1103-1104, 1105-1106, 1107-1108, 1109-1110, 1111-1112, 1113-1114, 1115-1116, 1117-1118, 1119-1120, 1121-1122, 1123-1124, 1125-1126, 1127-1128, 1129-1130, 1131-1132, 1133-1134, 1135-1136, 1137-1138, 1139-1140, 1141-1142, 1143-1144, 1145-1146, 1147-1148, 1149-1150, 1151-1152, 1153-1154, 1155-1156, 1157-1158, 1159-1160, 1161-1162, 1163-1164, 1165-1166, 1167-1168, 1169-1170, 1171-1172, 1173-1174, 1175-1176, 1177-1178, 1179-1180, 1181-1182, 1183-1184, 1185-1186, 1187-1188, 1189-1190, 1191-1192, 1193-1194, 1195-1196, 1197-1198, 1199-1200, 1201-1202, 1203-1204, 1205-1206, 1207-1208, 1209-1210, 1211-1212, 1213-1214, 1215-1216, 1217-1218, 1219-1220, 1221-1222, 1223-1224, 1225-1226, 1227-1228, 1229-1230, 1231-1232, 1233-1234, 1235-1236, 1237-1238, 1239-1240, 1241-1242, 1243-1244, 1245-1246, 1247-1248, 1249-1250, 1251-1252, 1253-1254, 1255-1256, 1257-1258, 1259-1260, 1261-1262, 1263-1264, 1265-1266, 1267-1268, 1269-1270, 1271-1272, 1273-1274, 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1821-1822, 1823-1824, 1825-1826, 1827-1828, 1829-1830, 1831-1832, 1833-1834, 1835-1836, 1837-1838, 1839-1840, 1841-1842, 1843-1844, 1845-1846, 1847-1848, 1849-1850, 1851-1852, 1853-1854, 1855-1856, 1857-1858, 1859-1860, 1861-1862, 1863-1864, 1865-1866, 1867-1868, 1869-1870, 1871-1872, 1873-1874, 1875-1876, 1877-1878, 1879-1880, 1881-1882, 1883-1884, 1885-1886, 1887-1888, 1889-1890, 1891-1892, 1893-1894, 1895-1896, 1897-1898, 1899-1900, 1901-1902, 1903-1904, 1905-1906, 1907-1908, 1909-1910, 1911-1912, 1913-1914, 1915-1916, 1917-1918, 1919-1920, 1921-1922, 1923-1924, 1925-1926, 1927-1928, 1929-1930, 1931-1932, 1933-1934, 1935-1936, 1937-1938, 1939-1940, 1941-1942, 1943-1944, 1945-1946, 1947-1948, 1949-1950, 1951-1952, 1953-1954, 1955-1956, 1957-1958, 1959-1960, 1961-1962, 1963-1964, 1965-1966, 1967-1968, 1969-1970, 1971-1972, 1973-1974, 1975-1976, 1977-1978, 1979-1980, 1981-1982, 1983-1984, 1985-1986, 1987-1988, 1989-1990, 1991-1992, 1993-1994, 1995-1996, 1997-1998, 1999-2000, 2001-2002, 2003-2004, 2005-2006, 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018, 2019-2020, 2021-2022, 2023-2024, 2025-2026, 2027-2028, 2029-2030, 2031-2032, 2033-2034, 2035-2036, 2037-2038, 2039-2040, 2041-2042, 2043-2044, 2045-2046, 2047-2048, 2049-2050, 2051-2052, 2053-2054, 2055-2056, 2057-2058, 2059-2060, 2061-2062, 2063-2064, 2065-2066, 2067-2068, 2069-207

9 Theatres in N.Y. Area Add Vaude; Stage Shows Prove Hefty B.O. Aid

Vaude revival in film houses is continuing, with at least nine additional houses in the New York area having added or about to add acts since the Brandt circuit gave the movement a push a month ago by installing vaude in four of its metropolitan theatres.

Additional spots which have taken on a combo policy in the past few weeks are using stage shows only one or two days a week in most cases, with three days maximum. The trend is a sort of reaction to going and banking in the same house and is meeting with fairly good response.

Among the new combo spots are five Skouras houses. They are the Jamaica, Jamaica, Queens, which has been playing vaude only on Sundays, but will shortly go into a three-day policy; Riviera, Manhattan; Sunnys only; and the Forestwood, N. Y., Friday and Saturdays; Brooks, Brook Brook, N. Y., Saturdays and Sundays; and the Boulevard, Jackson Heights, Queens, Thursdays. Several Skouras houses of recent years have been modified stage shows. David S. Stern is booking.

Other houses going into vaude include the Regent, Kenosha, N. J., which opens Oct. 12 with a Friday, Saturday and Sunday policy. It is operated by Murray Stahl. The Colonial, N. Y., started Saturday and Sunday last weekend. Young's run by Ray and Ed Young, who also operate seven others, of which two are seen as potentials for vaude, is the current experiment proves satisfactory.

Union City House in Try
Colony theatre, Union City, N. J., began its latest vaude policy on Friday (6). It'll be a girl revue each week, set for only one night a week at the present. Harry E. Young, who operates the spot, is considering stage show extensions to other of his houses. Bayonne, Jersey City, Union City, Irvington and Palisade, Park.

Reeseblatt circuit, operators of 10 theatres in Jersey and Staten Island states vaude Oct. 12 at its 1,450-seat Orpheum, Jersey City. Decision was made a poll of 1,000 posters showed 80% of those answering wanted vaudeville and a "good picture." House will operate with live shows Fridays and Saturdays.

Brandt Houses Click
Bit at the Flatbush, Brooklyn, currently in its third week as a vaude policy, and the Audubon, New York, and Windsor, Bronx, in their second weeks, have convinced the operators the Brands, that they have a big win in at least two of the spots. Only waiting is the Audubon, who the operators have set shows for the first time for at least four more weeks and intend giving vaude a chance to prove itself as a big factor in this spot.

The fourth Brandt theatre, the Carlton, Jamaica, tied off Friday (3) with the Jimmy Dorsey band and while the opening was fairly good and bid high up over the weekend, it's still too early to judge its chances.

The Flatbush and Windsor are big clear-cut profit-makers, but far. Current week's receipts are especially big at the Flatbush, where Cab Calloway's crowd in a "Cotton-Top Review" is doing \$15,000. Calloway represents virtual capacity at every show at a 40c top weekend and 50c at Tuesday nights. Calloway is doing four shows daily, but played six on Saturday (30) and seven on Sunday. Under these figures, the Flatbush is between \$11,000 and \$13,000.

So far as the Audubon is concerned, the Brands are doing pretty well along with it as they did with the Flatbush, early last spring, when the first brand policy was installed. The house then dropped around \$6,000 in the first two weeks, but the big event built up to the black side of the ledger.

Brands thus far haven't picked an expert to light and dress its stages,

Rae Samuels Injured

Rae Samuels, former headliner, was injured last Wednesday (27) when the automobile she was driving skidded on the Queensborough Bridge, New York, and crashed into a pillar. She was cut on the forehead and one leg was hurt, but was permitted to go to her home in Baldwin, L. I., after being treated at St. Vincent's hospital.

Miss Samuels, wife of Marty Forekin, has been in virtual retirement the past few years, but is mulling a comeback in a package variety show being lined up by Charles J. Freeman, Interstate Bookers with Consolidated Radio Artists.

Nudity Can Be Art, Judge Rules, But G-String? Never!

Philadelphia, Oct. 3.
A judge here ruled Saturday (30) that nudity could be art, but the wearing of a G-string—never. Judge Wallace MacDade, of Delaware County, in turning down the appeal of the 69th Street Rathskeller from a liquor license revocation, said:

"Nudity may be art, but the appearance of nudity accompanied by public obscenity is suggestive. The simulation of nudity may be much more offensive to the public morals than the actuality."
The State Liquor Control Board revoked the Rathskeller's license on the basis of a strip-tease dance by a girl named Paula, billed straight from Minsky's. Adolph Hilbrandt, operator of the spot, protested that the dancer was not nude. He said she wore an "invisible pair of tights" which, in a blue light, gave the appearance of nudity. She also had a G-string, he said.

Weede Flies to Havana And Back to R. C. Music Hall for Opera, Stage

Robert Weede, Radio City Music Hall and Metropolitan Opera baritone, has a busy schedule the coming week. On Sunday (8) he will create the heroine role in Eugene Zador's new opera, "Columbus," with Jan Peerce, Martha Lipton and Lorenzo Alvari, under the direction of Erno Rate. Following the creation of the opera at the Center, Weede flies to Havana to open the season of opera there, in collaboration with Rosamond and Sidney Raynor, both of whom travel with him from N. Y. He sings four operas in Havana, including another "Rigoletto" and "Faust," and then planes back to New York on Sunday (15) to work at the Music Hall.

The Havana season, booked for eight days with W. E. Mason singing at \$4 top, is completely sold out.

although the idea was mullied last week. It's been put off for the time being.

Major circuit execs, especially those of RKO and Loew's, have been clucking over the big at the Brandt theatres, but there's been no indication this far that they'll go into vaudeville. Both RKO and Loew's operate former vaudeville theatres nearby all the Brandt situations.

INCREASED DATES KEY TO EMPLOYMENT

Added Income Tax Burden a Factor in Headliners in Pix, Radio Forgoing Booking—Either's Failure to Create New Personalities Another Reason

'WORKING FOR GOV'T'

With vaude playing time steadily mounting, especially in major key spots, there's again a growing shortage of headline talent material. All the bookers are on the hunt for big acts, but comparatively few are available.

As was the case last year, top-flight picture and radio names are reluctant to make stage appearances because of the added tax burden. As was pointed out by one personality in the high income brackets, playing theatre engagements virtually means working for the government, the latter getting most of it in the end.

Another reason for the dearth of big names is the failure of radio to create any new personalities of its own in the past few years. Practically all of radio's top names today were top names in other show biz fields before being drafted for radio.

It appears unlikely this year that such radio attractions as Jack Benny, Burns and Allen, or Fred Allen will make theatre personal. Benny and Allen, however, made it in the past, but the pressure of their work and tax reasons will keep them away from the stage this season. Fred Allen has shielded clear of vaude appearances since becoming a radio star. This leaves the theatres with virtually only the bands and occasional screen players. Bookers admit, however, that there's a plenitude of good variety acts, but few of them count at the ticket.

Ch's Name Blemishes Chicago, Oct. 3.

Booking of name talent into vaude theatres in the Loop, especially at the Balaban & Katz Chicago, and the RKO Palace, has become pretty much of a headache due to the increasing number of two-week pictures which are being sent into these theatres. With the pictures going a fortnight and most top spots booked on a single week basis, the second station of the film often finds the picture line very different from the previous week.

This situation usually doesn't help the vaude picture on its own, but not always the boxoffice answer, with the business resulting more from the picture.

(Continued on page 3)

39 EX-VAUDERS IN 1 PAR FIRM

Hollywood, Oct. 3.
Old-time vaude players get a break in "The Farmer's Daughter" at Paramount, with 39 of whom variety mostly occupied from producer to bit player.

Beginning with the producer, William LeBaron, the former variety players are James Hagan, Eugene Hornebostel, Rolie Asher, Eddie Sallenger, George H. Stone, Oscar La, Martha Raye, Charlie Rogers, William Frawley, William Demarest, and Tom Drake. Tom Drake, Courtney, Pat West, Benny Baker, Ann Shoemaker, Jack Norton, Bert Hanlon, Shins Miller, Harry Lee, G. P. Huntley, George McKay, Nick Copeland, Bob Bogges, Wilfred Brundage, George H. Stone, Oscar La, Eddie Bond, Nick Morrow, Pat Moran, Glenn Bell, George Brown, Amos Goddell, Al Herman, Lee Murray and Grace Hayes.

Dorothy Bryant, AGVA's New Exec Sec, Would Bond Talent Employers; Membership Said to Total 4,556

2 N. O. Spots Reopen

New Orleans, Oct. 3.
Jean Ladette reopened the Chez Paree Saturday night (30) with bill topped by Diane and Diane, Dicks and Frances Anello, Miss New Orleans of 1938, Maurice Reid is m.a. Nut Club, which has been dark all summer, also was reopened last weekend by Joe Mares. Spot has been remodeled and decorated.
Earl Danton's cor goes into Peter Herman's Club Plantation on Oct. 12.

PHILLY ACTORS ASK AGVA TO HONOR KELY

Philadelphia, Oct. 3.
Members of the Philly local of the American Federation of Actors at a meeting here last week passed a resolution urging the national board of the American Guild of Variety Artists to appoint Tom Kelly, AFA box agent, to the same post under the new board. The group voted to hold in abeyance any final action on its work for complete local autonomy after the conference scheduled for next Tuesday) between officials and national AGVA officials in New York.

Attending the meeting and supporting the local in its stand were representatives from the State Federation of Labor, Central Labor Union, American Federation of Musicians, and the Walters and Barker, Variety Union.

Kelly huddled Friday (28) with Florence Bernard, head of the Entertainment Managers Assn., later announcing that this group, too, had pledged its support to the local.

Bowes Ams, Bonds And Pic Players Set For WB's Stanley, Pitt

Pittsburgh, Oct. 3.
Even though Eddie Cantor re-augmented stage shows at the WB Stanley over weekend after weekend, house had been playing straight pic for four months, town knew for sure that Cantor was back when management announced the booking of Marnie Bowes' fifth anniversary revue for beginning Friday (6). Stanley's practically home to the tyros, almost 20 of the amateur units playing the spot in last three p.m.

Bowes will be followed by a Rock n' Roll band, including the new Horace Heidt and Glenn Miller, with p.a.'s for Ann Sheridan and Allyn Aronson. The latter, Lane sandwiched in.

With resumption of flesh, house topped its top again from 50c to 60c.

Lewis, Haakon, Tamara In New Chez Paree Show

Chicago, Oct. 3.
Joe E. Lewis comes into the Chez Paree here Oct. 22 to head a new show, which will include Tamara, Paul Haakon and the Stapletons. Allyn Aronson orchestra continues and holds until Dec. 22.

On Dec. 22, the new show will have Romeo Vincent, Gertrude Jensen and the Stuart Morgan dancers; a shift in bands, with Henry Busse orchestra figured to return.

Bonding of presentation houses, nities and vaude producers responsible for salaries is aim of Dorothy Bryant, new exec secretary of American Guild of Variety Artists. Mrs. Bryant, for 18 years chief of Chorus Equity, intends to achieve same guarantee of a payoff for vaude acts as Equity gets from producers for legit performers.

That bonding is nothing to be achieved in a week or even a year is readily admitted by Mrs. Bryant, who was the choice of the AGVA exec board last Thursday (28) to succeed Maida Reade. Selected because of her knowledge of the field, new exec also declared that only through almost 100% performer strength could AGVA hope to attain its payoff guarantee that bonding assures.

Mrs. Bryant, who drew up codes for the NRA in vaude and theatre fields, said bonding was discussed at length as a possible provision in those codes. Although it was favored, it was never inserted because of difficulties feared in ascertaining who actually owned the code when an act is employed. There was a concern that it would take the opportunity off responsibility. She indicated that a strong AGVA could solve this problem.

Offered the executive secretaryship when AGVA was organized during the summer of 1937, Mrs. Bryant changed her mind that led her to accept last week resigned partially because of the group voted to hold up a new up a new on a satisfactory successor to Miss Reade.

"I have long been sympathetic and familiar with vaudeville people," she declared, "and have frequently vowed my desire to see something done to improve their lot. I felt that I would be shirking if I refused to take the opportunity when it came my way."

No Contract
Mrs. Bryant has no contract with AGVA. She said that if dissatisfaction arises on either side, she wants to quit. She said that if she resigns, she feels her job completed, but added that she will take the next years. "One of her precepts will be, she said, to consider vaude and nitty performers as a whole, inasmuch as employment in the two fields is interchangeable.

Mrs. Bryant resigned from Chorus Equity two years ago and had been in retirement since. Under her resignation, she was to receive \$75 in its treasury when she took it over and 500 members, none of whom were nitty performers, members at its peak. It had closed shop agreements with every important vaude performer when she stepped out.

Jeann Muir, who has been working as a no-pay basis head of AGVA's organizing office, will continue under Mrs. Bryant. She will be directing several plays for Broadway production and may step into the picture as a performer.

Disappointed at the daily and trade press stories of dissension over the new basis head of AGVA, Associated Actors and Artists of America, and in AGVA rank and file, following Mrs. Bryant's resignation, she named a press agent at the same time as it appointed Mrs. Bryant. She has a no-pay basis head of AGVA, consisting of such vaudeurs as Jay C. Flippen, now pro tem AGVA pres., Allyn Aronson, Dewey Martell and Maria Lind.

4,556 Members
A membership of 4,556, and written or verbal contracts with 11 New York representatives of show boards are coming in at the rate of about 100 a day.

Current house number 2,280 in New York, 1,020 in Los Angeles, 740 in San Francisco, 321 in Chicago and 32 (Continued on page 37)

Reene Nls
Herb Reynolds Oro
Jack Delmon

Managers Now Want Dramatists Guild to Revise Its Rules on Valuable Amateur Rights Gravy

While the picture interests and the Dramatists Guild are dickering over a new deal whereby Hollywood will again finance Broadway production, the Managers remain unmoved. But now, but aim to obtain some revisions of the present provisions not relating to the film end. One of the points which the authors will be asked to change concerns the amateur rights of play.

Such rights, though not generally known, are more valuable than those of a limo. Number of stock presentations compared to former times, but the possibilities of amateur showings are virtually limitless, there being thousands of little theatres, amateur groups and college players. Such groups are charged \$100 and upward each time a play is shown. Manager Abbott's author split 50-50, with stock.

Under the guild rules, the manager loses his share of the stock and amateur rights after three years from the date of the play's closing, unless the show is used at least 75 times in one year. Such showings must be in stock or revival. Managers cannot control the amateur showings, which should also be counted, arguing that it is unfair for the author to get all the money. Theatre groups, however, such rights are worth real cash is indicated by the fact that some play groups have paid up to \$5,000 in advance royalties for amateur rights of hits.

Guild's Little has an agency for the distribution of amateur or Little Theatre rights, being in direct contact with play brokers who can't do anything about it. It pays no advance royalties, however. Author has the say as to whether rights are handled by the professional broker, or through the Guild's office. While the theatre industry is hardly questioning, producers have regarded the Guild's activities in the amateur rights field with alarm.

Strawbaws Lustrate
Summer rural showings are now the more lucrative of the two fields. Amateur and little theatre groups are included in these, for some of the supposedly stock shows in the woods are frankly non-professional and there are any number of dramatic schools as actors.

That showings in the summer stocks is not prejudicial to play's continued on page 42)

Don't Look Now, But Did Gordon Drop 'Error' Or Was It AN A Mistake?

Reason why Max Gordon supposedly started production of Clare Boothe's 'Margin for Error' based on the German-American bond, then abandoned the work, is puzzling to many. Before the production was secured the rights, script was offered another manager, who declined to produce it. The production was an entirely different reason that may have caused Gordon to change his mind.

Letter engaged Otto Preminger, the Tennessee stage, and it was reported that casting had started when Gordon advised the authors that they were not producing the play. His explanation was that he was too much tied up in rehearsing 'Very Warm for May.' According to the manager's office, however, Gordon never agreed to do 'Error.' Stated that he engaged Preminger to produce 'The Happiest Man,' which was dropped because the desired leads were not available.

There is a speculation over the audience reaction that 'Error' will create. Play is a melodrama. But Miss Boothe's plays are sometimes released in a manner which apparently surprises her. She has said to have been surprised when audiences laughed at passages in 'The Women' and 'The Sign of the Cross.' Such applies to 'Kiss the Boys Goodbye.' From the subject matter of 'Error' that is not likely to happen.

Miss Boothe, who is wed to Henry R. B. publisher, is expected to return to Europe after 'Error' opens to act as war correspondent for Luce's Time war assignment. She has been inside facts which have been carefully censored from messages about the war on the Western front.

SKEERED?

So Memphis Thinks When Woolcott Cancels Local Lecture

Memphis, Oct. 3. Alexander Woolcott has called off a sure date at the local Ellis Auditorium and the town is wondering if Alee can't take it. Seems Woolcott was supposed to give a lecture on the Memphis auditorium with some barn in Saturday Evening Post article about Katharine Cornell's tour to the well known local house as a ramshackle tabernacle.

Flow of protests brought a formal printed reply from Woolcott's signature, but the rain will combine.

Recently Woolcott's lecture agent offered him for a date Nov. 7 at very auditorium he was rapped and Cal Charlie McKee, the manager, grabbed the booking. Subsequently he was asked that Woolcott had decided he wouldn't be able to get Memphis into the itinerary.

Italy Won't Let Singers Sail Jazzes U.S. Cos.

The Italian government has apparently refused to allow its principal opera singers, who are non-residents of this country, to sing in America. The result has been to throw the San Francisco and Los Angeles opera seasons into confusion, and a general collapse. The first named season was due to begin Oct. 13 with 'Manon, with Tito Schipa, Matilde Serafini and Salvatore Baccolini' presented. Only the tenor, Schipa, is in U.S.

Gastone Merlo's Impresario has been wiring, cabling and phoning Italy without avail. With the close of the San Francisco season, a weekly opera in Los Angeles was to be presented, followed with a Chicago season.

Among the more prominent artists who apparently will not be available are Enrico Caruso, the great Italian soprano of the Metropolitan, Faverio, lyric soprano, Galliano Masini, lyric tenor, Enrico Caruso, and the leading baritone, Ebe Stignani, one of the world's greatest contraltos; Luciano Ziliani, principal first tenor of La Scala; Alessio De Paolo, comic tenor; Salvatore Baccolini, comic tenor; and Tito Schipa, one of Italy's principal coloraturas.

Only Giovanni Marinelli, now an American citizen, and Ezio Pinza, were allowed to come, and they, because they have been coming here for a score of years, and would not be of a fighting age.

Intervention through the Italian Consulate and the State Dept. has been made without avail. The Metropolitan Opera Co., N. Y., professes no knowledge at the moment, as the possibility exists that restrictions may be down.

But with only one sailing left on the Rex and the Conte di Savoia, it is understood that the N. Y. company will be in a score of days, and it is determined whether its stars are to be made available or not.

Equity Concedes to 'Devil'

Waives Bond to Co-op Group Utilizing FTP Players; 15 Weeks Maybe Assured

Despite its attitude in opposition to co-operative stage ventures and the strict requirement that salaries must be guaranteed by surety bonds or cash, Equity has granted a concession to the salary advance group to open Friday (6) the Barbizon Place (hotel) N. Y. Attraction was slated for the first of the season, but its agreement over terms for the future.

One point that caused the council to refuse a salary advance was the assertion by the show management that it was a ticket selling concern. But that virtual assurance, dated to extend 15 weeks. Ticket production department is said to be the one that operated the show's attractions at the Barbizon. N. Y. theatre parties were booked there, especially during the showing of 'One Night in the National' and 'It Happen Here.'

Players in the setup are reported to have emanated from the Federal

Hollywood Seeding Legit Deal; WB Reported Behind Geo. Abbott, Brokers Also Mull Show Backing

LEAGUE ASKS BLANKET MUSICIAN DEAL IN N. Y.

Blanket contract for pit bands in all the member houses is being sought by the League of New York Theatres with Local 802, American Federation of Musicians. Previous terms with individual houses expired on Sept. 1, but operation continues under their provisions while negotiations are in progress.

Hith in progress of new deal in demand of Local 802 that it links a blanket deal with the League assumes responsibility for its individual members. Theatre operators' organization refuses to take upon itself such liability.

Practically all other terms of the contracts are agreed upon in the cases being the same as last year's.

TAXATION BY HALT DUCAT HOUSE

The Internal Revenue Department has been queried as to the admission of liability on theatre passes which are sold, as a prelude in a move to stamp out the practice. At the New York tax hearing, it was stated that a ruling would be secured from Washington, but it is not clear if the same ruling would be applied as previously made any play.

Several seasons ago certain legit theatres initiated a series of passes of 40¢ per head on passes. Tax department declared it was an improper levy, ruling the collection to actually be an admission charge and threatened demanded 10 per cent of the face value of the tickets. That meant 30¢ apiece and the theatres stopped collecting on passes. Alleged that are around a dozen theatres selling passes obtained in various ways, usually getting \$1 a pair, to announce of managers and ticket agents.

Present interpretation of the admission law says the passes for straight plays are not taxable, but a levy is supposed to be applied for musicals. It is believed that a mistake was made in Washington, since could appear that passes for musicals would also not be taxable, since such attractions have a long history. Figure that the real intent of the legislation is to exempt the legit, though not other forms of admission.

Flock of New Yorkers were on the New Haven debut, reports on the show's chances being distinctly favorable, with strength of the score generally conceded.

Burr Not In On 'Goin' With Larry Schwab

First announcements concerning 'Nice Girl,' musical version of 'Salor Beware' were to the effect that the show was to be produced by the show in association with Courtney Burr. Letter, however, is not in the management and stated that he will not be interested, Schwab operating on his own. Burr's role in the production, where several Schwab & Mandel shows clocked, notably 'Good News' and 'The Sign of the Cross.'

Burr's activities as a producer have been sporadic. His only real production, 'The Sign of the Cross,' financial trouble prior to debut, then went on to clean up. Letter part of Burr's rights and to be shared by Burr defaulted on royalties and the rights reverted to Kenyon Nicholson and George Abbott. Burr's participation in the book royalties of the musical version, 'The Sign of the Cross,' was made by Schwab.

Parmount paid a high price for the film rights to 'The Sign of the Cross' to little with the script. After the scenario was worked on by an unknown writer, the picture emerged in celluloid plenty spoiled, but was a flop. Original title of the play was 'The Sign of the Cross.'

SHUBERT-GALLO L'VILLE OPERETTAS 30G IN RED

Scheduled arbitration of small claims by players in the open air operetta revivals during a short season at Louisville, Ky., last summer, revealed that the venture went into the red for \$30,000. It was with this reason that the management advanced to counter the claims which were for the final Sunday night performance, cancelled by rain. Management continued to the act of God, but Equity, for the players, argued that its people were kept over an additional day in Louisville and should at least get back whatever extra expense they incurred.

Under the direction of J. J. Shubert and Fortune Gallo, the performances were given in Iroquois Park. Arrangement between the showmen and local sponsors stipulated that the former be guaranteed a going show and it is understood that the deal was defrayed by the park association, a civic group, and two Louisville theatres. Shows were one of the few spots where open air operettas were tried this year.

TAT, SHUBERT TANGLE BOSTON

Affairs of the Theatrical Managers, Agents and Treasurers union were the subject of a tangle in Boston when the producers signing the extended basic agreement, after a strike threatened, but TMTAT's jurisdiction outside of the city was questioned. Impasse resulted in Boston and it was reported it might be delayed the showmen's choice for the post was William Kotler, reported employed at the house as 'maintenance man,' said to mean the janitor.

TMTAT objected on the grounds that Kotler does not belong to the union and that he had no previous experience in house management and that there were TMTAT people available for the post. The showmen's choice for the post was William Kotler, reported employed at the house as 'maintenance man,' said to mean the janitor.

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Gustave A. Gerber, counsel for TMTAT, said that the American business agent, are in Cincinnati, where they will seek clarification of the union and charter from the American Federation of Labor. There is no doubt about jurisdiction over the union and charter from the American Federation of Labor. There is no doubt about jurisdiction over the union and charter from the American Federation of Labor.

Newcomer for 'Children'

Chicago, Oct. 3. Pierre Walcott, former of the Power-Waters, company manager for 'My Dear Children,' at the Selwyn, went into the cast this week. She replaces Dorothy McGuire, who goes to New York to sing in the production of 'Midsummer Night's Dream.'

Miss Waters has been understudy for all four female roles in the John Barrymore show.

Play Out of Town

1st Italian Mother.....	Dolores Baldoni
Her Daughter.....	Marilyn Wahl
2d Italian Mother.....	Miriam Battisto
Her Son.....	Edward Naylor
Arturo.....	Anthony Rosillo
Pietru.....	Giovanni Dolini

Since the revival of Broadway hits is nearly always a pre-conceived idea to stir a sentimental nostalgia—let alone a few kopecks—the return of the late Sidney Howard's 'They Knew

Broadway

[illegible]

Chicago

[illegible]

Westport, Conn.

Andre Kosterlitz to the Coast.
The Fredric Marches back to town
Trainer 'Spiky' Hunt here for the fall.
Norm Taylor engaged to Jack
Carmichael.
Zorina here. Dittie Rouben Ma-
moulain.
The Greenway visiting Mrs. Mar-
Luescher.
The Franklin P. Adamson feel-
ing good.
The Hollywood Bemelmans are back.
Also Helen Keller.
Ruth Woodbury Sedgwick has
returned to Hollywood.
The Kathleen McKays touring with
the Bessies.
Muriel Dickson singing at the
Hollywood.
John Orr Young's daughter, Helen
wed Saturday (30) to Andrew Jack
Eddie Nugent commencing to 'Se-
d' the day after tomorrow.
The Harrys, Josef Hofmann and
Dorothy Maynor, Negro soprano, al-
ready announced for Norwalk
Community Concert coming.

Minneapolis

By Les Beas

A. Seiby, Carver, Paramount
branch plot tournament with an 88
score.
Harold E. Johnson, Universal
branch plot tournament with an 88
score.
Hays, Paramount New York
office ad sales supervisor,
visit.
Jerome Odium, author of 'Kac-
to' for brief visit.
Bill Levey, of Seventh Street
theatre, toastmaster at long time
club, and co-ordinator of
Earl Pomeroy, for an opera
Tribune drama critic, now covering
theater section.
The Levey 20th-Cox district man-
ager, here for short visit before start-
ing his new job as 20th-Cox
drive leader.
Olympic Bradsen, Susan Haywood
and the Hollywood
Naish among film people here for
the day.

Minneapolis

By Les Rees

A. Selby Carl won Paramount's branch office tournament with an 88.

Harold B. Johnson, Universal branch manager, laid up with flu.

Joe Haas, Paramount New York home office ad sales supervisor, visitor.

Jerome Odium, author of "Each Day a Die," home from Hollywood for a while.

Bill Elson, of Seventh Street theatre, toastmaster at operator's 10th anniversary celebration.

Earl Pommer, of Los Angeles Tribune drama critic, now covering films and handling Sunday amusement column.

Moce Levy, 20th-Fox district manager, here for short visit before starting country-wide jaunt as S.Y. Kercheval's assistant.

Olympie Bradna, Susan Hayward, Patricia Morrison and J. Carrol Naish among film people here for a few days.

London

[illegible]

New Haven

Edie Ryan's orch into Taft Grill.
The Bijou packing 'em with weel
by litterbug contest.
Sunderland name band-vaude police
at the Arena a click.
Jimmie Whelan back at old po
in Shubert boxoffice.
Possibility of stage shows retur
ing to Lincoln before long.
The Lincoln has reopened with
review and foreign flunkey.
Hefy representation of Broadw
at Shubert preem of Two Mar
Girls'.
Jack and Muriel Raymond d
vorced here (29). She's form
showgirl.
Drive-In theatre slum

ulthood injunction and continues to operate pending appeal.

[illegible]

Hollywood

[illegible]

Philadelphia

Not Larry, Rock district manager, didn't know his bride. Or former editor Joe Morrow, M-G salesman, on the same day, was appearing in the same place. Pete Enloe, Rock staffer, joined the ranks of the beneficiaries over the years.

The Charlie Vernons (he's manager of the Karlton) are expecting a son. The Variety Club is reading its annual report, consistent with more than \$100 million in prizes on tap.

Maurice Stamford, manager of the Rock district, is celebrating his 50th birthday. The Rocklocks, Silver Seton.

Frank Silverman, Detroit director of the Detroit Symphony, is celebrating a wedding anniversary.

Wally Vernon, Joe Faye and Edna White had an old neighborhood party. The party was a success. They're all West Philly boys.

Margaret Bachman, operator of the Rock district, is celebrating her 224 birthday and her 224th anniversary as a milky proprietress.

Low London, WFEN announcer, is celebrating his 22nd birthday. Professional model, have been on the radio for two weeks now. The Rock district is celebrating its 224th birthday. The Rock district is celebrating its 224th birthday.



Thanks to **MR. WINCHELL**
and **COLLEAGUES**

We are Held-over for a
3rd WEEK
N.Y. Paramount Theatre

- ★ **EDITH WERNER** in the **SUNDAY MIRROR** SAYS:
High style arrangements and smooth delivery put the Four Ink Spots head and shoulder above any other quartet. They stop the show!!!
- ★ **DOROTHY KILGALLEN** in the **N.Y. JOURNAL-AMERICAN** SAYS:
A Gold Star to the Four Ink Spots at the Paramount Theatre.
- ★ **HERBERT COHN** in the **BROOKLYN EAGLE** SAYS:
The Four Ink Spots are rhythmically irresistible as the Paramount-audience amply demonstrated.
- ★ **ABEL GREEN** in **VARIETY** SAYS:
Real clicks of the current show at the Paramount is the Four Ink Spots!
- ★ **WALTER WINCHELL** in the **N. Y. DAILY MIRROR** SAYS:
Have a new recording; the Four Ink Spots Decca of "You Bring Me Down,"

CURRENT THEATRE TOUR

OCTOBER 12 STATE THEATRE, Hartford, Conn.
19 ROYAL THEATRE, Baltimore, Md.
27 EARL THEATRE, Philadelphia, Pa.

NOVEMBER 3 PARAMOUNT THEATRE, Springfield, Mass
10 PARAMOUNT THEATRE, Buffalo, N. Y.
17 CHICAGO THEATRE, Chicago, Ill.
24 PALACE THEATRE, Cleveland, Ohio

And THE FAMOUS DOOR., New York City

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THE NEW YORK TIMES

England Looks to Its Film Future, Insists Quota Producing Continue

London, Oct. 10. Determined to enforce film quota laws now in effect, the British government is insisting on the continuance of American production during the war. The government wants to avoid a recurrence of the last war, when film production was stalled during hostilities, requiring 10 years for the industry to get going again following the Armistice.

It's understood the English government is ready to grant a leave to any actors in service so they can return to pictures.

United Artists will handle distribution of other producers in addition to Alexander Korda's films. A deal is in negotiation with Gabriel Pascal release George Bernard Shaw pictures through UA.

"Major Barbara" leads off the series, with Wanda Hiller and Leslie Howard heading the cast. The Lord Port-Arthur Rank group is said to be bankrolling Pascal. A deal is also on for an Elisabeth Bergner picture to be directed by her husband, Dr. Paul Czinner. Paramount distributed Miss Bergner's last film, "Stolen Life".

Another deal is in the fire with Neville Neville, whose "An Englishman's Home," directed by Albert de (Continued on page 11)

Vallee's Idea 'To Show That Critic' Set Back, Probably Permanently

Pittsburgh, Oct. 10. Proposed legit appearances of Rudy Vallee out of town in a revival of "The Man in Possession" have been set back indefinitely, probably permanently. Bandman Vallee was recently seen in the play at the Papermill Playhouse, a theatre show business performance was covered by a first string New York critic, who noticed Vallee to stick to radio scripts and his saxophone.

Vallee was so steamed up over the criticism that he decided to prove that he could develop into a regular legit actor. To smooth off his performance, as such, bandman sought bookings for "Man" in Pittsburgh, Philadelphia and Buffalo, intending to open in the show next week in either of the first two named cities provided there was no other legit in opposition. Upon learning that regular attractions will be played in both on the dates he was interested in, Vallee decided to forget the idea for the present at least.

Al Schacht's Sports Shorts Series for M-G

Chicago, Oct. 10. Deal pends for a series of comedy sports shorts by Metro with Al Schacht. Pete Smith will be the producer. Schacht, who was a ball player before he turned comic, has entertained fans in pre-game antics in the last 20 World's Series and during the regular season performed similarly in ball parks from coast to coast.

He started the ball park routines with Nick Altrock, but has worked alone the past seven years.

'Siegfried Line' Song Uncertain For U.S. Market

Phonograph recorders are evincing a lukewarm interest in "We're Gonna Hang Out the Washing on the Siegfried Line," the British war song, which has been made available to them by Sidmore Music Co. Decca has taken the position that it wants to string along with radio's policy of avoiding any anti-neutralist entanglements. Victor has a standing policy of not handling anything associated with the war, while Columbia Phonograph reported yesterday (Tuesday) that it hadn't seen a copy of the number as yet and that un- (Continued on page 36)

PORTLAND, ME., C. OF C. TO B.R. VAUDE'S RETURN

Portland, Me., Oct. 10. State of Maine, currently without a regular stage show policy, may get live talent at Keith's Portland via the Chamber of Commerce. House is said to be indie-operated and the C. of C. has evidenced a desire to back a flexible policy at the theatre, but sans pictures.

C. of C. rep last week contacted Charles J. Freeman, Interstate booker with Consolidated Radio Artists, on the idea of a 42-week season, bulk of which is to be made up of variety shows headed by picture and radio names, or name band (Continued on page 59)

HOLLYWOOD ECONOMY AIDS STAGE BOOM

Vaudeville's Upbeat Absorb- ing Fancy, Priced Screen Talent — Constance Ben- nett's \$6,500 One Example

*MORE PIXITES ON TAP

The general wave of economy in Hollywood, which has resulted in salary cuts and pairing of player rosters at virtually every studio, is reflecting itself in vaudeville. From present indications, there will be more film players available for stage appearances than there have been in the past five years.

Contributing to the influx of celluloid personalities in person theatre bookings is the opening up of more playing time in the past few weeks. This has been particularly true in key cities and that's what interests the Coasties, who've ducked the jostling dates in the past.

The list of film players already touring vaudeville houses, or pre- (Continued on page 18)

Legit Actors Who Took Cut Share in Pic Coin

Eight players in "Remember the Day," produced by Philip Dunning in 1935, will split \$2,700, the full managerial share of the picture rights, money being in the hands of Equity for distribution. Comedy had a moderate run, but finished in the red.

Cast took a cut, in consideration of which Dunning agreed to turn over his share of the film rights to the players if and when sold, provided the sale were not refunded. Business did not improve enough to balance the reduction in pay and, when the rights were recently sold, Dunning remitted his end of the film coin.

Outlaw Thanksgiving Gives Extra Holiday

Philadelphia, Oct. 10. Jimmy Dorey orchestra will play two Thanksgiving Eve hops if both dates hold, due to some parts of the country abiding by the President's moving the holiday up, and some retaining the calendar date. The hops will be at the Philadelphia Nov. 22 and another in Boston the 29th.

Comedy the Keynote of Next Pix Cycle, as Contrast to Grim Europe

If It's German It's Poison to Canada

Montreal, Oct. 10. War feeling has risen to the point here that any broadcast whatever from Germany is likely to be taboo. Hitler's Berlin Reichstag speech was not relayed here. Programs from Berlin, with American commentators as heard intermittently over NBC and CBS, are also suspended.

Canadians feel the Americans, as everyone else, are under wraps. They have no inclination to listen to what might be, or is suspected to be, colored material.

Budgetitis, In Effect on Coast, Saves Pix Plenty

Hollywood, Oct. 10.

Tightening up of production at 20th-Fox is resulting in pictures being brought in three to five days under schedule. New plan has been put into operation by William Kramel, starting production at 8 a.m., with companies working up to 8 p.m. and often later.

Femme players are reporting at 6 a.m. to be ready for the cameras. Production saving to the studio is figured to be between \$20,000 to \$35,000 per picture.

NEWSPAPER GUILD'S WAR PAY PROVISOS

In all new contracts and renewals by the Newspaper Guild, a clause is being inserted demanding agreement by the employer that any member of the union who has to go to war will be guaranteed his job back, if returning and desiring it.

In addition to this war clause, the Guild is demanding that time spent abroad in any war be tacked onto the years spent on the newspaper job so that pensions and service pay will not be jeopardized during the enforced absence.

Story editors have been instructed by production execs at several of the major studios to watch for "polite comedies," as the next cycle of films. Light stuff is in demand at the moment, as good b.o. contrast to the grim background of war. European countries are already asking for this type film and it seems to have the best chance of getting a favorable break there.

Of primary importance, however, is the fact that these comedies can be made cheaply using a minimum of expensive sets.

There have been few important film story purchases since the outbreak of hostilities. Film execs had been working on instructions that brought about the last cycle—heavy dramatic stuff for star names, as with "The Old Maid" and adventure, like "Stanley and Livingstone," until this new trend.

Canada Wants Laughs, Too

Winnipeg, Oct. 10. Comedy, according to officials of practically every branch of show business, will be uppermost in Canada during the coming fall and winter (and war) days. This became evident after a quick quiz among heads of the various divisions of pop entertainment in this section. Radio, due to its close association (Continued on page 63)

Nick Schenck, Other Showmen to Be on N. Y. Fair's Board in 1940

Constructive realignment of operations at the New York World's Fair 1940 have been decided on and it will cost players in different phases of show business installed on the board of directors. Nicholas M. Schenck, shortly will be asked to serve on the board as an authority on amusement matters and outdoor show operation. Before Schenck became an active leader in the film business, he was highly successful in operating Palisades Park, New Jersey.

With the N. Y. expo lacking only 18,000 to 22,000 paid attendance, as of close of business Sunday (8) last, present gate indications have been that total will be between 24,500,000 and 25,000,000. Chicago's Century of Progress the first year totaled 22,250,000 paid admissions, with the operating period 15 days shorter than N. Y.'s fair. Chicago's expo opened on from May 28 to Nov. 11, the last two weeks a big attendance void.

Basil-Dipson's Buffalo Product OK After Reported Beef to Justice Dept.

.....Page 4
.....Page 5
.....Page 5
at.....Page 5

Sworn to and subscribed before me
this 28th day of September, 1939.
Harold J. O'Connell,
Notary Public.
My commission expires March 31, 1941.

Oct. 12 (London to New York)
Fanny Holtzman, Geraldine Fitzgerald
and John Wilson, Albert Park
(Manhattan).

He made four pictures for the studio, last of which was "Death

Managers may upset legit upb

.....Page 4
.....Page 5
.....Page 5
at.....Page 5

SWG Can't See Much Cause for Alarm

Screen Writers Guild, at a meeting Monday (9) night was told by prexy Charles Brackett, 'reports by members, with unofficial contact with Washington, would tend to disprove alarmists' rumors about the 'war's effects on the picture industry.' Reports point out that even if all picture theatres in belligerent countries shut down completely, revenue would drop less than 10%, and the slack would be taken up by increased profits from other markets, particularly as British, French and German competition have vanished.

'Question of money embargoes is not a new one. Such embargoes, in most of the countries involved, have existed for many years, and film companies have found means to circumvent the obstacle.'

Brackett said scores of 315 writers are now working in major studios with no instance of articles taking cuts, and only a slight falling off in employment.

Film Payroll Choppers Appeared, Heavy Firing Over, Clip Here 'n' There

Hollywood, Oct. 10. Bombardment of picture payrolls showed signs of appeasement during the week, with the heaviest firing at Metro, where 42 sound men were registered as casualties in the war-time 'stretchmark.' Top-off reduced the sound personnel from 167 to 125. In the writing department, 24 week-to-week scribblers were aired, and in other departments the reduction was registered at a slower tempo.

Workers at Grand National studio were cut down to a skeleton crew of 15, following an order by Earle W. Hanson to suspend salaries in the line, including home office and exchange employees, until the company's new financing deal is completed.

At Paramount, Y. Frank Freeman related rumors that there would be a general shutdown. He explained that there is a definite plan to wind up all pictures currently shooting by Dec. 31, so that there will be no production during Christmas week. After that, he asserted, the studios will be busy with outstanding pictures until June.

Scheafer Says Foreign 50% Off
Hollywood, Oct. 10.

War conditions in Europe have reduced business in London and Paris film theatres by at least 50%, according to cable received by George J. Scheafer, head of RKO. In provincial England, outside of cities, the trade was reported as two-thirds of normal.

Two RKO pictures feeling the pinch of war are 'Gunga Din' and 'Edith Cavell.' Last week's temerity on 'Din' was only \$35,000, as against a normal take running from \$110,000 to \$140,000. 'Cavell,' aimed at the British trade, is doing about half the business expected. In addition, the exchanges find it hard to collect rentals.

BEN GOETZ OPERATED ON IN N.Y. HOSPITAL

Ben Goetz, chief of British production for Metro, was operated on by doctors' hospital, N. Y., last Thursday (5) for gallstones. He's recuperating satisfactorily and expected weeks of out of the hosp in about two weeks.

Goetz returned from Europe Sept. 15 and was in confabs with Metro execs on the future there when the attack of illness occurred.

Sinclair Lewis' \$75,000

Asking Price a Record?
If Sinclair Lewis gets the \$75,000 he wants for the film rights of his first book, it will be the highest price ever paid. 'Grapes of Wrath' sold for \$25,000 and 'Come With Me' for \$25,000, latter bought from the author's book, just completed, tagged 'Bethel Method,' is a story of the theatre, strawhalls in particular, and is said to be based on the author's experience while touring recently in 'Angela Is 22'.

CASH FOR IDENTITY MAJOR CONCERN

Gross Potentials Not as Big a Headache as Task of Getting Money Out of Belligerent Countries — British Pound Keynotes Foreign Film Situation

15% 'BREAKAGE'

Crux of the threat to foreign business, as result of the European war, is tied to the British pound and what Great Britain does on currency restrictions. Foreign department executives are more concerned over what will happen to their film rental money in belligerent countries than over the threat to gross business in the foreign field. They realize that what is done by Great Britain's government regarding importations on remittances and foreign exchange will have a decided effect on foreign revenue because of the wide usage of British pound sterling by so many nations.

The government proposal to restrict the export of coin from England has been handed American distributor representatives by Stanley J. Standen, head of England's Board of Trade, in London. Matter is still undecided, but it is generally understood that a satisfactory solution of the British quota law question will clear the air. The remittances received are reported the whole difficulty just now, in relation to business in Great Britain, is that the British government under the war regime has not been definitely established by the British.

In the meantime, U. S. companies are not getting any rental money on new contracts from Great Britain. The remittances received are reported as collections on old commitments.

London does put on the brakes, restricting the amount of rental money that can be shipped out of England to the U. S. picture companies will be hard hit. However, there are several probable reasons why such a situation may not develop.

One is that the British do not want to give away the money as distributors, because of the void of good product it would leave. English shippers also have been apprised of how the free flow of money is necessary for extensive production by American companies that Great Britain under the quota.

The other is that Great Britain has not been able to give away any U. S. industry.

Wide Effect
What happens to the British pound and what is done by Great Britain regarding currency restrictions is a matter as likely to be reflected in many nations tied to the pound sterling. These include India, South Africa, Australia, New Zealand and other British Empire colonies. Canada uses the dollar system. The government's course, if it is taken, is a serious impact. This dip in the pound's value would represent a clearance of the gross take countries through London.

Pound sterling now is down about 15% from its pre-war level. A company having a foreign gross business running into millions of pounds would be in a very serious impact. This dip in the pound's value would represent a clearance of the gross take countries through London.

However, the same major company would benefit to the extent of 15% in the matter of operating costs, since these are figured in pounds also. Thus it is conceivable and likely that a hefty portion of the loss suffered by the pound's weakness would be wind out of business operations overhead would be benefited to that extent.

Another thing to be noted is that rental coin in Great Britain has not been frozen. One major company depending heavily on the British market received \$150,000 in rental (Continued on page 60)

New Deal, Virtually Set, Eases Way For Pix Backing of Legit; 'Bonus' Out

Jr. Laemmle's Czech Pic With an Anti-War Theme

Hollywood, Oct. 10. Three companies are reported negotiating with Carl Laemmle, Jr., for distribution of 'Skeleton on Horseback,' made by a Czechoslovakian company in Prague, but which has English dialog. Picture carries a strong preachment against war and is replete with incidents which touched off the powder keg in Europe.

RADIO SQUAWKS AGAIN FROM EXHIBS

Minneapolis, Oct. 10. The presence of so many loudspeakers on the air, together with war commentators, is making radio the loudest that it ever has been, local independent exhibitors claim. Northwest Allied leadership present 'poor business' in part on this opposition.

The Northwest Allied bunch asserted that various theatres have noted many missing faces during the past fortnight particularly after the owners have been thereof to obtain the lockdown on the absence. In all too many cases, as exhibitors were told that the former patrons returned away to listen to the free radio entertainment.

'I don't want to miss Bob Hope's program,' was the gist of the answers, they say. 'So I stayed home from the picture.'

If it is all hope, it's Fred Allen, Kaltenborn, Jack Benny, Burns and Allen, or others, according to the exhibitors.

JOE SCHENCK'S H.O. POWOWS WITH KENT

Joseph M. Schenck will probably return to the Coast the end of this week or early next, after huddles at the 20th-Pox home office to discuss the emergency caused by the war future policy, immediate problems, plus other matters. Schenck contacted with R. Kent over the weekend, following return of the company's president from the Thousand Islands where he spent a portion of the summer. Well rested after his summer vacation, Kent was back at his 20th office desk Monday (9) and is expected to remain east indefinitely.

William Goetz did not come east last week, as reported, and is not expected in immediate future. Also in New York discussing present plans, political and business, etc., with H. Warner Bros. executives. He will return the end of the week of the week. Mervyn LeRoy is another N. Y. visitor, going back the end of the week.

'Trouble' for Schuster

Hollywood, Oct. 10. Harold Schuster, who recently returned from England, signed with Universal to direct 'Trouble Is My Middle Name,' with Edmund Lowe and Constance Moore in the top spots.

Story, by Roy Chandler, deals with newspaper work.

DR. CRONIN'S COAST DICKER

Dr. A. J. Cronin, English author, to the Coast today (Wednesday) to set a contract writing job at one of the studios.

Anxious to remain in this country, he has put his two children in private school in Rhode Island, his wife and an infant baby accompany him to Hollywood.

After nearly two years of negotiations, an agreement for the resumption of Sound financing of legit will become effective in about a month. Terms are virtually set for a minimum advance of \$100,000 for Guild membership and the Broadway managers within the next week or two. Deal will be effective immediately after the two memberships okay it, with the managers expected to do this without delay.

Plan, which is understood to have been approved by the Guild council last week, is reported to be a compromise between the proposals submitted by the Guild representatives and film company officials several months ago, but along the general lines of the formula suggested by the film end.

Instead of the \$150,000 'bonus' proposed by the Guild, the plan calls for a minimum advance of \$100,000 for the first week's run, an additional \$25,000 for a second week's run and a final \$15,000 advance if the play runs three weeks. Of course such payments would merely be an advance on the royalties due. The play and would not take the place of royalties for the legit engagement. So it stayed away from the Broadway and road run. But the fact that the minimum payments will be in the nature of an 'advance,' rather than a 'bonus,' is a break for the film end.

Sliding Scale Royalties

Royalties for the picture rights are to be figured on a sliding scale based on the number of weeks based on the week gross and the operating expense. Not revealed exactly what the figure would be, but it is expected they're higher than in the proposal originally submitted by the studios. Figure that the minimum advance will be alternative to the regular minimum basic agreement, rather than an advance on the legit engagements may produce under the existing rules, or under the alternative plan, but with no film backing, according to whether they or the studios prefer.

Picture that the studios and the Broadway producers and the Hollywood end will probably operate under the alternative plan, but in some cases they are expected to operate (Continued on page 55)

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INDEX

Bills	54-55
Chatter	62
Obituary	42
15 Years Ago	52
Film Booking Chart	17
Film Reviews	13
Film Showmanship	8
Forum	63
Dance Bands	53
International News	11
Inside-Bands	49
Inside-Books	58
Inside-Music	47
Inside-Radio	40
Legitimate	57
Literary	61
Musical	47-49
Music	61
Night Clubs	50-52
Night Club Reviews	50
Outdoors	63
Pictures	2-18
Radio Reviews	19-40
Radio Reviews	36-38
Sports	55
Theater	55
Vaudeville	50-52

H'wood Just Can't Get Over That Costly Habit of Changing Titles; Each Switch Averages \$50,000 Loss

Come another Jan. 1, the day set aside for sour stomachs and sweet resolutions, and the picture makers will release their annual pronouncements against the fallacy of changing titles once a year. It has been an old story in production. Then, on Jan. 2, as in the past, they will resume their former expensive policy of switching tags while the cameras are turning or even on the eve of release.

It's a pastime as old as the cinema itself, and in spite of its amazing wastefulness in actual dollars and cents, it is one of the oldest promises of being with us forever, solemn vows repeated yearly by studio executives. Meanwhile, toll accounts go merrily on judging records to take care of the revenue. Winniesayous outgo ranging anywhere from \$5,000 to \$50,000 for each of the 75 to 125 title revisions put into effect every 12 months.

When an exec, scanning his Vanner, reads that Super-Colossal Pictures has substituted "South Seas Honeymoon" for "Papa-Papa Nuptials" as name of its completed picture, he is released a budgeter, he merely shakes his head and tells himself that "Hollywood is a madhouse." But custodians of Super-Colossal's production and distribution cost sheets are not about to let the matter off so lightly. On the debit side of their ledgers they must enter a series of figures. The value of newspaper and magazine publicity that has been piled up to the credit of the initial title, the cost of nothing in view of the feature's release.

That Big Red Spot
Among the titles, however, that are written down in red ink are such things as:

- 1. Studio publicity department manpower (salaries, expenses, overhead) working on film's bad title. . . . \$6,500
- 2. Stills and other art shot with captions for "dead" title on negative, with prints already made up and shipped. . . . 3,500
- 3. Mailing expense, publicity and art. . . . 2,500
- 4. Ads already placed and run. . . . 2,500
- 5. Work already done on advertising associated with title. . . . 5,000
- 6. Expense of arranging cooperative tie-ups that now must be done over. . . . 2,500

Total \$27,500

There was a time during the free-and-easy era of the industry when \$27,500 was considered a trivial sum, but today it's important to any studio executive. Yet, except for frequent oral outbursts on the subject, the Coast crowd is rarely doing anything about it. It is, though, a problem that could easily be solved by giving tags a little more thought at start of film's preparation period. Take the case of Paramount and a yarn purchased under the title of "Free Woman." Flacks went to work on property the very day the contract was signed between studio and author. They continued their toil as it was handed to Jeff Lazarus as producer, and while he, in turn, set E. H. Griffith to direct and Fred MacMurray, "Madeline Carroll" and Allan Jones as the stars, the title, before the vehicle actually went into work, the public was pretty well acquainted with the fact that "Free Woman" was making "Free Woman" and advance indications were that it would be something worth the price of admission.

But somewhere along the line a bright mind decided that "Free Woman" was "free" as in "free-lance" necessary? held far more to appeal, so the first monogram was deleted, carrying with it the title debris the reams of accumulated evidence. "Are Husbands Necessary?" also was deleted, and the title, although studio and home office flacks already had trained their guns on it.

Anything to Please
Within the final two weeks of tenting, Miss Carroll was taken to London to sue for her marital freedom. Suggesting that under the cir-

cumstances the tag, "Are Husbands Necessary?" might be embarrassing to her, she urged the change. The studio crowd agreed, and the picture became "My Love for Yours," with the public's comment launching a new drive in way of wordage, art and what-have-you. This newest tag lasted exactly four days, when it was blue-penciled in favor of "It Happens to Women," which survived only 24 hours, when it reverted to "My Love for Yours," the flackery, advertising and exploitation gals continuing to boom away with each succeeding shift. In the interim some 4,000 stills were re-printed with new captions. Then came another, and finally the present release tag, "Honeycombs in Bali."

Case of "Bali" new "Woman" at all, is not an isolated one by any means. Warner has had equal difficulty in making up its mind about "The Private Lives of Elizabeth and Essex," the way it stood when the lenses were unshuttered, but it wasn't long when it was shortened to "Elizabeth and Essex." That title seemed meaningless to outfit's sales heads, so the title was changed to "The Knight and the Lady." Half of the footage was in before somebody pointed out the similarity.

(Continued on page 62)

Confusion of Titles Costly at Boxoffice For Feature Series

Boston, Oct. 5.

We've had a great deal of discussion about the matter relative to a problem which has been bothering them for some time and about which you are all so anxious to hear any rate, I'd like to pass along their reaction for what it may be worth. The problem concerns the similarity of titles in current pictures and series of "family pictures." It is their opinion—and as managers they are able to gauge public reaction—the reaction of the moviegoing public—that the public had become very confused about the similarity of titles. As a consequence, many patrons deliberately avoid seeing certain films because they erroneously believe they have already seen them.

As an illustration in point, take the case of "Andy Hardy series." It's difficult for even an exhibitor to remember just which picture in this series he is showing. There are so many of them following right after another that you can readily understand the public's reaction and subsequent confusion.

The same thing holds true for the Dr. Kildare series, the Jones Family, etc.

Another example are the two Alvin Karpis Cooper made for the same company recently, "Boy of the West" and "The Boy of the West." We found that these two titles were much too similar, and I think we can definitely state that the exhibitor to the fact that patrons thought both films were identical.

How to overcome this obstacle is, of course, another problem. We've received very few concrete suggestions from the field. There are a number of problems exists, but they are at a point to suggest a remedy, and probably the exhibitors are all agreed.

The best suggestion I can make is that in all advertising the titles of the pictures of the same series be listed in small type, and then the name of the current film in the series in a large bold type. This is the way the previous films might be checked off, and the title of current film could be brought into the foreground.

The "latest in the series" I'd suggest that a procedure along these lines be followed for advertising trailers. Lobby displays, posters, etc., still, etc.

There is no doubt about the popularity of these series. The only difficulty is the obvious confusion about which of the series has been seen and which hasn't, and we are certain this can be overcome.

Harry Brown, Dir. of Pub. & Adv. M. P. Theatres.

Par's New 'Moon' Team

Hollywood, Oct. 10.
New romantic team at Paramount is Patricia Morison and Robert Preston to be starred in "Moon Over Burma," based on a novel by Wilson Collison.

Both players are 1939 additions to the Par roster.

U.S. TAX RETURN TITLES SHOWN

Washington, Oct. 10.
Refusal of the U.S. Supreme Court Monday (9) to review the offer from Bobby Jones, former golf champion, and the Internal Revenue men may mean a series of numerous persons in Hollywood. Case which was thrown out this week had widespread significance since it involved the legality of business methods rumored used by numerous executives and artists in order to cut their liability to the Federal Government.

The explanation beyond the usual court 'denied,' the highest bench disagreed with contentions of Jones, that the appeals court erred in backing up the Treasury's claim the golf-swinger could not deduct his services as a corporation which would rent them out to a film company and then hold them in his name. The appeals court from camera work. Device had been used to save as much as possible of the \$150,000 received by Jones. Warner Bros. several years ago for a series of golf shorts. Jones reported his income from the picture business at only the \$1,000 per annum which was paid by the corporation which his father headed.

Similar Methods
Similar methods, said to have been used by film execs in connection with transactions in real estate, are now being scrutinized by the Justice Department and challenged by the Internal Revenue Service. Performers are believed to have set up trusts patterned on these to save as much of income as possible from the hands of tax grabbers.

Conceding that he was attempting to cut down his taxes, Jones argued futilely that the practice was entirely legal under the law and that he was not guilty of any offense as long as Congress had left the loophole. The courts didn't see it this way, holding that he was guilty of a deficiency judgment even if he didn't get the earnings direct.

Second tax case of interest to Hollywood was another Government victory. Judges also refused to look into the argument between the Rogers, widow of the larrikin-twirling humorist-actor, Will Rogers, and the Government over accounting methods. The Treasury claimed additional taxes because it didn't like the way the deduction from income the losses they suffered on certain Los Angeles property. Instead of treating the losses as a "one-time" business lemon, the Internal Revenue Bureau ruled it was a "capital loss" and had to be carried over to a different manner, raising her liability by \$33,559.

GROUP'S 'LIGHT' MAY BE FILMED BY METRO

"Tower of Light," Group Theatre's first production, will be tentatively set to open at the Belasco early in November, may be the venue for the organization's initial film.

Play is being eyed with that in view of the fact that the Eastern Studio, Astoria, L. I., with which it has a deal for the production of the play in the next two years. Financing is a set, selection of a story currently being the only holdup.

Donlevy's Par Deal

Hollywood, Oct. 10.
Bram Donlevy closed a deal with Paramount for three pictures, with options for three more.

First job under the new pact will be the title spot in "Down West Men." "Loy's Forsythe Saga,"

Picture was intended for London production before the war broke out.

Hays Office's 5-20% Cuts Will Trim Annual Budget from \$845,000 to 600K

Drastic salary cuts for the whole Motion Picture Producers & Distributors organization, effective last Friday (9), is the forerunner of other economies at the Hays office which is expected to trim the annual budget from \$845,000 (last year's figure) to \$600,000, and possibly to around \$500,000 per year. This in turn is expected to result in an average of \$8,000 for each of 26 member-companies.

Salary slashes were announced for the Hollywood office earlier in the week. They were in line with

Will Rogers Memorial Distributes Checks To Infantile Funds

Special contribution of \$50,000 for aid to infants handicapped in the care of handicapped children was announced last week by the Will Rogers Memorial Commission. The money of the late comedian were extended to that extent, the sum being divided among 26 various communities throughout the U. S.

General Hugh S. Johnson, chairman of the recent Infantile Paralysis campaign in Greater New York, was given a check for \$14,585 for that which could be administered by the New York chapter for emergency needs and recovery treatment of the children in the area.

Disbursements also were made the same day in 17 other cities, while similar allocations will be made this week.

Skouras Fund Centrif

Los Angeles, Oct. 10.
Charles P. Skouras, head of Fox West Coast Theatres, turned over \$5,310 to the National Infantile Paralysis Foundation.

The sum is a part of the collection made by the circuit in the recent Rogers Memorial drive. Salvation Army gets the remainder.

K. C. \$263.36

K. C. City, Oct. 10.
The Will Rogers Memorial Commission presented a check for amount of \$263.36 to the K. C. chairman of the National Infantile Paralysis Foundation, in keeping with the policy of devoting the proceeds of the campaign funds to local institutions specializing in the care of handicapped children.

GOLDWYN RELEASES HOLD ON MISS OBERON

Hollywood, Oct. 10.
Sam Goldwyn has granted Merle Oberon a release from her contract, which had three years to run. Oberon, who was married to Charles Korda, her husband, and provided for nine months' tenure with each production.

On her arrival from Europe last week Goldwyn announced her on the suspension of the contract and requested that she work for no other producer during that time. The press dismissed and had her agent, Myron Selznick, negotiate a release. Plans to continue as a "United Artists" star and also work for other producers.

Studio Contracts

Hollywood, Oct. 10.
Diana Lewis inked Tommy Ryan one-year player pact at Metro.

Republic handed Tommy Ryan one-year player contract.

Katherine Grayson's minor contract was retro approved by Superior court.

Eddie Dunn signed three-picture pact with Republic.

Superior Judge Emmet H. Wilson approved contract between Jean Carroll and Paramount.

Doris Day inked stock contract at Republic.

Patricia and handed Virginia Dale's Nora Perry's stock player option at Republic.

Rosemary Lane given new player ticket at Warner.

those in New York, the reductions being reported uniform for all Hays office employees making \$30 per week or more. Being granted 5% to 20% according to amount received. The 20% slash is applicable to all receiving salaries in excess of \$100,000.

The 20% cut trims Will Hays' salary from \$100,000 per year to \$80,000. Hays' salary is being agreed to voluntarily take the reduction pay, although holding a long-term contract does not expire for nearly three years. Others with salaries are understood to have agreed to the pay cut.

Entire economy campaign with the veteran Hays organization is attributed to the European war, major companies' marketing sales must be trimmed because revenue from the foreign field will be reduced considerably by the conflict. Hays trimming is in line with economy moves on the part of numerous companies which have heavy investments in the highly profitable British market will result from Europe's war.

The 1939-40 annual budget will all be virtually the same figure as set by the Hays office in the fall of 1932 when S. Industries was in the deep ebb of the depression. At that time, Hays salary was set at \$100,000 per year, when he voluntarily took a \$5,000 annual slash and agreed to eliminate another \$10,000 yearly expense when he voluntarily took expenses out of his own pocket.

Hays originally was given a \$100,000 salary, but in 1932 it was reduced to \$80,000. In 1933 it was reduced to \$70,000. It was handled a three-year extension of the original agreement at \$150,000 per year.

Besides the eight major producing-distributing companies, the remainder of the industry's major companies are made up largely of producing organizations. Membership for the industry is being gauged largely by the amount of business done by the member.

The 1939-40 annual budget of the Hays association was \$845,000. Of this amount, about \$80,000 is credited to the salaries and incidentals of operation. Aside from this amount, \$350,000 goes for extensive educational and public relations activities; \$100,000 for handling foreign affairs; \$46,000 for advertising, public relations and study of internal problems; and \$46,000 for administration of the advertising code. Budget covers office, Hollywood, London, Washington and Paris, London, London, London.

Need to Split Daily

Hays office directors will go into another adjourned session today (Wednesday), with the European war situation and the need to split daily foremost in mind. Reimbursement of activities for the Hays office in coming season, with possibly a new budget tentatively set, may result today from a desire of directors to cut the sliding cost to reduced foreign revenue. It was not revealed what would be the course of the day's session, but it is expected to be a busy one between warring factions in each production.

The possibility of a new Hays directors adopted a resolution paying tribute to the late Will Rogers and the late Eastman, later having prepared the flexible film plan in the first edition of the motion picture code of 1929. Directorate also adopted a resolution expressing its regret at the death of the late Charles Laemmle, "who was a true friend to all men and whose career will be a lasting inspiration."

Coast Cuts

Hollywood, Oct. 10.
Drastic cuts in the personnel of the Production Code Administration, Will Hays office and Central Casting Corp. are being made. First to go are the 10 members of the Production Code Administration, and Gabe Wyler, another member of the committee.

Palmer was employed in 1935, shortly after Frank Merriam was elected to the post of president of the legislative control for the Production Code.

Way of Our Flesh

Hollywood, Oct. 10.
Paramount has inked its remake of "The Way of All Flesh" from an Austrian to an American look-alike, "The Way of All Flesh."

Shooting starts in two weeks. Louis King directing.

Magicians Beef to Wanger Over Alleged Exposures in 'Eternally Yours'

Flood of protests and threats of court action have poured into the office of magician Al H. Hays, president of the mild exposure of several illusions in "Eternally Yours," Walter Wanger production current at the Roxy, N.Y.

An odd angle is that the chief trouble is L. I. (Al) Hays, eastern talent head for Metro. Altman is national chairman of the committee on ethics and standards of the Society of American Magicians. He's an amateur mag.

Altman, in a wire to Murray Silverstone, UA prez, and Wanger, declared he had pledges from several major eastern circuits not to book the pic. His own employers, Loew's, have already dated into several houses, however.

To one protest made to him personally, Wanger declared he did not feel he was breaking faith with the magicians in exposing their tricks because he bought the book for explanations in a magic shop for 35c.

Gripe was filed with the Hays of the Hays Club, chairman of the expose and ethics committee of the Pacific Coast Association of Magicians. One of the principal illusion-shattering in the picture is the escape "Trunk Trick." Hardem is currently doing this in "Hells-a-poppin'" and Brill has been exposed, threatens his livelihood.

It's done so mildly and offhand in film that few even notice.

Other so-called exposures are of "Flight of Venus," "Lepicary," "Rabbit and Flower" and lock pick for hand.

Similar protests and a \$50,000 court action was filed against the Reynolds Tobacco Co. in 1938 by the late Horace Goldin, Egyptian magician, when the company exposed its illusion in its Camel cigarette ads.

Justice Leibel in N.Y. supreme court ruled that there was no copyright in the trick and dismissed the complaint of unfair competition on the grounds that it was as long as the exposure to obtain knowledge of the way in which it (an illusion) was operated, the defendant might expose it without liability.

Wanger, it is understood, would make no changes in the film.

PAR'S 'PASSAGE' TO BE PREMIERED IN DETROIT

Detroit, Oct. 30. Detroit will get a "world premiere" on Oct. 31 when Par's debut picture "Passage" is given its baptism at Michigan here. In addition to a flood of critics, it is expected that Lamour, John Howard and Akim Tamiroff will attend fanfare on Washington Blvd. here, which will be broadcast.

There's no connection whatever between "Passage" and the picture Detroit or Michigan, but Par officials apparently want to take course of previous canons and the well-heralded "Star Maker" premiere.

Pittsburgh Wants That 'Allegheeny' (RKO) Pic

Pittsburgh, Oct. 30. If Pittsburgh doesn't get the world preem of RKO's "Allegheeny Uprising," it won't be because the burg is being tried. At least \$50,000 cash from locals have poured into RKO's home office asking for it. There's a strong feud on the part of the opening when and if the down of the "backers" was in the heart of the golden triangle, the supporters for the old town of Allegheeny are trying to get it for a location on the north side, a part of the city, but once Allegheeny.

The City Council has already been asking RKO for the get-away and Mayor Skelly has also added his request to the advance party. The weekend, Joe Feldman, advertising head of WB here, the RKO outlet, is on New York, to negotiate with RKO execs on the matter.

It's a good build-up to any, even if the flicker's picture is not decided on for Pittsburgh some time ago. Story has a local background and stems from the "The Pittsburgh Post" by Neil Swanson, scholarly one-time me of Pittsburgh Press.

UA's 'Thief' Commercial

United Artists becomes the fourth studio to set up a commercial in exchange sideline, with the first picture to figure being "Thief of Baghdad," Alexander Korda and subject. Bud Fox Enterprises will handle the commercial.

Wanger and Paramount and Metro are the other companies in the field now.

Wash. Diplomatic Corps Gets Special Screening Of Capra's 'Mr. Smith'

Columbia is focusing the diplomatic eyes on its "Mr. Smith Goes to Washington" in a choice leap with the National Press Club, the film to be screened at Constitution Hall, in the Capital, next Tuesday (17), two days prior to its premiere at Radio City Music Hall.

Nate Spingold, Col's pub-head, is inviting the diplomatic corps and there's a good chance that the President and Mrs. Roosevelt may also attend. Frank Capra is coming on from the Coast for the special event.

Col. Pils-Nec Reciprocally

Hollywood, Oct. 30. Columbia Pictures and National Broadcasting Co. have gotten together on a deal whereby the studio gives the network two slugs to televise in return for plugging "Mr. Smith" via tele trailers.

'Iron Mask' Heavily Plugged in St. L. Tieup

St. Louis, Oct. 30. "Chick" Evans, owner of Jimmy Harris, pa. of Loew's, unearthed a new one for this burg when they started out to exploit UA's "Man In The Iron Mask" current at the deluxe, by making a swell tieup with the Continental Oil Co. which operates 155 filling stations in St. Louis and adjacent territory. By virtue of the deal bill-boards in front of these stations were utilized for attractively printed 15 sheets carrying the "Man In The Iron Mask" ad full week. First time the stunt was pulled here.

With the aid of Bernie Evans, UA exploiter, who barged in to help the cause the Central Public Library and 19 outlying branches were crashed for planting "Iron Mask" and dealers that bore considerable theatre copy. Especially the library execs. Upon a usual exchange, the library has historical and educational angles of man's immortal story. The book was being extended to the libraries, retail book stores and the book section of the Famous-Barr Drug Goods Co. Store, the Doubleday-Doran Book Co. yielded full windows for an "Iron Mask" display.

Wallie Heim, Harris' aid, chimed in with a sock high pressure job in place of left yesterday (29) when the copy and pic mats in the University City News, a St. Louis county weekly, and the University City News of the Hauptmann Tobacco Co., one of the largest distributors of its kind in the area, were placed in the "Iron Mask" streamers were planted in drug stores and retail book stores as well as on the company's books.

WFAA Theatre Tieup

Dallas, Oct. 30. Tieup between WFAA and the Interstate theatre circuit has been arranged whereby the theatre will run a film short containing entertainment out of the WFAA "Early Bird" program.

Short will run in nine suburban houses on the circuit. On its end, WFAA will place the theatre to give away passes to the theatres during the six weeks of the deal.

07' BALLY CARAVAN HEADING TO MIDWEST

Indianapolis, Oct. 30. Wizard of Oz publicity caravan tour has completed canvas of 17 cities in the Indianapolis and Chicago exchange territories, and obtaining excellent publicity breaks on the long-point page space on many occasions. The caravan will go on the tour before the end of the year, to be followed by Minneapolis, Omaha and Kansas City, completing the tour before returning to New York for visits to Long Island and New Jersey spots.

Wanger and Buell and Rushville, Ind., school holiday was declared in order for the public and high school students to enjoy the parade. In Indianapolis, advance stories were planted with the Times, News and Tribune of the happening. In the picture ballyhoo parades were staged. Capt. Volney Phifer, in charge of the caravan, was given an official greeting by L.I. Gov. Schricker in this city. In Monticello, the tour was from page news, and in other school holiday. In Delphi, the highlight was participation in the parade of the city's famous "Blue Brigade," with the riders performing intricate maneuvers.

LIBRARY SHOWS 'IRON MASK'

Cleveland, Oct. 30. Frederick Meyers, public relations director for the Cleveland Public Library, notified several libraries that they were to be shown a display on "how motion pictures are made" that other libraries are inquiring as to the manner they can frame many displays. The Cleveland exhibit drew the attention of W. Ward Marsh, writing in the Cleveland Plain Dealer. It also got the eye of the Loew exploitation.

Entire Cleveland promotion grew out of Barrett C. Kiesel's book on talking pictures and how to appreciate them. Kiesel is a Metro-Goldwyn-Mayer's traveling representative. Hence, the library exhibit was developed through Metro. Result was that some \$20,000 photographs showing the production of a feature were lined up for the library exhibit. The exhibit was made by making it easy for reader patrons, who might be interested in a photo showing writers at work on the script of "Northwest Passage," to borrow the novel and also a copy of the book. Writing on the "Film Stories," by Frances Marion. In similar manner, those interested in the picture would be directed to books on that branch of the film business.

Metro lines in by offering exhibitors the pick of choice stills, showing behind the scene views, for use in their own advertising. The stills were run, with the angle that 276 different crafts work on a film production.

Goldenson's Combined Honeycomb-Biz Trip

Leonard Goldenson, Paramount home office theatre department executive, left yesterday (29) on a combined honeymoon and business trip. He is contacting Par theatrical.

Goldenson married Isabelle Weinstein, daughter of Max Weinstein, president of the M. S. A. Co. here yesterday morning (Tues.), at the bride's home.

Talent Quest Finals

Gilbert Marbe, manager of Loew's Ziegfeld, has set up the "Talent Quest" finals in his "high school glamour contest" open to girl students in the area. The award for the winner will be selected by a committee of professionals, will be a scholarship in elocution and drama at the Wolter Academy.

Frank Mandella's orchestra will play the evening. The winners are John Powers, George White, Russell Patterson, George Hale, Benn Jacobson, and the Livingston. Charles L. McLaure, Tom McCaro, Norman Pincus and William Jarvis.

Life's 'Magnet' Scenes Tabu in 42d St. Nabe

Claiming that the lobby blowups used in advertising "Crime in the Maginet Line" were misleading, attorneys for Time, Inc., last requested the management of the New Amsterdam theatre on West 42nd street, N.Y. Max Curren, president of the theatre, refused to remove them at one or face suit. Max of Time has refused its suit. "Magnet" scenes in the lobby display employed scenes from the M. T. picture. New Amsterdam removed the display on Friday (26). Radio also paid tribute on same day when Mrs. Mima M. Edisons, husband of the late Edisons, died, died at a national (NBC-Red) hookup.

The 50th Anniversary last week which Edison was observed in various communities and theatres all over U. S. Activities of the difference and publicity groups were coordinated by the Golden Jubilee committee, set up by advertising and publicity groups at the Hays office late last June.

N.Y. Fair's Boone Advertisers for Job: Reporters Pan Ex-P.A.

Percy Boone, former director of publicity for the New York World Fair, has been asked to resign as executive editor of a daily.

In the same issue of E. & P., by coincidence, the paper a letter signed by eight of the New York newspaper reporters regularly assigned to the Fair, bitterly panning the publicity department. "Conditions have been improved immeasurably," the letter said. Boone left the Fair.

Boone's ad, topped by a half-page picture, is headed, "A Letter from Percy Boone to the Publishers of America."

After quelling favorable comment on his work from Grover Whelan and several exhibitors who "expect to hear" he has "an important new connection" in the publicity field, Boone said forth, "I have worked from Coast to Coast, and I haven't missed a newspaper that has a reporter, copy editor, picture editor, news editor, make-up editor, city editor, publicity manager, or editor."

"Round this off with three years on the other side of the fence," Boone said, "and you have the Fair—and I am ready to gamble on my news judgment, my ability to get the word, my newspaper that will sell. So here is my proposition, Mr. Publisher."

I would like a job as executive editor at a relatively small fixed salary, plus a monthly increase for every hundred of added circulation. Or I will make a straight contract for a number of years at a definitely fixed salary and upon your word, my record and my faith in myself. Sincerely yours, Percy Boone, 205 E. 42nd St., New York, N.Y.

A P. S. Read: "I need \$15,000 per year. I could use more. I will take it."

The Reporters' Rap

The letter from N.Y. reporters hammering Boone's resignation handling of the Fair's publicity department is signed by Frederick Kiesel, publicity manager for the Wilson, Post; Edward Reid, Brooklyn Eagle; William Rice, News; Philip H. Kestel, New York Herald Tribune; William H. Kestel, World-Telegram; Hubert Bernhard, Standard News Association.

The undersigned, the letter states, "who have been covering the World's Fair since its opening May 1, wish (Continued on page 61)

Prudence Penny Pokes 'Em in at Free Show

Albany, Oct. 30. Strand (WB), at no cost to itself other than for opening and lighting the theatre during a two-hour morning show, strangled the show of publicity, including art and radio tabling over WGY, on a Prudence Penny Pokes show.

Sixteen hundred women crowded the Strand and around the theatre and boxes. Colonel Jim Healy, WGY news commentator, acted as emcee.

A "Prudence Penny" short, produced with technician in Hollywood, was the bill. There were lectures and cooking demonstrations.

TRIBUTE PAD EYSON BY INDUSTRY

Motion Picture Producers & Distributors Association officers commemorated the Golden Jubilee of motion pictures through a resolution adopted by the directors on Friday (26). Radio also paid tribute on same day when Mrs. Mima M. Edisons, husband of the late Edisons, died, died at a national (NBC-Red) hookup.

The 50th Anniversary last week which Edison was observed in various communities and theatres all over U. S. Activities of the difference and publicity groups were coordinated by the Golden Jubilee committee, set up by advertising and publicity groups at the Hays office late last June.

MPFPA resolution, after noting that Edison was observed in various communities and theatres all over U. S. Activities of the difference and publicity groups were coordinated by the Golden Jubilee committee, set up by advertising and publicity groups at the Hays office late last June.

Edison's widow in her radio talk, when interviewed by Mrs. Malcolm Edisons, president of the Edison anniversary to the genius which made possible this great service of entertainment and education.

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Television broadcast is scheduled for next Friday (13) over NBC-NCA.

Co-Op Adv. in Nabe

Full page advertisement in local newspapers promoting the "golden jubilee" of motion pictures appeared over the signature of Motion Picture Theatre Owners of Maryland, Inc., and the National Theatre City and Nabe theatres tied in with the advertisement.

The ad was illustrated with photographs of the old Edison Kinetoscope and the modern projector, a sign of the progress of the industry, starring May Irwin, contrasted with a modern romantic scene, and modern film pioneer and exhibitor film theatres.

STANLEY, PITT, LOSES 'DR. I. Q.' B. O. LURE

Pittsburgh, Oct. 30. Stanley, WB deluxer, is plenty sorry to see "Dr. I. Q." leave the show every Monday night fade from its stage after a six-week stretch. Program moves to a Philadelphia theatre for continuation of its coast-to-coast. Cash giveaway airer was management freely admitting it got worse 50% above normal bill every Monday.

Sho was originally scheduled to stick eight weeks at Stanley, but that was before the "Dr. I. Q." was announced stage presentations. With latter, however, after four months of straight pic, the program was too tough on schedules and turnover.

Sam Pinanski Prez of Mass. Allied; Devin V. P.

At an election of Allied Theatres of Massachusetts, Inc., held in Boston, Sam Pinanski, of Boston, England operator, was voted the presidency and Devin V. P. was elected treasurer.

Pinanski was elected president of the Massachusetts Allied is not affiliated with the national Allied States Assn.

BAIZO'S 2 NEW 'UNS

Baltimore, Oct. 30. Latest addition to F. H. Durkee chain of local nabs, the Senator, a "two-reel" picture, was introduced by Joe Schlee, moved up from similar unit at Northway. Gus Baizo, who has been in charge of managing Northway.

The Times, town's first newsreel house, also introduced a new week Morton Barker, formerly with WCBM, managing.

Stanley (WB) (3,280; 15-25-35-40-55)—'Bali' (Par). Attracting trade with satisfactory \$10,000 indicated. Last week, 'Espionage Agent' (WB). Got some fair response at \$6,700.

Move to Keep British Actors Working

British Actors Equity has appointed a committee to devise a means of securing the maximum employment for performers. Situation is particularly acute at this time because many theatres are still closed throughout the country because of the war.

Ireland, Sans Blackouts, Big at O.; London Wants Sunday Matinee, Legit

London, Oct. 1. It looks almost as if a certainty that England will have legit shows Sunday afternoon. Without it managers will not be able to attract the proceeds of the daily performances and the early night performances are not probable and the work-outs demanded by the Air Raid Precautions.

In Ireland, where there are no blackouts, excellent business is being done. In Dublin, "White Horse" and the musical which is playing Broadway a couple of seasons ago, did \$10,000 in one week, and followed it up in Cork and Belfast. Dublin management is said to have offered Jack Hulbert and Cicely Courville \$100,000 for a 10 percent share for a minimum six weeks run of "Under Your Hat," in which they've starred in the West End.

"Takings in 'darkest England' have not been so good. John Gielgud, in "The Importance of Being Earnest," played to an average of about \$1,000 a performance at Golders Green Hippodrome. None of the others fared so well. Bristol, Reginald Ford drew \$200 for a well advertised single performance. At Blackpool, Robert's Wife, with Fay Compton and Owen Nares, took \$115 for the opening performance, \$225 the second night and \$300 the third night.

Earl St. John, head of Paramount's picture house in England, states the takings of films in the West End, with the 6 o'clock closing, don't pay the expense of operating, it is estimated that 80% or more currently are open for business. Remainder are expected to be obtained, since many theatres are being used for this purpose. Niteries are still making a desperate bid to keep open, with opening time, having been cut from 8:30 p.m. to midnight, instead of 9:30 to 2 a.m., as previously. Patronage in the picture houses is going with abandoning of cover charges being dropped.

Biggest hindrance has been the performers' union. It had been expected to lower the minimum, which is \$50 per man, and to support niteries in lowering their prices by 30% for the next few weeks till the situation becomes a little more normal. This has refused.

To counteract the demands of the unions, some spots have been offered in the picture houses and are just ignoring the union, willing to do it so worst.

If Neely Passes

Continued from page 10
restive at enforced camping in hotels.

APL Opposes Neely
Continued opposition to the Neely bill is voiced in the annual report of the American Federation of Labor. Legislative council, which has a large loss of jobs for their dues-payers if the blacklocking ban bill ever becomes the statute.

In the legislative review, the high command remarked that the Senate supported the reform bill, but the House of Representatives has a large loss of jobs for their dues-payers if the blacklocking ban bill ever becomes the statute.

According to evidence given be-

Blockade Evaded

Mexico City, Oct. 10. Plenty German-made pix material, from films to cameras, is reported arriving in Mexico, despite the war.

Those receiving this material are wondering how it can be delivered right on the dot considering the British blockade.

SOUNDS LIKE CANADA REALLY HAS JITTERS

St. John, N.B., Oct. 10. Exhibitors of the maritime provinces are going in for air raid insurance. Being on the Atlantic coast, the maritime provinces' communities, particularly those on the coast, are adjudged in special hazard from submarine and plane raiders. Famous Players, Spencer and Franklin & Hershorn theatre chains are understood to have insured their individual theatres in Halifax, New Brunswick, and the Maritime provinces against damage from the air. P. F. Own and operate one house in St. John, N.B., and another in Halifax, and operate two in Sydney. P. G. Spencer, of St. John, has 19 houses in his chain. In St. John, Woodstock, Campbell, Dalhousie, Chatham, Amherst, Truro, Windsor, Kentville, and Charlottetown, Franklin & Hershorn, of St. John, own and operate two in St. John, two in Halifax, and in Dartmouth and in Yarmouth.

Film showing with one and two theatres in the Maritime provinces is beginning to take on some semblance of normalcy but actual business is still decidedly off despite lifting of heavy early restrictions. Where the film houses in England were closed, it is estimated that 80% or more currently are open for business. Remainder are expected to be obtained, since many theatres are being used for this purpose.

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Looks to Future

Continued from page 10
Courville, who's now in Hollywood, is being distributed by UA. Film deals with conjecture on the invasion of Europe, while the picture has been doing big biz in Great Britain although efforts have been made to stop its showing in London.

UA is having a print shipped to the U.S. for possible exhibition there.

Canadian Socialists Sets Legis Shows for Soldiers

Montreal, Oct. 10. Martha Allan, only daughter of the St. Montagu Allans, broadcast over CFCF last week to announce the organization of a theatrical home front. Head of the dominant local amateur group, the Montreal Repertory Theatre, which has the support of the smother element in the city, Miss Allan has regularly appeared professionally with the Duff Players in San Francisco and other legit groups, and has been a socially prominent hostess eventually prevailed upon her to give up commercial show business for the revolution.

Assisting Miss Allan in first broadcast on importance of theatrical entertainment in time of war was Paul Leclerc, a White Russian whose family fled Bolshevik after the revolution.

Opening the war offensive against those who would "decade" the city with crepe and gloom from a pervasive sense of duty, Miss Allan announced that the Montreal Repertory Theatre has made plans to entertain the Red Cross and that a Red Cross unit would be open to actors, authors and members of the Red Cross.

Particularly those on the coast, are adjudged in special hazard from submarine and plane raiders. Famous Players, Spencer and Franklin & Hershorn theatre chains are understood to have insured their individual theatres in Halifax, New Brunswick, and the Maritime provinces against damage from the air.

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Must Show Mex Films

Mexico City, Oct. 10. A boost for Mexican pic has been given by the local civic government last week, when it decreed that circuits must exhibit one home production a month and the first run houses one every two months.

The interindustrial group was working on issuing that production should pick up where it left off with least possible delay. American films were encouraged to be shown in Mexico while entry of American-dubbed pictures will continue to be barred by the last official decree which permitted unlimited importation.

The Americans' offer to train technicians in other countries among women and older men was warmly accepted.

The Mexican bill set as a liaison between the French and Americans in the trade here and the cinema division at the censor's office, which

France Acts to Restore Show Biz; Film Industry Nearest Normalcy; U.S. Unit Moves to Aid Production

Paris, Sept. 25. The capital's show biz has returned to a semblance of its former self due to the energetic steps taken by the government.

Effective measures had been caused by mobilization and evacuation. Actors, directors, producers, technicians and others responsible with entertaining the nation dropped their work to rush to the front, paralyzing the entire industry. Audiences melted considerably, as almost half the capital's population evacuated into the provinces at the authorities' insistence. Others temporarily forgo about the lighter forms of life.

Now, despite these conditions, the government is reorganizing in various forms of entertainment. Authorities are unanimous in declaring that entertainment must be maintained. They consider it necessary in keeping high the nation's morale. The greatest strides towards normalcy has been made by the cinema industry. It has already adjusted itself to wartime necessities. There has been little reaction from legit, but this is due mostly to the fact that many in the season of night clubs and dances have not shut down, but some difficulty is being encountered here due to union restrictions. Others maintain they responded to give musicians and entertainers employment and insist their salaries should vary according to house receipts. Confidence is expected to be restored early.

Actors and singers in the government's subventioned theatres are being paid by filling in on radio programs. The Opera Comique troupe of singers has been keeping its vocal chords busy by filling in on radio programs. The Comedie Francaise is awaiting the go signal. It is doubtful if the Opera Comique or the Odeon will reopen for the present.

Niteries' Roaring Trade
Most of the bars, restaurants, cafes and night clubs have reopened and are doing a roaring trade. The only restrictions are to look up at 11 p.m. and music should not be heard outside.

Radio has become the government's most powerful propaganda tool. Most of the day French stations are hooked up on a single chain for the news broadcasts given by the American government.

Americans have contributed partly to the film pickup. Soon after the outbreak war, Harold Smith, New Ways' representative in Europe, went to see Commander Chaigneau, head of the French division of the General Information Service, as unofficial rep of the American group doing biz in France. He offered the collaboration of Americans here.

This was followed by a meeting of producers and exhibitors in the office. The Yanks drafted a motion to take the French trade in every direction. The French Society of Chambers also met in Smith's office a few days later. Representing all producers, exhibitors, exporters and importers in the country, they studied the American's propositions, and then accepted. The meeting resulted in the formation of an inter-industrial group, which will facilitate American collaboration and act as advisors to the local industry.

Pierre Blancheville, head of the French distributors, was named president. Paul Ambiel, head of production, and Edouard Yvart, prez, of the exhibitors' syndicate, were appointed v.p.s. and directors. Kamama, secretary of the exhibitors, and the Americans in the committee include Allan Byre, Metro; W. B. Morgan, Buick; and David Dixon, Paramount.

The interindustrial group was working on issuing that production should pick up where it left off with least possible delay. American films were encouraged to be shown in Mexico while entry of American-dubbed pictures will continue to be barred by the last official decree which permitted unlimited importation. The Americans' offer to train technicians in other countries among women and older men was warmly accepted.

has the final say on all matters concerning the industry.

Normalize Exhibs

The cinema division has already taken steps to normalize the exhibitors' business, by setting a closing time from 8:30 to 10:30 p.m., contingent on certain regulations. Showtimes must limit audiences to 300 and must have a shelter in the basement or within 500 feet of the theatre which will accommodate the entire audience.

As soon as operators, electricians, ushers, managers and other help can be trained to replace the mobilized absentees, houses will reopen. From about a year ago, the city kept functioning during the early phase of the mobilization the number now doing business in the city is still 150 boulevard and neighborhood houses.

Most of the newreel houses are open and doing a roaring trade. In this connection, newreels henceforth will occupy the greater part of the programs. This is according to the expressed wishes of the patrons and the government.

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U.S. Picture Shipments To Aussie Seem Curbed By Decrease in Sailings

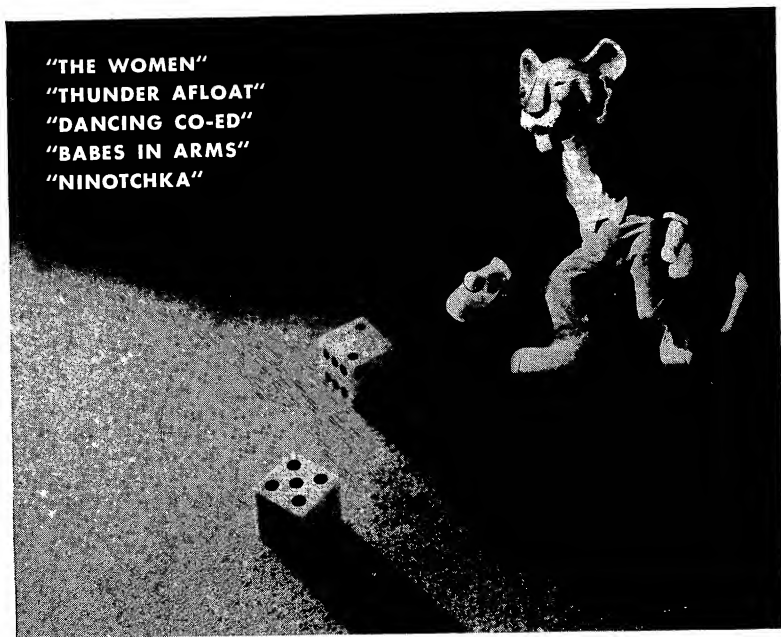
Sydney, Oct. 10. Any easing in the quantity of Hollywood production is likely to mean the introduction of a single picture a week, instead of the 150 houses of Australia. Industry leaders here said this week. Distributors announce that the number of ships leaving Australia, although transportation difficulties may arise which would curtail film shipments.

Any possible shoring, either U.S. or British, would see a curbing of the number of ships of right given exhibitors in New South Wales to reject 25% of American films.

Goodman Back to Japan

Del Goodman, 20th-Fox's Far Eastern manager, left Monday (9) for Hollywood. After a short stopover in London, he will set as a liaison between the French and Americans in the trade here and the cinema division at the censor's office, which

Shipping, most of the day French stations are hooked up on a single chain for the news broadcasts given by the American government. Americans have contributed partly to the film pickup. Soon after the outbreak war, Harold Smith, New Ways' representative in Europe, went to see Commander Chaigneau, head of the French division of the General Information Service, as unofficial rep of the American group doing biz in France. He offered the collaboration of Americans here.



"THE WOMEN"
 "THUNDER AFLOAT"
 "DANCING CO-ED"
 "BABES IN ARMS"
 "NINOTCHKA"

WHAM! HE'S THROWING ONE NATURAL AFTER ANOTHER!

And Now! Just Previewed!

Not only has Leo come through
 With another smash hit, but
 It's a LAUGHING hit!
 You know what that means—
 The folks want to forget
 And here's the show that's a
 Tonic for headline headaches!
 Sell it BIG with this slogan:
 "KEEP THE WORLD LAUGHING!"
 They'll howl! They'll shriek!
 And you start yelling now about
 MARX BROS. "AT THE CIRCUS."



with KENNY BAKER, FLORENCE RICE, EVE ARDEN
 MARGARET DUMONT, NAT PENDLETON - Screen
 Play by Irving Brecher - Directed by Edward Buzzell
 A MERVYN LEROY Production • An M-G-M Picture

**HELD OVER FOR SECOND SMASH WEEK
AT RADIO CITY MUSIC HALL AFTER
SCORING BIGGEST OPENING BUSINESS OF
THE SEASON AND HITTING HIGHEST OPENING
MARK OF ANY SELZNICK PICTURE EVER TO
PLAY THE MUSIC HALL. MORE THAN 100,000
PEOPLE SAW IT IN ITS FIRST FOUR DAYS!**



*"A picture every lover will
love. Tab Ingrid Bergman as
one of your stars of tomorrow"*

— Jimmie Fidler, NBC film commentator

*"A mature story and a remark-
able personality"*

— Liberty

SELZNICK INTERNATIONAL
presents

**LESLIE
HOWARD**

STAR OF "PYGMALION"

In

INTERMEZZO
A Love Story

Introducing

INGRID BERGMAN

Produced by DAVID O. SELZNICK
Directed by Gregory Ratoff
Associate Producer Leslie Howard

RELEASED THRU UNITED ARTISTS

received contract to erect new 1,100-

TED WEEMS • TED WEEMS • TED WEEMS • TED WEEMS • TED WEEMS •

- ★ **LOS ANGELES** *knows it!*
- ★ **CINCINNATI** *knows it!*
- ★ **OMAHA** *knows it!*
- ★ **PHILADELPHIA** *knows it!*
- ★ **HOUSTON** *knows it!*
- ★ **DALLAS** *knows it!*
- ★ **DENVER** *knows it!*

HOLLYWOOD CAVALCADE

IS THE MOST SENSATIONAL
BOXOFFICE ATTRACTION THAT
EVER HIT THIS INDUSTRY!



THE KEYSTONE OF YOUR FUTURE

★ These are the seven
openings to date.



9th Anniversary

There's Only One



*Sincerely,
Ted Collins*





9th Anniversary

CONGRATULATIONS

to KATE SMITH

*Radio's Greatest
and
Most Beloved Personality*

THE KATE SMITH ORGANIZATION

George Ferris

William P. Maloney

Minnie Mecca

Sam H. Schiff

Lillian Schoen

Don W. Sharpe

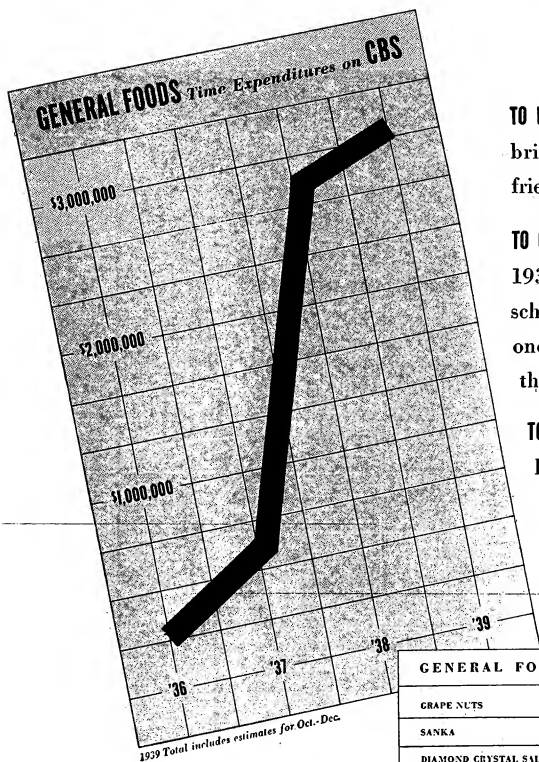
Sylvan Taplinger

Jane Tompkins

Elsie Tompkins



Salute to Kate... and to General Foods



TO KATE...who goes on, year after year, brilliantly winning millions of new friends for herself, her sponsor and CBS.

TO GENERAL FOODS...who put on CBS, in 1938 (and again in 1939), the heaviest schedule of programs it ever gave to one network; heavier, in '38 and '39, than on all other networks combined.

TO THE CBS STATIONS...who, from the beginning, made of Kate a nationwide headliner; who now bring her voice and genius to every corner of the nation, and most of the world!

GENERAL FOODS PROGRAM ON CBS THIS FALL			
PRODUCT	PROGRAM	TIME	
GRAPE NUTS	Kate Smith Hour	Friday, 8-8:55 p.m.	
SANKA	<i>We, the People</i>	Tue.-day, 9-9:30 p.m.	
DIAMOND CRYSTAL SALT CALUMET BAKING POWDER SWANS DOWN CAKE FLOUR	Kate Smith Speaks	M. thru F., 12-12:15 p.m.	
CALUMET BAKING POWDER SWANS DOWN CAKE FLOUR	<i>My Son and I</i>	M. thru F., 2:45-3 p.m.	
LA FRANGE • SATINA MINUTE TAPIOCA	Joyce Jordan, <i>Girl Interne</i>	M. thru F., 3-3:15 p.m.	
POSTUM	<i>Luau and Abner</i>	M., W., F., 7:15-7:30 p.m.	



9th Anniversary

TO KATE SMITH

In appreciation of the most
enjoyable period in my
career—the 9 year associa-
tion with a truly great artist.

Sincerely

Jack Miller



9th Anniversary



Tributes:



*To Kate Smith who has entered
the heart of her world audience.*

*To Ted Collins who, with mas-
terly showmanship, has incorporated
the wealth of the Theatre with the
modern entertainment of the Air.*

*William Morris Agency
Rockefeller Center, New York City*





9th Anniversary

**KATE
SMITH**



CONGRATULATIONS

ON YOUR 9th YEAR OF BROADCASTING

AND . . . WELCOME FOR YOUR FIRST

YEAR ON COLUMBIA
RECORDS



WCAU

and Its Great Listening Audience

welcome

KATE SMITH

back for Her

9th consecutive year

WCAU

50,000 Watts • Philadelphia

**KATE
SMITH**

With profound admiration for a great artist with whom it has been my great pleasure and privilege to appear.

Bill Robinson

**KATE
SMITH**

A radio pioneer and an American institution.

A grand lady and a great troupier.

Sincerest
best wishes,

**JOHNNY
WILLIAMS**

**KATE
SMITH**

Heartiest congratulations on the start of this ninth year's broadcasting of the nation's top radio hour of fine entertainment.

Neal Barrett
Station KOMA
Oklahoma City



9th Anniversary

To Kate Smith and Ted Collins

Our deep appreciation
and sincere thanks
for
appointing us to negotiate
the new three-year contract
for
The Kate Smith Hour
with
General Foods
and
Young & Rubicam, Inc.

Bill Stuhler

Don Stauffer

A. & S. LYONS, INC.

515 Madison Ave.
New York City





9th Anniversary

Best Wishes to **KATE SMITH**

FROM HER BAD BOYS

BUD ABBOTT and LOU COSTELLO

AND MANY THANKS TO

TED COLLINS, Commander of the Kate Smith Air Squadron, who launched us on the air and whose kindly guidance has kept us from doing a nose dive.

P. S.—When not listening to us on the Kate Smith Hour, WABC, Fridays 8 to 9 P.M., come and see us in the "Streets of Paris" at the Broadhurst, New York.

Management: **EDWARD SHERMAN**

Direction: **WM. MORRIS AGENCY**

Material by **JOHN GRANT**

KATE SMITH

A Most Charming and
Generous Hostess

HELEN MENKEN

TO KATE SMITH

In appreciation of a fine artist
and a grand lady with whom it has
been a privilege to appear.

ALLEN DRAKE

Best Wishes

Katherine

ED CASHMAN
CBS

KATE:

As always—
a gracious lady—
a great artist.

Sincerely,
HARRY VON ZELL

Warmest Greetings!

KATE SMITH and TED COLLINS
"A PAIR OF ACES"
ERIK ROLF

KATE SMITH:

Saluting a great singer's
great radio achievement.

GUY LOMBARDO
and His Royal Canadians

"A Cheery How-Do-You-Do"

KATE SMITH

from

JOHNNY GREEN
and His Philip Morris Orchestra.

Dear KATE SMITH:

CONGRATULATIONS, GOOD NEIGHBOR
ORSON WELLES

CBS

9th Anniversary



MARK WARNOV

485 Madison Avenue, New York

Columbia Broadcasting System

October 11, 1939

My dear Kate:

Ever since your initial broadcast nine years ago, you have thrilled millions of listeners with your glorious voice, and have captured their devotion by the appeal of your lovable personality. You have never changed, and never will change, for you have been able to combine being a great artist with being an even greater woman.

My genuine admiration is enthusiastically shared by your associates, who feel as I do, that there is only one Kate Smith. So, to your manager, Ted Collins, who first introduced you to a microphone, we send a vote of gratitude for his gift to radio. We also convey our appreciation to your musical director, Jack Miller, and to others on your immediate staff, who have assisted you on the journey to the top of the ladder.

Here's hoping you continue going on, livin' in a great big way.

Sincerely,
Mark Warnov



C.B.S.
COAST TO COAST
SATURDAY NIGHT—AT NINE





9th Anniversary

With Deepest Admiration for

KATE SMITH

Whose Friendship I Cherish

BETTY GARDE

To
KATE SMITH

A great artist and a great person,
with whom I am happy to announce
my re-engagement for the Fourth
season.

**TED
STRAETER**

Best Wishes to the Songbird of the South
ADELAIDE KLEIN

To **KATE SMITH**
A FINE ARTIST
A WONDERFUL PERSON
AND GRAND TO WORK WITH
REGINA WALLACE

Congratulations

to

**KATE
SMITH**

Many Happy Returns

**NOËL
MILLS**

"When a Girl Marries"
WABC, 12:15 p.m.

To **KATE SMITH**

My Very Best Always

HENRY YOUNGMAN
Beverly Hills Country Club
Newport, Ky.

Salutations and continued success to
KATE SMITH. It was a real thrill being
with you last year with the "Aldrich
Family."

TOM SHIRLEY

Announcing
"Just Plain Bill"
N. B. C.
"Doc Barclay's Daughter"
C. B. S.

To **KATE SMITH**

A SINCERE FRIEND AND
A GREAT ARTIST

My Love

ESTELLE LEVY

To **KATE SMITH**

My Opinion of you has never
changed . . . you have always
been and still are the greatest
songbird on the airwaves.

NAT BRUSILOFF



9th Anniversary



BEN BERNIE
60 E. 54th St.
New York, N. Y.

October 8, 1939

Dear Katherine:

As an old friend and neighbor, I too want to wish you the besta on your 9th Anniversary. By a fo'tunate coincidence we were born under the same star. This is my 9th sponsored anniversary, too! Gosh...remember how frightened we were when we first faced the mike?

My grapevine tells me you've been bustin' records everywhere, dear gal, which warms the cockles of me 'eart. I hope you'll fo'give me for telling you that the Ole Maestro has been doin' a little record busting himself. F'rinstance...

The Ritz Carlton Roof, Boston

Lyric Theatre, Indianapolis

Four or five Universities, and

15 or 16 one-night stands.

And speaking of records, Katherine, we're cutting some mighty swell ones for Vocalion. S'matter of fact, my new swing kids are so hot I'm thinking of changing my name to "Glenn" Berniel

We're booked for a third return engagement at the N. Y. World's Fair, beginning Oct. 19th...and we've just resumed our Sunday broadcasts for dear old Half 'n' Half Smoking Tobacco over CBS at 5:30 p.m. with my side-kick Lew Lehr.

Well...be good, Kate...and remember, I'll be a-listenin'.

Co'dially,

Ben Bernie

P. S.: Oh yeah...the Music Corporation of America done fixed everything!



RADIO METERS IN 200 NAMES

Field Tests Going On In Midwest—Machine Supposed to Show Scientifically at What Minute Audience Gets Bored

C. A. B. ANGLES

Described by informed persons as 'neater to practical introduction but unlikely to emerge from the experimental stage for some time,' the A. C. Nielsen system of checking program popularity ratings by meters attached to radio sets is doing field work at present (300 reported installations) in Illinois, Indiana, Wisconsin and Ohio. The Audimeter Survey technique must be checked and re-checked for all the challenges it must be able to meet. Hence its sponsors are proceeding carefully.

Meantime, large users of radio advertising are increasingly curious as fragmentary reports reach them from the Midwest. The success of the Nielsen organization, which is believed to do around \$3,000,000 gross business annually in statistical checks of food and drug inventories and other related services, assures respectful attention to what they are attempting in the radio field.

There are several perspectives, or hoped-for, contributions of the Nielsen Audimeter line-up. It will be called, that present survey methods do not provide. These are, among others:

1. The record of actual listening as etched upon a scientifically controlled tape "gives" a minute chart of the response of the public to what's happening on a program. It presumes, by correlating a rise or fall in audience attention to the radio or copy then in progress, and would also presumably indicate the crowd-attracting, or vice-versa, effect of neighboring or competing radio entertainment.

2. Through the installation of the audimeters in homes and periodic checks of the pantry shelves, the actual sales impact upon the families can presumably be charted.

The claim is made by enthusiasts (not with Nielsen) that two audimeters in continuous operation on working home receivers would in a year's time have the statistical equivalent value of 1,000 coincidental telephone calls. This is seemingly based on a call-minute on an 18-hour listening day, 365 days a year, rather than a call per 15-minute program, which would provide statistical equivalent of 40,000-odd calls when so reckoned.

Guarded Secret
What the Nielsen Radio Index has found out so far is a guarded secret in the Chicago headquarters of the organization, but some non-confidential hints have recently been disclosed. One glimpse is that people do not lazily allow their sets to stay tuned to one station indefinitely, but repeatedly turn the dials. A 50% average every 15 minutes is discerned. This bears out the previous findings, from a different statistical angle, the Copley and Lybrand Broadcasting, now 10 years old and generally rated the accepted authority of the advertising program on its cost basis (Nielsen is a profit organization, of course).

C. A. B. Cares
Sponsor circles close to C. A. B. make several comments in connection with 'any possible threat of the Nielsen Index to the prestige or effectiveness of C. A. B.' They point out:

1. That it's all still pretty vague.
2. That the Nielsen Radio Index is essentially a "preliminary" general survey, but one part of a general scheme to contrast the effectiveness of radio advertising by checking newspaper, magazine and radio stimuli upon

STEPS TOWARD CENSORSHIP

In ordinary courts of law there is the traditional presumption of innocence which protects fundamental rights of defendants. Ordinarily fact-finding bodies are eager for information which will be of value in framing policies and determining courses of action.

For a long time the broadcasting industry has considered the FCC as either a judicial body, operating under traditional standards of conduct, or a legislative and administrative agency seeking evidence and opinions which would prove helpful in carrying out the mandate of Congress to protect the public interest and bring about the most valuable uses of the ether.

Recent events demonstrate that the industry has been wholly wrong in both concepts. For the FCC, as time goes on, reveals itself to be more and more an arbitrary institution, making up its own rules as it goes along, believing it is specially enjoined to carry on some sort of inquisition, distrusting the motives and questioning the sincerity of individuals who appear before it.

Any doubt that the FCC intends to continue along this path, cracking the knuckles of anyone so brazen as to question its authority or judgment, has been removed during the past few months by two distinct incidents which might cause broadcasters to hope—not fear—that Congress soon will take a hand, that the vague, contradictory, inconsistent 1934 Communications Act soon will be entirely rewritten.

The accounts of first-hand observers at last week's trial of WMCA, and the hearing three months earlier on the proposed international rules, all agree on this point. Without debating the possibility that WMCA's fitness to be licensed by disclosing a secret message and without weighing the merits of the requirement that international stations should reflect American culture and promote good will, it is pertinent to point out that the atmosphere at both proceedings was wholly out of harmony with democratic ideals and traditional American concepts of government.

When members of a quasi-judicial body so far forget their obligation to be impartial and objective as to quibble with witnesses and fire

'have you stopped beating your wife' questions, it's high time for the individuals subjected to such persecution to start hitting back in self-defense.

The FCC made a spectacle of itself in grilling Neville Miller about the way in which he made public his letter protesting against the ill-chosen phraseology of the international rule. It capped that performance by wandering far afield to dig into the thoughts in the minds of the men who were responsible for WMCA's admittedly braggadocio advertisement.

Nowhere in the law is there anything which allows the FCC to reprimand individuals who disagree with its policies, who protest its rulings, who criticize its regulations. The commission does not possess—and cannot read into the law any right to exercise—the power to punish for contempt. Fortunately, in the matter of the international rules, the commission seems to have realized that an indefinite suspension of the absurd requirement about culture and good-will is the best way out of an unpleasant situation. But the suspension of the rule does not eradicate the picture of the paid spokesman for the broadcasting industry being flailed and kicked for exercising the Constitutional right to speak freely about a requirement of the FCC.

Nowhere in the law is there a sentence or phrase giving the FCC the right to censor the printed advertising of licensees—or anybody else—or to hold anyone responsible for the accuracy of remarks by newspaper columnists.

Whether WMCA was stupid or short-sighted in placing the ad which brought down the FCC's wrath is not the point. The commission's contributory lost sight of its goal in receiving evidence about WMCA's fitness to continue in business. If the commission could hold that a single false statement in a published ad is proof that an individual is not capable of serving public interest, there is no telling what sort of censorship it will invoke in order to find excuse for denying applications, refusing renewals, and revoking licenses.

The radio industry may have only itself to blame when it is rudely awakened sometime in the future to find that its every thought, word and action must be approved by the FCC.

DUCKING RADIO

Research, Consumer Movement to Chiefly Concern A.C. Confab

The Association of National Advertisers will hold its fall convention Oct. 23-27 at Hot Springs, Va. This gathering will be notable for not devoting any time to radio advertising as such.

Research matters and the consumer movement will be the chief themes of discussion.

DEER CONN'S SUIT

Los Angeles, Oct. 10. Stay of proceedings in Harry Conn's \$50,500 suit against Jack Benny was ordered by superior court Judge Clarence M. Hanson, pending arbitration as required by their contract.

Writer is suing actor for script services.

families in relation to the pantry shelf.

3. That the Nielsen survey is necessarily very costly this ordinary year. Most of CBS, operating frequently cost subscribers from \$25,000 up to \$100,000 per year and that it would not be something every sponsor could afford.

4. Radio meters are not exclusive to the Nielsen system.

5. C. A. B. considered the meter method as early as 1931. (Dr. Frank Stanton, now of CBS, experimented at this time with a meter method at Ohio State University, and there have been others).

BILLY B. VAN AS WRIGLEY PUFFER

Boston, Oct. 10. Yankee Network has closed, through Neisser-Meyerhoff agency, for a weekly half-hour Sunday evening show called, *Spreading News*.

Formula will be a booster series aired from each of the towns and cities in the Yankee Net, in rotation, with a production crew going into the communities in advance and arranging for participation of local big-shots and some of the amateur talent available in localities.

Mutual's \$210,589

Mutual Network grossed \$210,589 from the sale of time last month, which figure is 9.1% over what the billings had been for September, 1938.

On the first nine months of the year the network's tally is \$2,256,817, or 20.4% better than the total prevailing for the like period of '38.

DOLPH MARTIN BACK

Composer-Conductor Plans Radio Return—Has Been in Paris

Dolph Martin, the composer-conductor, has returned to New York City after four years in France, where he composed various ballets and other music. He plans to return to radio conducting over here. His last assignment was for Tydol through Lennen & Mitchell.

He is also desiring to compose the music for a prospective American Negro legit. He did roll, Sweet Georgia for the Shuberts some years ago.

Work-Week Cut Due

Washington, Oct. 10. Together with every employer engaged in interstate commerce, broadcasters must jack up their minimum wages and make another cut in the work-week late this month. Entering the second year, the 40-hour law requires pay of at least 30c. an hour after midnight Oct. 23. On the same date, work-week without overtime compensation must be chopped from 44 to 42 hours.

But, if the work-week began before Oct. 23, the change does not occur until the start of the next regular employment period.

Jack Maxtedon from WLS, Chicago is joining Mountain Pete and His Mountaineers at WHO, Des Moines, replacing Ken Houchins.

WICHITA HAS RADIO TALENT FESTIVAL

Wichita, Kan., Oct. 10.

Radio talent from stations in other cities are mustering here this week as part of a Fall Harvest Festival. Herb Hollister, of KANS, is the director of the Festival's radio malice.

Participating in the hijinks are Don McVell, Nancy Martin and Jack Baker, of NBC, Chicago. KVOO, Tulsa, has contributed Harold Goodson, Tiny Bob Stollard, Little Montana and Red Penn. WIBH, Kansas City, is sending 25 coffee entertainers from its Kiddie Revue and KMBC's "Brush Creek Follies" will also play a part.

The entertainment roster of WIBW, Topeka, will motor over for the last afternoon. Les Jarvis, of WDAY, is presiding by the Norms Norma Ballard, Chicago, organizer, assisting.

Clyde Lucas is playing for night dancing. Whole community affair is backed by merchants, etc.

Dept. Store Part Owner Of Radio Station WMAJ; M. F. Chapin Sets Staff

Milwaukee, Oct. 10.

Wisconsin's newest radio station, WMAJ, Marinette, authorized last June operate on 250 watt day-time on 500 kc., will go on the air late this month. M. F. Chapin is general manager. Paul Skinner is chief engineer of WIBA, Madison. The station will house in a building of its own on the Menominee River, which divides Marinette from Menominee, Mich. It will be equipped throughout with a 350-foot tubular tower.

Morgan Sexton, formerly of KSTP, St. Paul, where he was General Mills sports announcer, will be commercial manager. Paul Skinner, who was singing with Bill Carson's orchestra recently in Chicago, will be program director.

M. F. Walker, manager of WIBA, Madison, is owner of 75 of the 200 authorized shares of capital stock in M. & M. Broadcasting Co., the Illinois corporation. Chapin, who is also part owner of WSAU, Wausau, owns 35 shares; Wayne W. Cribb, owner of WBTV, 10 shares; Donald R. Burr, part owner of WSAU, 10 shares. The remainder of the stock is held by the Laramie department store interests of Marinette and Menominee.

HOLTZ FAIRY TALES A WRIGLEY MAYBE

Chicago, Oct. 10.

Wrigley is still on the lookout for a night-time variety 30-minute show as a complement for its daytime *Ballgame*. Balaigard, *Gateway to Hollywood* shows, CBS will carry the show, if and when, the Chicago-based department store is handling most of the negotiations for talent.

Charles Holtz has been discussed as a possibility, he to devote whole program to telling a fairy story a la Lapidus.

Quicksilver's Expanding

Chicago, Oct. 10.

'Quicksilver' ride show which will occur 7:20 p.m. for the east and a repeat shot at 10:30 for the west. Kasky agency here has the selling.

"BALI"



FIGURES

MEAN



BUSINES

...and WE
mean **THESE**
FIGURES!



Paramount's

"HONEYMOON IN BALI"

New Orleans, Saenger—40% above average, outgrossing "Beau Geste" and "Union Pacific." Carried over for a continued run!



Paramount's

"HONEYMOON IN BALI"

New York Paramount—First week \$59,000...Second week —\$54,000... (the biggest second week in seven years)...Held over for a third week, of course!



Paramount's

"HONEYMOON IN BALI"

Hartford, Allyn Theatre—30% above average...Held over for a second week, of course!



Paramount's

"HONEYMOON IN BALI"

Newark Paramount—First week—30% above average... Second week—\$100 more than first week...



Paramount's

"HONEYMOON IN BALI"

Kansas City, Newman Theatre—30% above average...Held over for a second week, of course!

S



Paramount's

"HONEYMOON IN BALI"

New Haven Paramount—First week 35% above average... Held over for a second week, of course!



Paramount's

"HONEYMOON IN BALI"

Philadelphia, Fox Theatre— Out-grossing "Spawn of the North," "Sing You Sinners," "Man About Town."

Cost Contrasts Favor Us—Radio

The perennial guerrilla war of the competitive advertising media is still going on. A recent issue of the American Newspaper Publishers Assn., entitled "How Much Does It Cost?" and intended to prove a case for the coverage and economy of newspaper circulation, has been called a boomerang by radio observers, who profess to see the arguments, cited or implied, as favorable to radio rather than to print.

In declaring that an advertiser could take 5,000 lines in each of the nation's 1,894 dailies for \$631,032, the newspapers laid themselves open, radio believers, to the painful contrast of how the same amount of money will go in radio and the challenge that the impact will be more personal, more extensive, more accumulative over the air.

Using the 117 stations of the Columbia Broadcasting System as the basis of contrast (rather than NBC which is divided between red stations and blue stations with some interchangeable) the cost contrast, by radio reckoning, works out as follows:

WHAT THE ADVERTISER RECEIVES FOR \$631,032

Newsprint Space In 1,894 daily newspapers in U. S.:	Radio Time On the complete CBS network of 117 stations:
1 full page ads	34 evening full hours or 37 daytime full hours or 40 evening half hours or 164 daytime half hours
4 one-half page ads	40 evening quarter hours (17 weeks of 5-day strips) or
8 one-quarter page ads	170 daytime quarter hours (34 weeks of 5-day strips)

QUICK WEEK IN BOTH WEB AND SPOT

R. J. Reynolds accounted for about the only network business last week. It was the quietest of weeks, but the angle of new business development, Brookfield *Sausage* popped up in the spot field and the network. It bought 25-word announcements to be run off at the rate of one a week.

The Reynolds' latest campaign concerns Prince Albert tobacco. It's bought a special NBC-red hookup on 24 southern and southwestern stations to carry WSM's, Nashville, The Grand Opry's Saturday nights, starting Oct. 14. The period is from 10:30 to 11.

COURTROOM AIRCASTS CALLED BAD BY BAR

St. Louis, Oct. 10.—The Missouri Bar Association at its closing session of the state convention at St. Joseph last week nixed the practice of broadcasting proceedings from courtrooms. The resolution, condemning such procedure, was based on a complaint filed by the Negro Chamber of Commerce of Kansas City which said broadcasting of courtroom proceedings ridiculed the poor and ignorant.

Rep. John D. Taylor, who spoke for WBRH, New York, 29, director of continuities, will retain his connection also with J. Walter Thompson. He has been with the agency since 1921 on a part time basis, specializing as consultant on music and continuity.

Simon likewise will continue as music editor of New York magazine.

Bob Simon's Links

Walgreen Hrs. on WENR
Chicago, Oct. 10.—Seven 60-minute periods will run on WENR has been purchased by Walgreen Drug, which will run from 10 p.m. every day except Sunday when the show will go on at 11 p.m.

Program will consist of recordings with Gary Morfit as m.c. and clown.

EARLY BIRD ACCTS. MISSED, MISSED

They Get the Wormwood— Pressure of Network Recapture Clause Has Produced Ironical Situation in Spot Broadcasting Field This Year

NOW 4TH CHOICE

Flood of business which once came to the networks, particularly NBC and Columbia, this fall, is producing a peculiarly ironical repercussion in another quarter, namely, spot broadcasting. The elements especially affected by this curious twist are those accounts and agencies that were the first to get in their spot commitments for the current fall. They now discover that they have become the victims, but in reverse aspect of the adage about the early bird getting the worm. What they thought was the worm now, according to the lament, has been out to be wormwood.

The bitter pill for these early-bird accounts and agencies has been the recapture clause in the contracts between the networks and their af-

Alka-Seltzer Request

Chicago, Oct. 10.—Alka-Seltzer's agency, the Wake-office, has sent letters to stations carrying the National Barn Dance program asking them to accept a chain break announcement that they would be out of the air for half hour without change.

That is, when the station identifies itself agency asks for a short break announcement for Alka-Seltzer running around 25 seconds.

Wade agency comes out frank and level on the stations on this query. However, it is understood that many stations will give up a program by Independent Radio Network Affiliates to chain the Wade question. This proposal seeks the elimination of chain breaks on continuous programs for the same sponsor.

Alkates, which require the stations to make a spot account out of network-allocated time on two to four weeks in advance, are now being questioned of this clause and the fact that there has also been huge purchases of time during the past two months these early birds are burning over their predicament, while the late birds are being asked to do it doesn't, from the angle of good will, have a tarnishing effect on all spot broadcasting.

Being the first on the scene the early contingent got the choice spots, which, naturally, would be the very spots picked by network clients and most quickly tagged by the recapture clause. In due course, the late and third choice spots were filled by other late buyers, and the early contingent found that when the early bird got his moving notice he has found the recapture clause that would take him but to accept what was previously rated as fourth choice, or else, on the other hand, the accounts and agencies that took their time about buying for this fall stay put. In no time the late buyers are being tempted with being shoved around because of the steady application of the recapture clause that has taken quite top class stations and turned their business over to lower rating outlets.

Another development that has made the spot customer's lot no easy one is the wide and numerous spread of new periods. With the networks, particularly Columbia, offering all sorts of new periods and European

Steady Customers

In taking inventory of its clients recently the Columbia Broadcasting System developed a picture probably fairly true of all radio and advertising agencies in an important respect: to a success, story written long before now. CBS found that:

- 43 advertisers sponsor 76 programs, all but one are renewals of contract.
- 11 have not left air in six years.
- 19 begin fifth year, or more.
- 23 begin fourth year, or more.
- 30 begin their third year, or more.
- 35 begin their second year, or more.

roundups throughout the day, much of the time that would otherwise go to spot broadcasting is now concerned with covering the network. They hold that it not only throws their program schedules out of balance and creates a somewhat sustained air of excitement but that the surfeit may again stir resentment among sponsors whose particular interest in radio is primarily to inspire a receptive mood for purchasing the product. Network officials declare that the primary purpose of broadcasting is to entertain, educate and inform the public.

Other Side

These same affiliates are complaining that the flood of new periods from both commercial and industrial network sources not only has given them a glut of business, but also has increased the pressure on their networks, which are not under compulsion to take all of these new periods from the networks, but there's the right to the convenient fill-ins, particularly when as happens in the case of CBS, five-minute spots are scheduled throughout the day which have been released by network clients with the understanding that they would be resold for either network or local business.

Late of these CBS recaptured periods falls between 11 and 11:05 p.m. CBS has a split hookup Tuesday and Thursday between 11 and 11:15 and has agreed to make newswatch part of its program. Campbell Soup, which has had the same quarter-four periods Monday, Wednesday and Friday, gave up its initial five-minutes altogether but with the understanding that the spots will not be sold to another client.

Out of Columbia's systematic coverage of war news has also come something new in time sales. R. J. Reynolds has bought for Prince Albert tobacco a minute and a half announcement to precede CBS's early evening European Round Up. The account pays for a full 15-minute but gets the benefit of the program grammar. The period involved is from 6:45 to 7 p.m., and the spots are collected on a quarter-hour basis.

KATHLEEN NORRIS TEES OFF NEW RADIO IDEA

Following the commercial sponsorship of the rights to "By Kathleen Norris," other name novelists are being lured by Bernard Shaw, the Phillips Lord agent, Fannie Hurst and Edna Ferber have given up options to sell their stories for their works. As with Kathleen Norris, there is no requirement for the writer to adapt her own work for the air, just collect.

Idea Shubert is plugging is that national radio have followed the lead will be attracted automatically to radio.

Toscanini Ducaes

Annual scrimmage for ducaes to Arturo Toscanini's radio studio broadcasts is on. Starts Oct. 14. Two previous seasons of radio concerts with the "heaviest demand ever experienced by NBC for studio tickets."

RCA-NBC official family gets the initial break on ducaes. Toscanini is broadcasting as before from the largest NBC studio, capacity around 1,500.

WAR H. C. OF L. SALES COPY BANNED

Montreal, Oct. 10.—Latest curb on radio commercials is ruling from the Canadian Broadcasting Corp. advising against including immediate sales pitches in the chase of articles before prices go higher due to war.

CBC takes what it says talk into this type tends to hype public into buying unnecessary quantities of merchandise thereby bringing about an artificially high price level.

With general policy and the Government to keep price levels within bounds it is considered that sponsors urging immediate purchases in excess of possible price increases would be contrary to public interest.

QUAKER ACCT. SHIFT ON PREMIERE EVE

Sherman K. Ellis, Inc. has lost the good portion of the Quaker cereals account to Ruhlrauff & Ryan, which has been handling Quaker Oats and Mother Oats. Ellis, however, retains the Aunt Jemima and Fajita brands, and could have gone on producing for a while the Milton Berle show which he built last season (?) on NBC, but it elected to let the entire puffed foods business move over to RAR at the account has been split up between two agencies since it left Lord & Thomas.

Dry Regulation Pends

Washington, Oct. 10.—Stiff ban on booze advertising is under consideration by District of Columbia officials. New alcoholic beverage code would bulwark present rules by outlawing use of radio or handbills in several ways, giving broadcasters another headache.

Following by Bernard Shaw, the District Commissioners in the form presented by the liquor control board, wine and beer advertising via microphone would be greatly complicated. Local stations, which do not plug hard liquor, would have to see copy-writers give specific information about the product. Not just generalities. Less demand required about malt and wine beverages, however, than for the hard stuff. Prizes and premiums would be forbidden.

CHEET SMITH RECOVERED

Chet Smith, guitarist of the Prairie Firemen, KMBC range quartet, is out of a cast and suffering third degree burns.

Jack Payne Lulled Up

Jack Payne, Milwaukee, Oct. 10.—Jack Payne, WTMJ scripter, is in the hospital with a busted jaw and slight brain concussion as a result of a motor accident in the suburb. He will be out shortly.

KATE SMITH

With Abbott and Costello; Group Theatre Players, (Frances Farmer, Morris Carnovsky, Lee Cobb, Ella Kazan); Arthur Allen and Parker Fencleny in 'Snow Village Sketches'; Ted Straeter Chorus; Johnny Williams and the Smart Set; Jack Miller's Orchestra; Ted Collins; Andre Baruch.

60 Mins.
GRAPE NUTS
 Friday, 8 p. m.
 WABC-NBC, New York

Benny Goodman's orchestra will go on RCA-NBC television for hour show on a date not yet set but within the next fortnight.

'STOP-ME-IF-YOU'VE-HEARD-

Petrol purveyor has auditioned widely for a program since David Broekman and John Nesbitt took to greener fields. If this first one is a sample of what's to come then the choice of tabloid operettas is not a happy one. In the main, production is at fault. Crowding a two-hour stage piece into 25 minutes and trying to retain most of the music for the three vocalists is no sinecure. But Tom McAvity's production crew tried it and the result was pretty much of a muddle.

SILVER THEATRE

such sterling singers as Mario Chamlee, Jimmy Newell and Emily Hardy on this hedge-podge of music and libretto. They perform their duties in stellar fashion in the rare musical production of the Lohengrin, an old time funderd in its over-ambition. Producers ran in just enough plot to cue the tunes, making for a disappointed and jerky effort. The middle opera section of the charming but nostalgic piece were totally lacking.

Technical setup was 'way off, too. Mixed chorus could be only faintly heard at times and there was loudly shouting from the mike. It was all right for the stage where the eaves can follow the characters but radio is directed at a sightless scene. Next week the troupe takes on "Chocolate Sauce."

Program airs on a dozen stations. Honolulu. Helm.

BEN+BERNIE

points of view, and the speaker (Harold Jones and Hugh Johnson made a good first start) is a shouting pair of lead-off debaters (for this season).

Democracy is illustrated best by the question-and-answer exemplification given over the air in the form of questions that are sometimes stupidities and often snide, frequently meandering and awkward. In other words, *Twelve Months* is not a program you buy because frequently bad form.

Loaded questions, questions that are harangues in themselves, create tension, excitement, cheers, jeers. Over all is the impression of a speaker, a speaker of all shades of intelligence and culture, some fairly minded, some bigoted, but all free to express themselves and all running the risk of being beautifully wrong.

In times like these the program is nothing short of delightful. *Land*.

HERBERT MARS

Loyson chooses the best-loved old hymns and gives the origin and history of each before singing it. This provides the mood and atmosphere for the beautiful rendition which he gives.

Theme number, which he sings both for opening and close is 'I Need Thee Every Hour.' After offering to recite the 'Prayer of St. Francis' and sing 'Onward Christian Soldiers' and 'The Lord's Prayer,' he closes with 'I Trust in Thee' and 'God Will Take Care of You.'

Organ accompanies both songs and story by the program.

Should build steadily among shutins and others having mid-morning leisure

Good

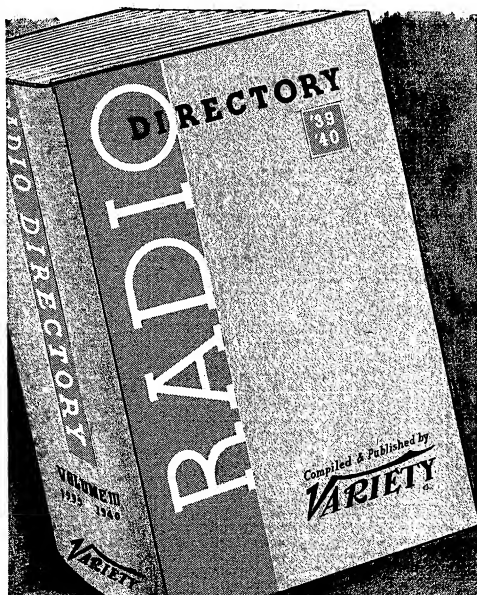
Johnson Wally Br

...which he sings and close is 'I Need Your.' After offering to favorites, he introduces 'Onward Christian Soldiers by Grace,' 'My Faith Thee' and 'God Will You.'

INGER'

...which he sings and close is 'I Need Your.' After offering to favorites, he introduces 'Onward Christian Soldiers by Grace,' 'My Faith Thee' and 'God Will You.'

THE BOOK WITH ALL THE ANSWERS



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

\$5 Per Copy

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154 W. 46th St.

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586 Fifth Ave.

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VARIETY

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54 W. Randolph St.

SATYR BOOK STORE

1620 No. Vine St.

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MERCHANDISE MART NEWSSTAND

G. SCHIRMER MUSIC STORES

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WASHINGTON

BRENTANO'S BOOK STORES

1322 F Street, N. W.

- Q. What were the leading C.A.B. evening network programs in 1930? '31, '32, '33-'39?*
See 'Evening Leaders,' pages 92-98.
- Q. What was the highest C.A.B. rating of a network commercial?*
See 'C.A.B. Special Events Ratings,' page 105.
- Q. What program type appeals most to the 'A' income group?*
See 'Program Type Preference by Income Classes,' pages 110-116.
- Q. Who was NBC's biggest advertiser in 1938? CBS? Mutual's?*
See 'Money; Network Client Revenue,' pages 170-180.
- Q. Which of Young & Rubicam's clients use network programs?*
See 'Advertising Agencies,' page 247.
- Q. What were the popular songs of 1930?*
See 'Popular Songs,' page 253.
- Q. Was 'Abe Lincoln in Illinois' broadcast on the network?*
See 'Play Adaptations,' pages 254-262.
- Q. How many network shows were sponsored by General Foods in 1937-39?*
See 'Network Commercials,' page 473.
- Q. What is the total number of U. S. commercial stations? Non-commercial?*
See 'Stations,' page 569.
- Q. Who is the editor of the Harrisburg Evening News? What type of material does he prefer?*
See 'Radio Editors,' page 1015.
- Q. Who have been Guy Lombardo's sponsors? Kay Kyser's? Phil Spitalny's? Dick Himber's?*
See 'Professional Records,' pages 1028-1346.

These questions indicate the multiplicity of trade subjects thoroughly covered in the 1939-40 Variety Radio Directory

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).

☐ Check Enclosed

☐ Send Invoice

Name

Address

City State

Firm

Finch Facsimile Finances Revealed

S.E.C. Gets the Story—Firm Seeks to Sell Public Its Stock Securities

Washington, Oct. 10. Slowly rising earnings and hope of substantial business through leasing of equipment and sales of paper were reflected last week in application of Finch Telecommunications Inc. for permission from the Securities & Exchange Commission to peddle 87,500 shares of \$1 par common stock to raise money for research and bolster the financial structure. First move in many months to let the public in on wireless system of record communication.

Papers showed the company, which values its assets at \$181,397, had a deficit in the nine months ended Dec. 31, 1938, of \$5,541, but the ledger showed a net profit of \$1,518 at the end of the first eight months of this year. Rise in gross sales but dip in gross operating income in the January-August period this year.

The S.E.C. was told that the paper—part of authorized issue of 276,100 shares which 143,800 are outstanding—will be offered to the public at \$5 a copy through Distributors Group, Inc., with employees other than William G. H. Finch allowed to grab 2,500 shares at \$4. With the syndicate assured discounts and commission of \$87,500, the company would net \$550,000 from the marketing operation.

Hearst Payment
Payment of \$75,000 to Finch by

Hearst Radio, Inc. for rights to use his equipment was revealed in the long the Hearst organization, Finch negotiated an agreement under which the California publisher's subsidiary receives exclusive rights in all cities where he has newspapers. For this, Finch has received \$60,000, with the remaining \$15,000 due on May 1, 1940.

The statement noted the system has been recognized by the FCC and other government agencies as practicable in many fields of communication. Although many of the channels assigned for facsimile service can be used only experimentally, no restriction against commercial operation on the higher stripes. Company is perfecting a portable sending and receiving device which it hopes to peddle, and should develop a steady income from the sale of special kind of paper required for reception, it was said. Noted that 18 stations are now licensed to use the apparatus, with International Standard Electric Corp., a subsidiary of International Telephone & Telegraph, holding a non-exclusive license covering all foreign countries.

All but a microscopic fraction of the outstanding securities are owned by the Finch family. Breakdown showed William G. H. Finch with 73,236 shares of 51%; his wife, Elsie,

New Red-Face

A New York man-about-town (journalist) recently acquired the director of a radio program at some length and with his usual frankness. A habit of the director of dating up the program's good looking income.

A week later he heard the director was married to the disfigure.

with \$1,644 or 29%; and their daughter, Elsie, with \$2,130 or 17.5%. Only other insider with any stock in his possession is Frank R. Brick, Jr., of New York, vice-president and director, who accounts for 3,500 shares. Contract with the company assured Finch a salary of \$15,000 annually after the offering is sold, although he has not been compensated so far. The inventor sold the corporation \$10,044 worth of equipment and advanced \$13,300 in cash, having \$25,757 due him now.

Financial statements reflected the assets included \$28 worth of apparatus and equipment, \$16,203 in cash, and patents valued at \$12,550. Income in the last year was only \$10,367. Gross sales for the eight-month period ended Aug. 31 were \$35,652. The gross operating income of \$19,587.

Other officers are V. C. Stanley, president; William C. Hall, secretary; Fred M. Link, New York director; W. Carroll Munro, Huntington, L. J. director; Alfred Gross, New York, treasurer; and Frederic C. Scofield, New York, secretary.

World, Signed by AFRA, Faces Demand It Hire Petrillo Announcers

Chicago, Oct. 10. James C. Petrillo has sent a wire to the World Broadcasting System here stating that in the future announcers who are members of Chicago Federation of Musicians have to be used. However, World is continuing to use American Federation of Radio Artists. Petrillo has taken no steps to enforce his rule.

At time Petrillo took in announcers he signatured only Columbia network and station workers here as a move, he then stated, was "to kill off threatened organization by CIO."

COLLEGES PERSNICITY ABOUT SPONSORSHIP

St. Louis, Oct. 10. With exceptions of KWK and WIL, all stations in St. Louis are earnestly searching for bankrollers for mid-west varsity football broadcasts. Were it not for an edict of Missouri and Illinois colleges that rice, eggs, beer and liquor sponsors all would be sitting pretty. There's the rub.

Hyde Park Brewing Co. has all other sports programs but baseball play-by-play on all local stations sewed up through Ruthrauff & Ryan and would bankroll football if it could.

For the third consecutive year the Industrial Bank is sponsoring all games broadcast by WIL. KCW started the season without a bankroller but snared the Ford Dealers of Greater St. Louis for the balance of the season, after the first week.

Dinty Doyle Off Hearst, Tom Brooks Carries On

Dinty Doyle, who resigned last week as radio columnist for the N. Y. Journal-American and other Hearst papers, may join a New York advertising agency on the radio end in a few weeks. First he's going to the Coast on private business, being originally from San Francisco.

Tom Brooks, radio editor here, time has taken over the column, starting Monday (9).

Haydn Evans Off WNAX

Chicago, Oct. 10. Haydn Evans is no longer with WNAX, Yankton, South Dakota. He has been replaced as commercial manager by Phil Hoffman, formerly with WSYR, Syracuse, and before that with IDWA network which operates WNAX.

Evans is in Chicago. Jack Dalton, cowboy ballad specialist, with WJSV, Washington.

Inside Stuff—Radio

While ASCAP officials last week concerned themselves almost exclusively with their 25th anniversary music festival, the copyright committee of the National Association of Broadcasters met Thursday (5) in New York City to approve the form of organizational agreements and certificates which are to be filed this week in behalf of Broadcast Music, Inc., the secretary of state at Albany and the Securities & Exchange Commission. Through Broadcast Music the NAB proposes to set up its own reservoir of musical material, and to finance the project it will cash \$500,000 worth of stock to its membership.

CBS counsel declared last week that its officials named in warrants issued by a justice of the peace in Missouri, Mont., in connection with an anti-ASCAP coup had not waived extradition but had merely advised Montana authorities by letter that they refused to waive their legal rights and would not voluntarily yield to extradition.

By making this formal declaration the network officials helped Montana authorities pound out certain legal processes required in extradition proceedings and also saved themselves from service of the warrants, charging conspiracy, through the N. Y. police. ASCAP officials refused to sign such declaration on the ground that it would be silly for them to waive any sort of legal right since they might later want to bring suit for malicious prosecution against not only the Montana justice of peace but Ed Croney, of KGLR, Butte, and A. J. Mosby, of KGVO, Missoula, who are alleged to have instigated the conspiracy action. Service of the warrants on the ASCAPers was stopped by Mayor Fiorella LaGuardia the week before last.

A new programming setup is being attempted with a dramatic series being rendered for auditioning by Authors & Artists agency. Instead of being in 15-minute slants, the new series will be 30-minute and one 15-minute chapter. Longer sessions will be aired Mondays and Fridays, with the shorter bit used as a "continuity bridge" Wednesday. Idea of the long program twice a week is that 15 minutes is too brief a time to offer a satisfactory dramatic episode.

Series, labeled "Amesport," features Bill Adams as narrator. Norman White, of Authors & Artists, is producing and co-ordinating with Charles O. Locke on the writing.

Gayle Grubb, WKY, Oklahoma City, manager, began his 15th consecutive year of football broadcasting by handling the color accounts for the Nebraska-Oklahoma game last Saturday (7) at Evanston, Ill.

Beleated back-down by the FCC last week partly lifted the eight-month curse on programs of the Los Angeles Samaritan Institute, boiling-out place for indurated imbibers. In granting renewal ticket to KMPC, Beverly Hills, the Commission last January referred with expression of disapproval to the programs sponsored by this booze cure establishment.

A modification last week erased any implied charge that the Los Angeles venture was not on the up and up. Regulators still held by their suspicion that some of the reformatories in other cities have employed unlicensed practitioners of medicine and that various patients have suffered serious physical consequences.

H. V. Kaltenborn, on a lecture date at the time in Louisville, had CBS feed him a separate pickup of Hitler's speech last Friday (6) because the local Columbia outlet, WHAS, was having its broadcast interrupted by the translations of a local German instructor. Kaltenborn, who was scheduled to come in on the network afterwards with a commentary on the address, wanted to listen to the Fuehrer's words without interruption. Hitler's speech, relayed from Riverhead, N. Y., via shortwave, was received by WHAS and piped to a private office where Kaltenborn was seated.

"Howie Wines" serial is continuing in Canada, Newfoundland, New Zealand and Australia with a Canadian writer. Its American fate is uncertain, following the tragic death of its author, Capt. William Moore, during the summer. The latter died after playing tennis, and a heart attack in his auto. Son tried to use Boy Scout first aid, but Moore died in 18 minutes. He left four children.

George McGarrett, who Lord Lard & Thomas recently, is doing a spell of relaxing in White Sulphur Springs prior to his next connection. McGarrett's departure from the agency was because a radio staff and set-up plan he thought indispensable was sidetracked.

Two Columbia Broadcasting insiders unloaded some of the web stock in their names during August, Securities & Exchange Commission revealed last week. Leon Levitt peddled 238 shares of the Class B, still accounting for \$43,267 while Melf Runyon dumped 500 of the A paper still having \$46.

Wayne Randall, former head of the NBC press department, was given six months' severance pay when he left.



WEER

BUFFALO

Just as Niagara Falls is Buffalo's best attraction, so Station WEER is Buffalo's Best Bet for Advertisers who want maximum coverage at minimum cost!

Results That Count!

WEEB AND COMPANY

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

Radio Station Representatives

AL PERCE

and His
NEW
Gang

TONIGHT

Wednesday, Oct. 11th
8 P.M., E.S.T.

Repeat
9 P.M., P.S.T.

C.B.S.

Coast to Coast

Sponsored by

HAWAIIAN PINEAPPLE CO., LTD.

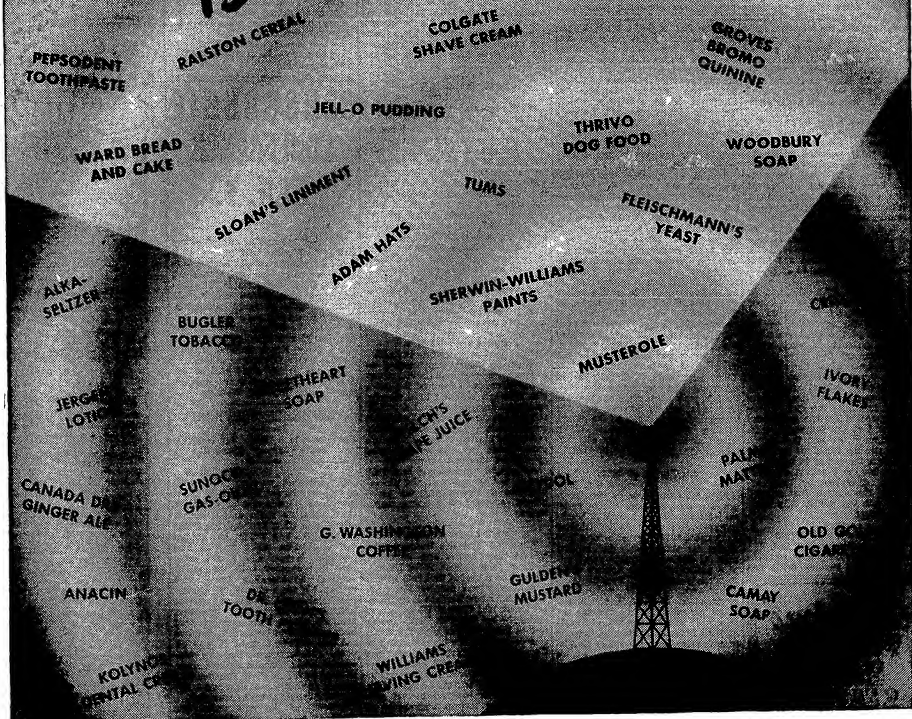
Packers of

DOLE PINEAPPLE JUICE
and
DOLE PINEAPPLE GEMS

Accent on Experience

...AS 14 MORE ADVERTISERS BUY BLUE!

15*



WE BELIEVE it's real news, when this fall fourteen more experienced and canny advertising buyers like these join the Blue Network's ever increasing list of clients:

Adam Hats (fight broadcasts on Fridays)	10:00 PM to finish
Colgate Shave Cream	9:45 — 10:00 PM Sunday
General Foods (Jell-O Pudding)	8:00 — 8:30 PM Tuesday
Groves (Bromo Quinine)	8:00 — 8:30 PM Monday
Jergens (Woodbury Soap)	9:15 — 9:30 PM Sunday
Lewis Howe (Tums)	8:30 — 9:00 PM Wednesday
Modern Food (Thrivo Dog Food)	5:00 — 5:15 PM Sunday
Musterole	8:30 — 9:00 PM Friday
Pepsodent (Tootlipaste)	7:30 — 8:00 PM Sunday
Ralston Cereal	5:45 — 6:00 PM Mon. thru Fri.
Sherwin-Williams (Paints)	5:30 — 6:00 PM Sunday
Ward Baking Co. (Bread and Cake)	8:30 — 9:00 PM Thursday

Warner (Sloan's Liniment) 8:30 — 9:00 PM Saturday
Standard Brands (Fleischmann's Yeast) 11:45 — Noon Mon. thru Fri.

We believe they share our conviction that this network is 1939's most economical advertising investment.

That's due, of course, to the famous Blue Discount Plan . . . which enables advertisers to "go National" on a truly modest budget.

By the way, there are still good evening time periods open on the Blue!

IMPORTANT ANNOUNCEMENT—On September 22, KVOD, Denver, commenced operation on 630 kc.—one of the best frequencies on the dial—which means greatly improved Blue Network coverage in this very productive market.

NBC Blue NETWORK "Better Buy Blue"

NATIONAL BROADCASTING COMPANY • A RADIO CORPORATION OF AMERICA SERVICE

*FLASH! As we go to press Philip Morris Cigarettes adds a Blue Show to its radio campaign! More details later.

Coughlin Camp Fights to Prevent N. A. B. Forcing Him Off Paid Time—Many Viewpoints Expressed by Groups and Individuals

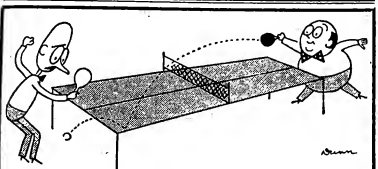
NAB Points with Pride
Washington, Oct. 9.
Series of complimentary remarks
by crusaders in various fields last

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]

WWJ
Owned and Operated by
The Detroit News

National Representatives
Geo. P. Hollingbery Co.
New York, Chicago, San Francisco, Atlanta



"We bat out sales and net big profits on WRC in Washington"

Civil Liberties Angle
The Civil Liberties Union rallied behind, broadcasters and answered kicks of John F. Patt, WJR, Detroit, who wired a protest that free speech has been "slandered" by the Coughlin Through Arthur Garfield Hays, Morris Ernst, and Quincy Howe, it was stated: "What Mr. Patt really means is that the profit has been taken out of the radio by the Coughlin Coughlin or anybody else under the rules of the new code cannot purchase time for the discussion of public issues, the trio shot back. This is wholly in the interest of free speech since it puts everybody on the basis of equality and puts people without money on precisely the same basis as people with it. The new code does not discriminate, obviously unfair to free speech as to commend itself to every reasonable person."

QUEBEC IS HOT POTATO

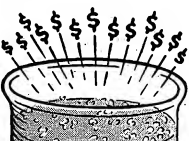
French-Canadian situation is a hot potato for the Ottawa authorities. By calling the rule 'censorship' and cracking that the government has more authority over radio than Hitler in Germany the administration has been forced to defend the rule as a mild precaution. Latter points by way of contrast to the stringent ban of all politics whatsoever in Great Britain during the war.

Jack Kerrigan, singing announcer for WHO, Des Moines, has a new program for Vicks.

commercial department also

BALTIMORE-- "TEST-TUBE" CITY!

Get a representative reaction by trying out your advertising formula here:



A BIG MARKET

A CITY AND
TRADING AREA
OF
1½ MILLIONS

**A
DIVERSIFIED
MARKET**

MARKET
201 different
industrial classi-
fications prevent
violent business
fluctuations—

A COMBINATION
OF URBAN
AND RURAL

AND RURAL POPULATION
Baltimore itself is surrounded by miles of rich and varied farming country.

AN INEXPENSIVE
MARKET

MARKET
TO COVER
ONE station
can do the job
right!

WFBR is Baltimore's

**leading radio station—
first in popularity
first in advertising
first in showmanship**



NATIONAL REPRESENTATIVES
EDWARD PETRY & CO.

ON THE NBC RED NETWORK

RULING FAVORS NEWCOMERS

PAYNE STRIKES AT JAM-UP TACTICS

Commissioner Lays Down Principle That May Vastly Affect Whole Procedure of Obtaining Station Licenses — He Condemns Those Who 'Interfere' in Spirit of Mischief

D. C. REACTION

Washington, Oct. 10.

Wave of indignation is still sweeping over Washington radio lawyers following analysis of a new vital rule interpretation which tends to wipe out any existing licensees from opening more competition in its service area. Some mixed reaction, though, with barristers conceding that some benefits will flow from the position taken by Commissioner George Henry Payne on matter of intervention.

Bad news for many operators was the decision that WBOB, Orlando, Florida, cannot offer evidence against Huxford, Inc., seeking papers for a new 1 kw transmitter using 1200 kc. Payne's precedent setter laid down stringent eligibility rules for the whole industry.

Under the reasoning expounded in the Orlando matter, hearings will be opened up only when the Commission feels there is likely to be a contribution of pertinent data which could not be brought out in any other fashion. Declaring that no individual except the applicant has any incontrovertible legal right to participate, Payne held that it is imperative to reduce cost of proceedings and expedite decisions. Best way of accomplishing these objectives, he maintained, is by keeping the number of parties to minimum.

The Orlando ruling suggested that multiplicity of proceedings may follow, however, and the barristers fear that total volume of litigation is liable to mount, rather than decrease, with disappointed ticket-holders rushing into court in frantic attempts to keep out rivals. Further, the opinion conveyed a hint that successive rehearings and reconsiderations may result.

Favors Applicant

As far as the applicant is concerned, he gains a very significant advantage over every other individual. Since the only obligation will be to produce testimony on points raised by the Commission, political influence may become more valuable and vital than ever. For the issues set down by the Commission will determine what type of evidence must be supplied. Implication is that only the Commission is equipped to bring out immaterial facts, with the integrity of everyone else subtly questioned.

There is one other angle that has caused considerable comment among the legal sang. Probable consequence of Payne's interpretation, it

is felt, will be an improvement in the calibre of law work, something that leaders of the bar privately concede is needed. More careful pleadings by persons wanting to block grants to others, with more thorough preparation of cases, must result. That would be a blessing for the whole industry, in many respects, because it would contribute toward clarification of the statute. Danger lies in the fact that Payne noted refusal to enlarge the issues and permit intervention at the outset is not necessarily a positive barrier to individuals wanting to fight applications. If the permit-seeker meets the points raised by the Commission, there still is a chance to throw out the application by setting it down for discussion a second time on other matters, he explained.

The ruling is consistent with the new legalistic philosophy in the

FCC. Harmonizes with contention made in several cases now before the Court of Appeals that competition is the primary goal and economic injury is not sufficient reason for turning down newcomers. Unless the Commission itself wonders whether there is economic justification for a new station, the proposition would be difficult to lay before the regulators. To this extent, barristers saw in the opinion a stubborn determination to get around recent finding of the court in the WHEX case, where Justice Justin Miller held there is an obligation to protect the existing enterprises.

Stalling Is Bad. Remarks about the injustice of stalling, a notorious offense in the past, drew general agreement from the lawyers, even though they feel it occasionally is necessary in protecting clients' interests to employ

dilatory maneuvers. Payne criticized the bar, with statement that Commission experience in recent years clearly demonstrated that the participation of parties other than the applicant in broadcast proceedings in a great many cases resulted in unnecessarily long delays and expense to both the Commission and applicants without any compensating public benefit. He spoke reprovingly of tactics of intervenors, saying that often their only function was to impede the progress of the hearing, increase the size of the record, confuse the issues, and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument, and other devices designed to prevent expeditious disposal of Commission business.

GAS CO. TAKES 14 HRS. WEEKLY

San Francisco, Oct. 10.

Some 14 hours of radio time a week are being sponsored by the Pacific Gas & Electric Co. over KYA here, with the utilities company bankrolling the station's "Evening Concert" of recorded music nightly from 8 to 10 p.m. Institutional copy will be used on the broadcasts. McCann Erickson agency handles the P. G. & E. account, contract for which was signed by William Shea, KYA account exec.

★ ★ ★ ★ ★

WE'RE JUST CREDULOUS ENOUGH TO BELIEVE:

★ ★ ★ ★ ★

It's the people who do buy your product that make sales . . . not the people who could buy it . . . but don't.

It's the people who do hear your program that are important . . . not the people who could listen to it . . . but don't.

It takes listeners to make coverage.

It takes coverage to make sales.

It takes sales to make profits.

That's why the Blue Ribbon List of American Advertisers find it profitable to use

WLW... THE NATION'S

most "Merchandisable" STATION

WLW
5000 WATTS
DAYS
Coming events cast their shadows.

No change in programming or policy. Better service to Metropolitan New York including its 6,962,635 foreign citizens.

WBX NEW YORK
1640 WATTS DAY AND NIGHT
The Station That Sings to You, Everywhere

FCC Deplores Hint It Collaborates In Retarding Technical Advance

Washington, Oct. 10.

Considerable resentment is expressed here about implications in Fortune magazine recent yarn concerning the Armstrong frequency modulation system. FCC precepts are irritated by implications that the government agency is in conspiracy with equipment makers, the patentholders, and the broadcasting industry to retard technological progress. Daily press stories playing up this angle, hinting that the FCC is holding back the new system to protect huge private investments in the standard broadcast band, raised the temperature of Federal officials.

The Armstrong system has received sympathetic consideration at the hands of the government, according to individuals who have kept a close watch on the Major's theory and know the history of moves to facilitate development of the principle.

Undisputed fact that certain Federal experts regard the frequency modulation idea with great optimism. Hope it will prove feasible and can be performed in an economic manner so that new parts of the spectrum can be opened up. There is traditional engineering prejudice against it, with a feeling that research so far has not proved beyond all doubt that the system will do everything its sponsors claim.

Several years ago room was provided in the spectrum for frequency modulation experiments, chiefly to

facilitate Armstrong's research. It was recalled: "Even though he was reluctant to give much info as to his plan of experimentation, the rules made effective in September, 1936, earmarked four ribbons exclusively for this sort of operation, while others were available for other frequency or amplitude modulation."

Army-Navy Protested

At that time, a violent argument preceded the agreement to permit such experimentation. When the part of the spectrum running from 200,000 to 300,000 kc. was being parceled out for various uses, the army and navy resisted using up such wide ribbons as the Armstrong plan requires. (Each channel used for frequency modulation is 200 kc. wide—equivalent to 20 stripes in the regular broadcast band.)

Greater concessions were made when the newest set of rules was promulgated this summer. Now 13 ribbons—four between 26,300 and 28,900 kc, five between 42,900 and 43,400 kc, and four between 117,190 and 117,910 kc—are reserved exclusively for such research, while 120 ribbons are available for other uses.

Natural obstacles, rather than government conspiracy, are the chief reason why greater use has not been made of the Armstrong system, experts remark. Such as present high cost of equipment, lack of receivers (and reluctance of the public to sink huge sums in sets while their present standard equipment is still useful) and incomplete knowledge about some of the characteristics of such a system of operation are cited as stumbling blocks that must be overcome.

There is a possibility that frequency modulation can be perfected to the point where it will make possible installation of hundreds of stations and supplying facilities in service, it is admitted, but there is still the question whether the country could support a vast number of commercial plants. And the interference problems have not been solved. For automobiles, radios, machines, electric shavers, etc., can make as much racket in the upper reaches as they do between 850 and 1,600 kc.

Further evidence the FCC is not applying brake to progress is the license record. So far more than half-dozen researchers have received papers all without even having to go through hearings. In addition, numerous engineering documents urge more experimentation in this field, holding out the hope the idea will solve congestion problems.

WENY Ready for Nov. 1

Elmira, N. Y., Oct. 10. Station WENY, associated with Elmira Star-Gazette, is slated to open Nov. 1 with 250 watts days and 100 watts nights.

Studies are in Mark Twain Hotel along with those of WESG, daytime 1,000-watt operation. The same newspaper with transmitter at Cornell University.

New York

Oct. 11, 1939.

I wish to extend my sincere thanks to the J. B. WILLIAMS Co. for a very pleasant and prosperous seventy-eight week run over WEAF every Thursday night for GLIDER SHAVING CREAM.

* FINAL PROGRAM (GLIDER)

Thursday, October 12, WEAF (11:11-15 P.M.)

NEW PROGRAM (CALSDOE) WEAF (11:11-15 P.M.)

Thursday, October 19, WEAF (11:11-15 P.M.)

NO TIME LOST NO TIME CHANGE

Still Follow Bing Crosby

Also Appearing Nightly As Follows:

ST. GEORGE HOTEL, Bklyn.—5:30 P.M. to 7:30 P.M.
MAMMY'S CHICKEN FARM, 52d St., New York, 11:00 P.M. to 4 A.M.
(Talk To Me ! !)

BOB HOARD

Exclusive Management:
EDWARD RILEY, 1560 Broadway, N. Y. C.

Subject to Alteration

European maps, gazetteers, military almanacs and atlases have become in the last few weeks the hottest thing in giveaways and prizes by local radio stations. Some stations are selling the data to the public.

Most of the compilations are flimsies, it being considered bad judgment to invest in flimsy primary info on anything as transitory as the maps or facts of Europe.

Court Kayoes WMCA, Insurance Policy Counsellors' Defenses

Supreme Court Justice Peter Sweeney in N. Y. yesterday (Tues.) dismissed the five affirmative defenses submitted by the Knickerbocker Broadcasting Co., Inc., the \$550,000 damage suit for libel by the Metropolitan Life Insurance Co. against the controller of the station, Morris and Sam Siegel, and Donald Bedine, doing business as the Policy Holder and Adjuster.

The suit has 22 causes of action charging, among other things, that the insurance companies used high pressure tactics, oversold, overcharged, and told the wrong type of insurance.

The defenses which were found insufficient in law by the judge, proved the truth of the statements and called the matter, of "public interest."

KSFJ Auditions By Line From Los Angeles

San Diego, Oct. 10. Disatisfied with local talent, KSFJ auditioned NBC staffers via remote control in seeking mikesman to replace Dan Bowers who shifted to KGB. Auditions held at wib's Hollywood headquarters were piped 15 miles to San Diego for pleasure of Sam Lipsett, outlet's manager.

Candidates sifted out will come here for personal interviews. Dan Bowers' weekly sports review, sponsored by Wings, moves from KGB to KGB this week.

Bowers, staff KSFJ speller, goes over to KGB full-time with switch.

Deadwyler at WCOS

Columbia, S. C., Oct. 10. H. A. Deadwyler has been named manager of WCOS, new Columbia station, which went on the air last week. Charles A. Thoman is assistant manager and plant engineer. W. McIver, commercial manager, and Sterling W. Wright, program director.

Outlet is on 1,370 kc. and operates at 250 watts days and 100 watts nights.

WKY Sat. Serenades

Oklahoma City, Oct. 10. Fourth series of musical programs originated by WKY here for NBC airing is a new Saturday spot tagged "Southwestern Serenades". On the show are Dorothy Hall as vocalist and instrumentalists Ken Wright, Polly Taylor and Josephine Alves, playing organ and twin pianos.

WOOL PROMOTIONS

Columbus, Oct. 10. Neil Adam Smith, for past nine months assistant manager of WOOL, has been named manager. Jack Welch, formerly with WBK, Clarkburg, W. Va., has joined the WOOL staff as special events announcer. Announcer John Felt will be in charge of musical and dramatic productions over WOOL this fall.

Walter Stewart's Neck

Memphis, Oct. 10. Walter Stewart, sports editor for The Commercial Appeal and former boxing writer for The New York World-Telegram, now has a 15-minute football forecast program on WOOL each Thursday under sponsorship of Goldenberg Beer. Billed "Stewart Slicks His Neck Out" the session gives author's predictions on the big games of the week. His first whiff at radio.

KITZ, Kansas City, has added Al Henderson and the Dixie Ramblers, hill-billy quartet from WCHS, Charleston, W. Va.

Waldon Porterfield, formerly at KFRU as scriptwriter, newscaster and dramatic artist, joins the news bureau staff of WHO, Des Moines.

NBC Transcription Division Has New 'Orthacoustic' Technique

Government Stations Sell Time to Politicians

Montreal, Oct. 10. Further cutting into revenues of private broadcasters government stations are now selling time for provincial political talk, understanding some time ago was that the government stations would set aside a few hours weekly for Federal election campaign only, allotting time on basis of importance of opposing parties.

In official statement issued some time ago dealing with use of air for election purposes the government stations proposed to keep out of provincial field.

Station Ideas

Continued from page 33

adding \$100,000 to \$200,000 to income of potato growers of area this fall. Station teams with State Department of Agriculture and Markets in airing latest updat price. This puts farmers wise to increase their yields they would not have known about until after they had sold to truckers in closer touch with the market. Prices to farmers this year rose from 30 cents to \$1 a bushel, at least part of the boost resulted in wider dissemination of price information. Program runs six days a week at 7:30 a. m. and will continue through round service. Viewed by Tom Murray on information given by State Market Department, Home Economics and Agriculture schools of Cornell University and Farm Bureau agents throughout the area. Aired by Art Kelly.

'Wife Savers'

Denver. To boost its 'Lady, Lend an Ear' program, KJLZ has issued a book of 'Wife Savers' of 22 pages. There are about 200 'Wife Savers,' which consist of paragraphs on how to do things easier around the home. They have been culled from the thousands sent in by listeners from throughout the state.

Management Demand for them is heavy.

HOLLAND JOINS NBC

St. Louis, Oct. 10. Gerald Holland, who authored 'The Land We Live In' series, aired over KMOX for the Union Electric Co. of Missouri, has been contracted to do special scripting for NBC in New York.

The Land We Live In series, which dramatized historical events in St. Louis and environs, ran for 60 weeks over a period of three years.

NBC has adopted a new method for recording and reproducing transcriptions. It's described as the 'RCA-NBC Orthacoustic Recording System,' which pre-emphasizes the higher frequencies.

The new system, according to NBC, stems from the RCA-NBC development of music on the transmission of sound in ultra-high frequencies. The network claims that the orthacoustic setup will provide a new high fidelity quality in reproduction, less distortion in high frequency, less surface noise of background, natural reproduction of speech and greater tone fidelity in reproduction of music. The station won't have to add any extra equipment except a filter which can be added by any studio engineer, says NBC.

HUNT SITE FOR NEW NBC FRISCO STUDIO

San Francisco, Oct. 10. Site for a new \$500,000 studio for NBC is being sought by Don Gilman, western division chief, and Al Nelson, now enroute as KFO-KGO manager. Both are looking over downtown sites.

NBC has been quartered in the 111 Sutter street building for the past 12 years and the main studio is the oldest in use on the chain. Equipment is being sold and chain heads need Gilman's recommendation for a plant of their own.

KAY THOMPSON

and her Rhythm Singers for ETHYL with ANDRE KOSTELANETZ and TONY MARTIN CBS Every Monday, 8-9:30 P.M., EST WILLIAM MORRIS AGENCY

WBAL means business in Baltimore

DON'T MISS

PALMISTO'S

"HILLTOP HOUSE"

STARRING BESS JOHNSON

By Adelaide Marston

Dedicated to the women of America.

The story of a woman who chooses between love and the career of raising other women's children.

WBAL-CBS-10:30-10:45 A.M. EST.

78 Stations Coast-to-Coast

WOR-4:30-4:45 P.M. EST.

Monday Through Friday

Direction BENJAMIN A. BOWLES, Inc.

Management ED WOLF, RKO BUILDING, New York

To KATE SMITH

A Great Artist

To TED COLLINS

A Great Captain

ARTHUR COHEN

Men's Tailor

642 Fifth Avenue, New York City

Disc Reviews

(Only the unusual reviewed henceforth. Including the unusually bad.)

Bob Zurke (Victor-26555). 'I Found a New Baby,' between Devil and Deep Blue Sea. 'Baby,' in speedy tempo, nicely arranged with deep blues breaks by Zurke and a trumpeter, but other side is rhythmically livelier. Leader's piano is cock-boss. Vocal on 'Devil' by Claire Martin only.

Hal Kemp (Victor 26349). 'Crying in My Dreams' 'Love Grows on a White Oak Tree.' 'Love' is an interesting novelty with vocal by Kemp's triple-toned style. Bob Allen handles 'Love' is mellow stuff.

Bob Chester (Bluebird 10414). 'Oo, I'm Thrilled' 'Goodbye Goodbye.' 'Thrilled' is no distinction to the new Chester outfit; poor tune unappealingly arranged. 'Goodbye' is best side; lively ensemble work topped by good brass. Kathleen Lane vocals both neatly.

Glen Miller (Bluebird 10406). 'In the Mood' 'Waltz for Poppo.' 'Mood' is an arrangement with a lift added to by nicely waxed sax and trumpet breaks. 'Poppo' is speedier tempoed and spins as jitterbug stuff. Miller also on 'My Prayer' 'Blue Moonlight' (B-10404). 'Prayer' is smooth and typically Miller with little added in way of breaks. 'Moonlight' is nicely treated. Ray Eberle's vocal strengthens. Good for coin.

Tommy Dorsey (Victor 26348). 'March of the Toys' 'By the River Side.'

Marie's. Arrangement of the Victor Herbert classic by Dean Kincaid is a collector's item. It's one of Dorsey's best done in 'Sons of India' style with good solos on sax, clarinet and trombone. Reverse is a good arrangement but subordinated by its companion piece, Dorsey Swing Say 'Stop Kicking My Heart Around.' 'Aye' is not out along 'Marie's' but it includes swingy breaks capped by Dorsey's Clambake Seven. 'Edgie' tempo, also a Wright vocal, is in ballad tempo, also a Wright vocal, Dorsey's trombone adds little. Machine fare.

Artie Shaw (Bluebird 10406). 'Day In, Day Out' 'Put That Down in Writing.' 'Day' is the stronger of two good sides. It has smooth punch with sax and clarinet breaks. Writing has more lift but isn't as good as 'Day.' 'Put That Down in Writing' has more lift but isn't as good as 'Day.' For machines.

Mugsy Spanier (Bluebird 10417). 'Big Butter and Egg Man' 'Eclectic.' Spanier's Ragtime Band turned out a couple of lively pieces. 'Butter and Egg' is fine work split by lively trumpet, clarinet and sax solos. 'Eclectic' Reverse is wilder with some breaks and a corny trumpet at the finale that didn't belong. Not commercial, but good.

Larry Clinton (Victor 26351). 'Twilight Interlude' 'Last Two Weeks in July.' 'Interlude' has a smooth lift but otherwise isn't distinctive. Reverse seems listless with little arrangement effort. Terry Allen handles both vocals.

ASCAP Swing Night

By **BERNIE WOODS**
Swing night at the Carnegie Hall, New York, week of concerts sponsored by ASCAP on its 25th anniversary was a loud-rioting success. The Hall was jammed with a varied audience drawn by Pat Whiteman, Benny Goodman, Fred Waring and Glenn Miller's orchestra, and Waring's choir. Goodman and Miller, of course, drew the emotional reaction from younger swing fans, but Whiteman, who was on first, and Waring's outfits also stood out musically.

Short talks by Gene Buck, prez of ASCAP, preceded each appearance. He explained the reason for the selection of each of the outfits as tap, Whiteman because he's one of the earliest exponents of jazz, Goodman because he started the current swing vogue, Waring for his invaluable contribution to the music of his excellently trained choir and band, and Miller because his band is currently the 'hottest' on the up-and-coming band list. Three-hour concert was split into an hour for Whiteman, an hour for Goodman and Waring and Miller splitting the rest fairly evenly.

Following his opening 'Carica's' he came up with a medley of tunes including 'Swing Time' 'Wop' 'Swing' 'Three O'Clock in the Morning' and 'When Day is Done' capped by the Whiteman orchestra. Goodman's vocal personalities and groups from his unit all had their innings. Joan Armatrading contributed to the band. Clark Dennis two, Modernaires begged off after a pair, and Al Goodman's 'Swing' 'Swing' 'Swing' and Mike Pingatore were spotlighted. Programming was similar to Whiteman's usual stage show.

Waring's bit was the shortest, but swing night or not, one of the most effective, queuing over the kids' yelled and stamped for Goodman and Miller. All tunes with one exception were choreographed. Waring's closing 'Rosary' with Stuart Churchill. Done in masterly fashion, it overshadowed the program. Goodman's work on 'Ding Dong the Witch is Dead' 'For Me and My Gal' 'Garden in Sweden' and a repeat of Whiteman's 'Carica's'. Waring was a wide change of pace.

Goodman had the staid Hall jumping from his opening gun, 'Don't Be That Way'. Though the crowd was in a jittering mood, he missed Miller once the latter got going. Goodman's outfit showed better because of the varied offerings possible with his trio and new sextette. He entertained 'em as well as sent 'em' with his saxophone on the identifying styles of Kyser, Lombardo, and Tommy Dorsey. 'Bach Goes to Town' drew solid response. Miller's sextette got over solid, latter featuring Charley Christians, band's new electric guitar find, in a solo chorus on 'Stardust'. Band's two toppers were 'One O'Clock Jump' and 'Sing, Sing, Sing'.

Miller's closing niche sent those there for the swing portion away in a jittering mood. He missed his selections nicely spotlighting variety instrumental breaks, and his two toppers, Ray Eberle and Maudie Hutton. Miss Hutton served up what the kids wanted in her encephalic and 'Hold Tight' for a while. Eberle, obviously not at ease, led 'To You' and 'Stairway to the Stars'. Miller's swing clicks were 'Bogie Call Rag' and 'One O'Clock Jump' and at the other extreme, 'Danny Boy' and 'Sunrise Serenade'. The setup of eight brass including the leader's trombone, five saxes and four rhythm, had kids in the back of the house stomping in time and attempting to get into the aisles for tempting relief.

Varied audience was alerted to by the crack of one cello tick holder, obviously not there for swing. Another Goodman and Miller set, justly lost. 'They should be taken to an old lady's home, where most everyone is deaf'.

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 (Oct. 2-8). Total represents accumulated performance on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film script, t, legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Day In—Day Out.....	BVC	40
You.....	Paramount	36
Good Morning.....	Robbins	35
Over the Rainbow.....	Feist	35
It's a Wonderful Life.....	Feist	34
Oh You Crazy Moon.....	Wilmar	34
Blue Bird.....	Shapiro	29
Melancholy Mood.....	Shapiro	29
Moon Love.....	Famous	25
Man and His Dream.....	BVC	25
Good Morning.....	Chappell	24
Man with the Mandolin.....	Santly	24
Goodnight My Beautiful.....	Santly	24
It's Hundred to One.....	Crawford	23
My Prayer.....	Skidmore	23
Lamp Is Low.....	Famous	22
Do Fly a Kite.....	Famous	21
Little Girl Who Went To Sea.....	Robbins	20
An Apple for the Teacher.....	Santly	19
Baby Me.....	Chappell	17
In an Eighteenth Century Drawing Room.....	Crow	17
Ding Dong Witch Is Dead.....	ABC	16
Cinderella, Stay in My Arms.....	Shapiro	15
Little Girl Who Went To Sea.....	Robbins	15
Lilies in the Rain.....	Berlin	15
Blue Bird.....	Robbins	15
For Tonight.....	Berlin	14
Jumpin' Jive.....	Mark	14
Scatterbrained.....	Robbins	14
South American Way.....	Harms	14
Vol.....	Green	14
Begin the Beguine.....	Miller	13
I'll Remember.....	Miller	13
Little Girl Who Went To Sea.....	Shapiro	13
Poured My Heart into a Song.....	Berlin	13
I'll Remember.....	Chappell	13
Last Two Weeks in July.....	Berlin	13
You Caught Me to Love Again.....	Spier	13
Limbo.....	Berlin	12
Last Night.....	Feist	12
Don't You Put the Bee on Me.....	Chappell	11
I Didn't Know What Time.....	Chappell	11
Let's Be Polka.....	Shapiro	10
Must Have One More.....	Santly	10
Running Through My Mind.....	ABC	10
Still the Bluest.....	Miller	10
Stop Kicking My Heart Around.....	ABC	10

Whiteman's Ex-P.A. Must Stand Being Examined

Supreme court justice Julius Miller in N. Y., yesterday (Tues.) Oct. 10, ordered the examination of a trial of Benjamin Sonnenberg, in connection with his \$3,250 action against Pat Whiteman, manager of Whiteman, and the Artists Management Bureau, Inc. Suit is based on a contract which was to have run June 12, 1939. Sonnenberg was engaged March 14, 1939, to do Whiteman's publicity at \$250 weekly. Whiteman claims the reason Sonnenberg was let out that he had failed to secure sufficient publicity to warrant being retained.

Chas. Barnet's Revamp

Chas. Barnet's first date since being wiped out of instruments and music library last week by the fire at the Palomar, L. A., Sunday (1), will be in Toledo, Oct. 26. Since last Sunday Barnet's entire band and seven extra copies have been at work transcribing arrangements from scores sent out from New York. Several handshakes have been made to Barnet, among them Benny Carter, who had arrangements for Barnet when the band first started. Barnet had no insurance on either instruments or music but it's understood by Consolidated Radio Artists' New York Office that the Palomar was insured 100% and that Barnet will be reimbursed for his loss. He was forced to cancel 20 dates between the Coast and middle west. He has no records for Victor on the Coast yesterday (Tuesday) with newly completed arrangements.

FESTIVAL GAG

ASCAP concerts at Carnegie Hall last week were free to ticket holders. They were selling a right to two youngsters who "We didn't have tickets but we got in. An usher sneaked us in for two bits apiece."

Joe Shribman to Chi

Joe Shribman has been transferred by the General Amusement Corp. to Chicago to handle one-night bookings. While in the New York office Shribman, assistant to Harry Squires who heads the one-night department.

YESTERDAY'S HIT TODAY'S REQUEST

IT HAD TO BE YOU

as featured in
the Warner Bros. Hit
"The Roaring Twenties"
REMICK MUSIC CORP.
1226 Sixth Avenue New York City

Smack! Smack! Smack!
A TERRIFIC NOVELTY

I MUST HAVE ONE MORE KISS, KISS, KISS

DOUBLE VERSION
EXTRA CHORUSES
SANTLY-V-M-S-GET
1619 Broadway New York

Presenting with Justifiable Pride

LARRY CLINTON'S

Latest Novelty Song Hit

I WANNA HAVE WHISKY CHERRIES

Stock Orch. by Larry Clinton

CLAY BOLAND'S

'Greatest Mask and Wig Score'

I'VE GOT MY EYE ON YOU

and

WHEN CLIMB DOWN FROM MY SADDLE

You Approved

DIPSY DOODLE... SATAN TAKES A HOLIDAY...
MIDNIGHT IN A MADHOUSE... MARTHA AND THE
'OPERA' SERIES... STUDY IN BROWN AND THE
'STUDY' SERIES AND MANY OTHER

LARRY CLINTON SONG HITS

ALSO 'DEED I DO... I'M PRAYIN' HUMBLE... I WISH
YOU WERE JEALOUS OF ME... LIGHTLY AND
POLITELY... HE MAY BE YOUR MAN.

You Will Welcome

A FLOCK OF GREAT SONGS BY AMERICA'S FOREMOST
COMPOSERS INCLUDING SUCH FAMOUS CONDUCTOR-
POSERS AS LARRY CLINTON... ARTIE SHAW AND OTHERS

WATCH FOR THEM

LINCOLN MUSIC CORP.

1619 BROADWAY NEW YORK CITY

NEW Management

SAM WIGLER

THE CLIMAX TO ROBBINS GREATEST LINE-UP OF SONG SUCCESSES!

LARRY CLINTON'S

By the Writers of "Deep Purple"

ROBBINS MUSIC CORPORATION • 799 Seventh Avenue, New York • MURRAY BAKER, Gen. Prof. Mgr. • LEO TALENT, Prof. Mgr.

Harry Howard Squawks to AGVA On Short Payoff Involving Dows

First short-payoff squawk in some time involving A. & B. Dow, indie man and wife working team, was registered last week by Harry Howard with the American Guild of Variety Artists. It involves his Hollywood Hotel unit, with the date in question being the Paramount, Springfield, Mass. show, operated by the Goldstein Bros.

Howard charges that Halc Goldstein made deductions from the unit's percentage of the gross, contrary to the terms of a special contract he had with the Dows. According to Howard, the deal stipulated that the unit was to split 50 in the gross after the house deducted the straight cost of stagehands and musicians. Instead, Howard claims, Goldstein demanded an additional \$370 for stagehands' overtime and held up until the last minute the unit's departure Thursday night (5) for the Palace, Akron, where it is current. In order to get his money and his show out of town, Howard claims, he made a temporary settlement with Goldstein, paying two-thirds of the \$370.

According to Howard, he lost \$1200 on the date, the gross not being enough to pay off in full. He says 52 people with the show and transportation costs. This is pretty much the unit's first show since it toured Australia last season, carrying a 24-girl line, two stagehands, and advanced booking agents, Stuart and Martin, Paul Nolan, Evelyn Wilson, eight Harvest Moon singers and dancers. He claims he has to get around \$4,500 to break even.

Since the passing of the old arbitration board of the Variety Managers' Assn. (VMA), complaints of this kind in the trade have been scarce, chiefly due to the fact that such can't bring their squawks to more than the civil courts, and usually don't bother doing that.

N. Y. State Sets Durant For Quickest Repeat

Jack Durant, currently at Loew's State, New York, returns to that theatre Nov. 16, the quickest repeat in the history of the State. Durant recently returned from London, where his 14-week Palladium date was called off because of the war.

Casa Loma's 4th Xmas

Date Set for N. Y. Par
Glen Gray's Casa Loma orch, which inaugurated the New York Paramount's pit band policy five years ago, has been returning to the house this coming Xmas. It was during the latter holiday in 1934 that the house first started to book bands.

Casa Loma's date will be the fourth such booking for the band to the house in the last five years. It missed celebrating the anniversary one year because of a previous commitment.

Units in N. C.

Charlotte, N. C., Oct. 10.
'Stork Club Scandals', a 22-piece William Cushman unit, under the direction of Ed Gaudin, is playing the North Carolina Theatres' chain this week and next. Plus a chorus, Charles, Sugarfoot and Rufus, Dix Dunbar, Tancini, Missing Brothers and Jack Maynard's band. Par authorization and his original Pine Ridge Revue also playing in the Carolinas, with Cedrick Weatherly of the Lom and Abner radio show. (Jal), the location, another touring Carolina picture bands currently.

J. C. SVA UFBERT

Increase in vaude in Jersey City stage last week, with one house adding stage shows and another extending its playing time.

Temple theatre, operated by Jim Binkov, is using acts Wednesdays in St. Mary's in its live-end theatre. In colony, which formerly used vaude only on Fridays, has extended it to Fridays and Saturdays.

MUFF OUT

Court Rules Hand-Warmer Not Enough Clothing for Dancer

Columbus, Oct. 10.
A muff, no matter how large and substantial, is not sufficient attire for a dancer, unanimously ruled the Franklin County Court of Appeals in the case of Esther Jacobo, proprietress of Esther's, a niterie. Mrs. Jacobs had been fined \$200 for permitting a dancer billed as Yvette to do "immoral and indecent" dances.

Defense had maintained that the muff used by dancer was large enough to cover the body.

Demand for Live Talent Brings On Wildcat Organists

Cleveland, Oct. 10.
Demand for flesh and unlearned music is bringing back not only legal organists but also the type of organist to nab film houses.

Later carries his own electric portable, and is now playing one of six houses in one week, offering concerts plus song-slides used in comedies.

Streamliner of an old theatrical idea is Paul Herman, who also was a dancer, installing a modern wired console in a niterie. After dropping in with a party of exhibitors for an hour, Pop Henderson, theatre owner, suggested a try-out at his Lorain-Palace. Went over well with audiences that haven't heard an organist outside of a church for so many years, Herman said.

He solves transportation problem by renting an auto trailer-truck, into which he loads his \$1200 portable outfit like an old-time itinerant peddler, carting it to theatres that demand live music for their shows. Also dug up a box of ancient illustrated song-slides. He has already made two other similar deals, and plans to take up with portable organs.

Cantor Threatens Libel Suit vs. 2 Columnists; Defines Maverick Clash

Eddie Cantor, through his personal rep, Ben Holzman, has requested Fred Pearson and Sam Allen, authors of the syndicated 'Washington Merry-Go-Round' column, to print his side of story in connection with a recent encounter with Maury Maverick, mayor of San Antonio, Tex., in which Cantor was involved. Pearson and Allen, according to Cantor, printed only Maverick's version of the matter, and his speech was damaging to his reputation.

Cantor, termed Pearson and Allen, denounced Maverick's play for a Communist meeting in San Antonio and then refused to come out with a statement for free space which was requested by the mayor to do so. Cantor said he never mentioned Maverick's name, and that his speech was the same one he used for the Warm Springs Foundation campaign a year ago.

Pittineries Trying to Beat Curfew Via Daytime Terps; Sat. Biz Off 50%

Pittsburgh, Oct. 10.
Action of some niterie owners here in meeting the emergency was to have the Board of Saturday night curfew is approaching the ridiculous. Trying to get out of the clutches of the curfew, some of the boys of 12 and 2 am. rock of the boys are going in for day-time entertainments.

Bill Green's Casino has announced that hereafter it will be open for the night on Saturdays. Lou Passarello at the New Penn is unbuttoning on that day at 7 p.m. Dick Powell's band shows are advancing Saturday opening hours anywhere from 6 p.m. to 8:30. Downtown spots for the night are eliminating the non-music parts between dinner and supper. William Penn hotel and Nixon cafe, which have always dispensed with

Wm. Morris Agency First to Be Licensed by AGVA; Niterie Actors Holding Confabs on Conditions

Dancers' Sub-Dodging Return From France

Florence and Alvarez and Harris Claire and Shannon, ballroom dance acts, returned last week from Europe aboard the first French boat to negotiate the crossing, the San Pedro. Took the freighting 18 days, including dodging from France to England and a two-day layover near Liverpool to shake off German subs. Terrific to have old German subs. Troop trains after original accommodations on another boat were cancelled.

Evansville's 'Joe Cook Day' to Mark Preamble Of Comic's Unit Tour

With plans for a musical starring Joe Cook set back until later in the season, the comedian will make personal appearances supported by a revue type of vaude show in central Indiana. First date will be Saturday (14) at the Grand, Evansville, Ind., his home town, where he will be making his first appearance since his stage debut 20 years ago. Since the town has proclaimed Sunday as 'Joe Cook Day' and there will be a parade to prove it, Joe will be appearing in the afternoon. He will be 'Sir' Geoffrey Hale, Hal Harper, The Deweys, Charles Senn, Andy McGee, Jimmy Sager, Arthur Sherman and a line of 20 Chester Lane girls. The Cook unit's following date will be at the Palace, Chicago.

OLD-TIMER UNIT SET FOR 4 TEXAS WEEKS

The 'Silver Jubilee' vaude bill has been definitely lined up by Charles J. Freedman, interstate booker with consolidated Radio Artists and opens Nov. 4 in Ft. Worth, with Dallas, Houston and San Antonio to follow for four weeks in all. Talent lineup of the show, which will play like a variety bill of the genre, includes Smith and Kent (Avon Comedy Four), Mr. and Mrs. Kirk Norworth, in 'The Naggers', Betty; Fred Hildebrand and Vera Michaelina, a headline act of yesterday; Tess Gaudin (Aunt Jeannine), Latlen and Kent. Latter are young but carry an old-time mixed team of challenge dancers. The intact bill will play the Interstate houses on a guarantee and percentage arrangement.

Keene's Kid Shows

Lionel Keene, formerly with Loew's, is making kid shows in the south under charitable auspices, working out of Atlanta.

Keene has the backing of the Southeastern Shrine Assn. (Masonic),

The American Guild of Variety Artists, this week signs contract with the William Morris office, the first such agency license it has issued. The Morris office has several agencies in New York and elsewhere will sign in the next few days. Union City, N. J., talent representatives in the field.

Contract is merely a temporary one, running for 30 days and subject to revision after. Subsequent terms will be worked out by a committee headed by Hal Sherman, Hooper current in 'Hollapopopo'. In most cases agencies will be required to post bonds, but that rule may be waived in the case of offices with top rating in the business.

With Mrs. Dorothy Bryant newly installed as executive secretary, AGVA is intensifying its organizing efforts. Committee has been named to study the various problems and report back weekly to the board of directors. The membership committee is headed by Henry Dunne and the night club committee by Mario Naidi.

Paul Sanders and Max Halperin were appointed Monday (10) by the board to organize the circus and carnival field, operating out of Chicago. They will be directly to the New York headquarters. They will work for three months on a flat fee.

As of Monday the initiation fee will no longer be waived for members of other Associated Actors and Artists' Assns. joining AGVA. And effective Nov. 20, members of the American Federation of Actors, who also pay an initiation fee to join the new union. In the meantime, AFA members may join without fee.

Niterie Performers Meet
Meetings for performers in certain areas were held Monday (10), now being held on Tuesday afternoon to discuss the problems and working conditions of the niterie, held at the AGVA offices yesterday, including members from Bertolotti's, safe society, Ed Chlo, Famous Dore, Havana Madrid, Jimmy Kelly's, Leon & Eddies, Queen Mary, Village Barn and Club.

With Mrs. Bryant's assumption of the executive-secretary post, the office in New York has been closed and the entire staff is now housed in the first 4th street address, formerly the organizing headquarters. However, the union will quit the office place after the first meeting either its own new offices, or moving into joint quarters with the Screen Actors Guild, the Federation of Radio Artists, American Guild of Musical Artists and Chorus Equity. Actors Equity will remain at its West 47th street address.

As soon as temporary quarters have been set with the New York night clubs and vaudeville houses, the office will be functioning. Mrs. Bryant wants to make a quick trip to the first 4th street address, San Francisco offices. That will not be possible perhaps for at least three weeks, but she hopes to return to be able to hold general membership meetings in the various cities and states.

According to members who have attended its sessions, the AGVA board will be made up of one in all four A's circles. It has consistently refused to be led or influenced by any one of the other unions and on several occasions has kicked over policies and acts which had been imposed by the Four A's board while the organization was in a formative state. The first thing the AGVA board, preceding Eddie Cantor, is reported to be particularly active in the group's meetings.

Mutual's New Customer

Milwaukee, Oct. 10.
The Hollywood (1000 seats), La Crose, embarked on a 10-week road policy Thursday (10) with five acts Thursdays and Fridays. Opening show featured Joe Dorris, Prince, Miffie, Dumbie, Davis, Bert Ringers, Lee Rose and Royal Marie Flynn.

Acts were booked through Mutual, New York, which is shipping packages of costs ranging from \$68 to \$100 daily.

Conn. Bars Femme Performers After 10 P.M.; Police Warn Niteries

Hartford, Oct. 10. Under a ruling from the General Attorney's office no female entertainer is allowed to work in a public dining room after 10 p.m. Law, as passed in last state legislature, specifically states that no female shall be permitted to be employed after that hour.

Group of female entertainers and bookers of night clubs met here Sunday night (8) to determine what action to take. Similar meetings are to be held in other sections of the state.

With threats of pulling shows off the floor, State Police in New London County have already notified proprietors of night clubs that females be off the floor after that hour.

Though no definite action was taken at the Sunday night meeting, aside from forming an organization, the Actors Protective League, application for an injunction is expected.

to be taken some time this week. Meeting was called by Garry Miller, local booker.

Interpretation that female entertainers be off the floor was made by G. A. office after requests for clarification of state law that forbids the employment of all females in restaurants after curfew hour. Enforcement of this act brings out another angle that has many bookers worried. Many performers are under 21 and state liquor law specifically forbids employment of anyone under that age at any place where liquor is sold.

Vaude's Upbeat Pulling Acts Out of Retirement; Millers Try Comeback

Evidences of the vaudeville renaissance has the boys and girls dusting off their scripts and, from Hollywood and Vime particularly, the Coast gang is sending out word that many are 'available' and willing to come out of 'retirement'.

In the east, for example, Eddie and Lou Miller, long a standard act, who have been successfully conducting their own talent studios, from Hollywood. Lou Miller and his wife, Alice Bradford, have been on the air also in the meantime, and Eddie Miller, besides sending out talent troupes from his school, is also active in New York radio channels.

Unit Review STAGE JAMBOREE

(No. 1)
(METRO, RED WING, MINN.)

Red Wing, Minn., Oct. 7. Rose Marie Flynn, Lee Ross, Kil-Burn, Primrose, Joe Dorris, Dubar's Swiss Bell Ringers (4); Silverbell, Holmes (20th).

"This quiz up pretty much as a renaissance. 'Stage Jamboree' units have been around for years, and also begun by nine other units via rural routes all the way from the New Jersey Jamboree. Their program acclaims them as pioneers in rediscovering rural America for vaudeville."

The 'Jamboree' idea is the brainchild of Harry Sherman and New York associates. They have reasoned that vaudeville can be put across as a trade stimulus in the film houses where straight pix always have prevailed. This unit includes acts of fair calibre, perhaps slightly faded because of insufficient playing time in recent years. The theory apparently is that applause is sweet on Main street as well as on Broadway. The units are playing one-day stands once a week for 10 weeks.

Show is run off sans stage trappings and with only a piano player to provide the accompaniments, thus eliminating the necessity of employing stagehands and union musicians. Nothing is run off squarely to the performers to make good on their own merits. First on the board is Rose Marie Flynn, tap dancer, announced as from the New York Paradise Restaurant. She cracks the show for a good solo. Lee Ross, juggler, treats the house to an amazing display of dexterity with bouncing balls and Indian clubs.

Kil-Burn picks up from there and amuses with his skit, 'A Drunkard's Nightmare.' Primrose neatly m.c.s., getting pleasantly folksy with the customers and does much to keep the show going fast. She shares top billing with the vet Joe Dorris, comic. Dorris turns the show into a panic with his first-rate clowning. Closing are Dubar's Swiss Bell Ringers, four young lads of whom the audience couldn't get enough at show caught.

The boxoffice value of the film is still problematical, but if the satisfaction of the initial greeters is any indication, the 'Stage Jamboree' will not be a deliver at the gate before many more have gone through here. It's an inexpensive setup, but good for a lot of entertainment. The troupeurs work smoothly despite their handicaps. The manager's office and the projection booth here had to serve as dressing rooms. The stage is so small that several routines had to be eliminated or altered, and the Bell Ringers were compelled to alter their act off the stage, down front.

NITERIES RULE OUT WAR MASTERMINDING

Strict neutrality on the European war situation, with no discussion whatever, is being observed at all hotels, niteries, cafes and clubs which have issued orders to employ and posted printed signs to remind employees. That applies now almost all over the U. S.

Niteries, because of their international personnel, from chef to maître d'hôtel, are particularly in bad position for nationalistic arguments unless curbed from the start.

15 YEARS AGO (From VARIETY)

With the Shubert's withdrawal of their advertising from the N. Y. Telegram-Mail, six newspapers in Gotham had come under the managers' ban.

Theatre bit was up in Los Angeles with the first rain there in seven months.

Gyps in Washington were getting as high as \$125 for a week of box seats per game for the World Series.

London cabaret owners, headed by Harry Foster, organized to combat West End theatres' and laborers' attempts to curtail the late hours of the niteries.

Channing Pollock's 'The Fool,' showing in London, had the playwrights uncertain whether he would be knighted or deported. It was that controversial. The Church of England was his throat and the liberal church at his support.

Con Colleano narrowly escaped death at the N. Y. Hipp in a fall from a wire during his act. He received minor abrasions and contusions of the head.

The heavy political atmosphere was distracting the payees from Broadway shows, with the result that the Main Stem had 30 low grossers.

Earl Carroll conceived another publicity stunt for himself. He got himself into jail. His 'Vanities' was at the Music Box.

Ed Wynn was practically the whole show in 'The Grab Bag.' It opened at the Globe, N. Y.

Saranac Lake By Mappy Benway

Eddie McDonald, boy from Brooklyn who is coming along in a good health way at the Will Rogers, was visited unannounced by the late Father Emmett McDonald and better known as Father James.

Thanks to Nick Tartar's radio shop for offering radio during the World's Series to those of the Colony who haven't got any.

New arrivals at the Rogers include John O'Shea, N. Y. James McCullough, N. Y. Henry Markov, of Warners N. Y. office; Robert Gray, Warners Philadelphia office; Tudor Cameron, and Flanagan, of the William Chase (LaTour), N. Y.; Earl Fielding, N. Y. and Forrest Ginn (Chas. Ahearn and Co.), N. Y.

Left for home including Sylvia Abbott, N. Y.; Teddy Botwell, Brooklyn; Buddy Emmett, N. Y.; Bobby Burk, N. Y.; Thomas Phillips, Philadelphia; Marcel Carpathy, Philadelphia; Dolly Davidson, Philadelphia; Joe Reynolds, Milwaukee.

Recent birthdays celebrated in the Colony were those of Martha Gill, Agnes Orr, Margo Block, Inel Guilford and Eddie Vogt.

Richard Jewtrow, who aided this Colony in more ways than one, a benedict.

John J. Zwilling has come to Brooklyn while Bob Bernhart left for New York after mill comeback.

Jeannette Miller, who cupped the northern New York skating championship and a native here, now cooking for her new hubby at Lake Placid, N. Y.

Nice birthday gift that this column received was from Bob McLaughlin, of Tampa, Florida, a bag of pecan nuts and me without a tooth in my head.

Write to those who are ill.

Peyton Won't Rebuild Niteries Razed by Fire; Scramming Pitt J.J.

Pittsburgh, Oct. 10. Eddie Peyton, whose \$85,000 niterie on the Stubberville Pike was completely destroyed by flames last week, doesn't intend to rebuild the place, but will go to some other city, probably Detroit. Toner luck has dogged Peyton here for several years, even when he served a workhouse term for beating up a patron, and he's determined to start anew somewhere else.

Peyton 15 years ago was one of town's leading band leaders and entertainment building his own night spot in 1922 with his show bit profits. For a while it was one of the most successful operations in town, but bottom fell out of it following Peyton's day in court and place never came back, even after Peyton had served his time.

At time niterie burned down, Peyton had just won a show going to four dance halls with recorded music and a bandstand full of life-sized dummies with different instruments. Dummies went up in flames, as did Peyton's \$3,000 sound system, and that'll have to wait for a while.

Prinz' Auto Show Revue

Los Angeles, Oct. 10. Leroy Prinz moves into Portland, Ore., for the Auto Show, opening Oct. 29, with a feast show consisting of Fred Kinging, Will Shaw, Parkyarkas, Billings, Billings, Palymers, Billy Tate, Dorothy, Dagen and 16 Prinz Dancers.

After a week in Portland, the show moves to San Francisco.

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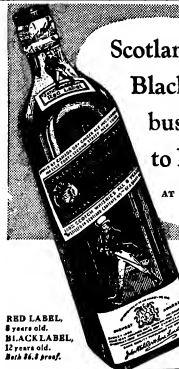
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Inside Stuff—Legit

The climb in attendance to "Yokel Boy," Majestic, New York, has upset Broadway tradition. Almost invariably a musical show either clicks from the start, or doesn't. While there are plenty of instances where straight plays develop into hits after mediocre beginnings, the Law Brown attraction had to live down notices that were on the so-side at best and "Yokel" ran into the summer's long heat wave right at the start. Opening gross is being credited to have slightly over \$10,000, though quoted somewhat higher. Improvement after the first weeks has been steady, with the cheaper upstairs tickets being disposed of easily. For quite some time now the house was top heavy, most performers had recently virtual capacity has been registered, some evenings seeing standees. Last week's gross was credited with being close to the \$30,000 mark.

Popularity of "Yokel," "Streets of Paris," next door at the Broadhurst, and "The Philadelphia Story," in the adjoining Shubert, makes 44th street lively in the theatre district. The latter, which was known as the topper for legit theatres since 42nd street passed out. It may regain that standing when the new shows arrive.

New Helen Hayes show, "Ladies and Gentlemen," will reach Broadway in two acts instead of three. Decision was made last week in Pittsburgh, where it was done in shorted number of stanzas. In Philadelphia, Play had the conventional three acts, with two intermissions, but sponsors discovered action was speeded considerably with the telescoping. New last act ending also went in during Pittsburgh engagement. Ben Fretz, one of the authors, has returned to the Coast, leaving his collaborator, Charlie MacArthur, who is also directing piece, with assistance of Lewis Allen, to look after last-minute revisions.

Harry Essex, for many years company manager of Miss Hayes's company, pulled a surprise on his Pittsburgh friends last week when he came to town arm-in-arm with a fort right. In his absence from Pittsburgh, Augusta Roeline, who played Lady Jane in the touring "Victoria Regina" last season. In addition to company managing the Hayes' shows, Essex is also friend of the company, having done "Swamp" studies, Woodington. His wife plans to continue her stage career.

Robert E. Sherwood will donate his royalties from "Abel Lincoln in Illinois" to Canadian war relief, probably the Red Cross, for the week (Nov. 13) the show plays Toronto. Author-manager of the Playwrights was in Canadian branch of the latter part of the last world war, having left Harvard in 1917 to join the outfit.

It is the second time for Sherwood to turn over his royalties similarly. In 1937, "The Quiet American" was the Canadian war relief fund. He had then ended to unemployed or disabled veterans, estimated amount being \$5,000. That tour was handled by actor-managers Barry Jones and Maurice Colman, who are presently touring with "Charles the King" at the Royal Alhambra, Toronto, Monday.

Alfred Lunt and Lynn Fontanne, who are on tour in "The Taming of the Shrew," will celebrate their 15th year as a legit stage team Friday (13) at the Pabst, Milwaukee, where the show opens Thursday. "Shrew" started the season at Washington, D.C., where it was the first production at the new theatre in Madison, Wis., which had its premiere Monday (9). Charles Washburn, who joined the Lunts as press agent last season, is currently operating in the Pabst, where he is managing the touring Casino, N. Y., of which he is also publicist, and he planned several stories about the night spot in mid-western papers. In his absence, Florence Roman is sitting in at the Casino.

Edgar MacGregor, former legit stage who has been in Hollywood for some time, is back on Broadway to be assigned several for the first time in 1939 years. He will put on "Dubbary was a Lady" for Buddy De Sylva. Not certain whether he will take on other staging jobs in New York theatre, but has several projects under consideration. He is a good friend. However, his presence adds to the number of legitimes who are back from Hollywood.

Robert Edgar MacGregor, Jr., is in the navy, where he has rapidly advanced, specializing on submarines. He is executive officer on the Salmon, a U. S. sub.

By Monday (16) all four attractions of the Legitimate Theatre Corp. will have started on tour, principally playing one-nighters. Three shows are currently operating in the Legitimate Theatre Corp. are getting under way at the Adams, Newark, next week. Charles Munster is back and Wallace Munro ahead of the show.

Over a hundred million of "Boy" Harry McWilliams being agent. T. F. Cannon is company manager of "On Borrowed Time," with George Garette, agenting; Charles Strakosch is manager of "What a Life" and Sam Friedman is agent.

Recent item detailing the indicated suicide by gas of the veteran actor Robert Lowe, at his home on Long Island, included mention of a younger player by the same name, who was erroneously reported deceased. Report concerning young Robert Lowe came from the Actors Fund, where it was currently operating in the Legitimate Theatre Corp. and was getting under way at the Adams, Newark, next week. Charles Munster is back and Wallace Munro ahead of the show.

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Boy Grows Older

Erna Stone, who at 20 is Broadway's youngest director, recently took to smoking a pipe in the hope it would add a few years to her appearance. Last week, Michel Moe, in an interview with Stone, who starred "See My Lawyer" for George Abbott, remarked that the pipe made him look even younger.

Now the kid's to be seen sitting in the boxoffice of the Billmore, N. Y., putting a cigar.

One-Act Theatre, With Radio Sponsor, Dated For Broadway In Nov.

One-act theatre presentations are again slated for Broadway, two such ventures being projected, with Wendell Phillips Dodge dating the first to start during the last week in November, house not definite. Dodge's one-act show is to be made in connection with a national advertiser, who will also sponsor a broadcast of the show once opened over a network broadcast.

Current plans will have an m.c. confederator, who is to be introduced as the entertainer, or explainer of plots and sketches, and a number of the scripts are of foreign authorship, the bills to be made up comedy, musical, and satirical. Dodge claims to have 100 one-acters which he picked up over a period of years.

Cast lists to include some name players and it is expected that Hollywood will supply personnel. Dodge is president of the Grand Guild of Theatricals, which were first seen over here at the Princess (now Labor Temple) about 15 years ago, are carded for revival.

Mrs. Montague Glass Sues for 'Potash' Coin

Suit of Caroline P. Glass against John W. Rumsey and the American Play Co., for \$3,054, is revealed in U. S. superior court, Friday (10), against the defendants before trial. Suit was filed Sept. 14, 1938, and claims unpaid royalties on the sale of "Wants to Potash and Perimeter" in Europe. The plaintiff, widow of author Montague Glass, was to receive 50%, and asserts the amount due is over and above the 10% commission to American play has been made.

Current Road Shows

(Week of Oct. 8)

"Desert Song"—Curran, San Francisco (13-14).

"I Married an Angel" (Deniz King)—Masonic Auditorium, Rochester, N. Y. (10-12); Strand, N. Y. (11-12); Buffalo (12-14).

"Ladies and Gentlemen" (Helen Hayes, Philip Merivale)—National, Washington.

Lunt-Fontanne (reopening)—Wisconsin U. Madison (9-11); Pabst, Milwaukee (12-14).

"The Naughty Naughties" (Ethel Waters)—Grand Opera House, Chicago.

"Laughing for Error" (Betty Lincoln)—McGraw, Princeton (14).

Maurice Evans (reopening)—Ford's, Baltimore.

"No Time for Comedy" (Katharine Cornell)—Wilbur, Boston.

"On Borrowed Time"—Adams, New York.

"Outward Bound" (Laureate Taylor, Florence Reed)—Loeue, Philadelphia.

San Carlo Opera—Auditorium, Chicago.

"What the Time of Your Life" (Eddie Dowling)—Plymouth, Boston.

"What a Life" (Shubert Coogan)—Wilson, Detroit.

"White Steel"—Nixon, Pittsburgh.

Celebrate 50th Anniversary of Treasurers Club

The 50th anniversary of the Treasurers Club of America was celebrated by a gathering in the organization's rather recently established headquarters in the New York theatre building, New York, Friday (4).

Major Edward Jerome Rice, sole living charter member, was the honor guest and was presented with a gold banded cane. Rice, whose members are boxoffice men mostly in legit theatres, opera houses and concert halls, is strictly a theatre society without other affiliations. With the primary purpose of aiding members in illness and distress, and to assist dependent upon demise, 27 treasurers formed the club at a meeting held at the Metropolitan Opera House, N. Y. Oct. 6, 1889. To build up a fund, benefit performances have been held, some first of which was held at the then Broadway theatre at 41st and Broadway.

Current membership is now 200. During its existence the club has given the theatre a number of Schenck's present incumbents having had the post for the past 16 years. The president, Harry B. Nelson, who has presided over a number of terms, is the club's treasurer.

'Policeman' to Launch 'Pit Playhouse' Season

Pittsburgh, Oct. 10. Pittsburgh Playhouse will launch its season Oct. 24 with Milton Lazarus-Rufus King's mystery farce, "I Was Born a Slave," which is originally scheduled for early spring. Play was moved up after Barrett Clark, of French company, had released the play from his company.

Plans to bring the Claire Boothe company here, himself, Pittsburgh having been one of the key spots in the touring company visited last year. Another item slated by Playhouse having been one of the key spots in the touring company visited last year.

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FAY TEMPLETON SUCUMBS AT 74

Fay Templeton, stage favorite of another generation, died last Tuesday (3) at the home of Belle Adams, her cousin, in San Francisco at the age of 74. Literally born on the stage, she began her career with Templeton and Alice Vane, she belonged to the Broadway era that knew Lillian Russell, Pete Daly, David Warfield and Weber and Fields.

Long before Miss Templeton was born in New York, she trouped the country. One of her greatest successes was as "Buttercup" in "Pinafore", score being finely suited to her own character. She had married three times, retiring and returning to the stage probably more times than any other actress. One of the events that brought her back to the boards was a revival of "Pinafore" on a large scale at the Hippodrome.

Miss Templeton's last professional appearance was with "Roberts" in 1933-34, playing the part mostly while seated for she had grown extremely feeble. She had been living in Pittsburgh where her last husband, William K. Patterson, died. She had been known for her bequests and, with no money left, the "Roberts" engagement was a financial disaster. She had been closed, she was without funds and against her will entered the Actors Playhouse, which was then in a state of affairs, afflicted with arthritis, she joined Mrs. Adams on the Coast.

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Old Albany House To Play Road Cos.

Albany, Oct. 10. Harmanus Blecker Hall, once a leading trout house, reopened Sunday (8) with a double feature, second-run policy, and occasional road show. First of the double feature was "The Road to Nowhere" by Ward Everett Horton in "Springtime for Henry," Oct. 24-25.

"Springtime for Henry" will be the first stage play seen locally since last fall, when a stock with guest stars from the Hall, Play and principals came here from Maplewood, N. J., Frank McCoy at first was interested in the venture. He did not click, nor did the Sunday name-band setup used during same period.

Oscar Perrin, veteran Albany manager, has charge of the Hall for Fabian circuit.

LOOKING FOR CAGNEY

Pemberton Wants Him for Hellinger's 'Roaring 20's'

Hollywood, Oct. 10. Frank Pemberton is dickering with Mark Hellinger for the rights to "The Roaring Twenties." He just finished that film for Plan is to produce the show on Broadway with James Cagney in the lead, providing he is available in winter assignments in Hollywood.

MAYLON'S COMEBACK

Tacoma, Oct. 3. Will Maylon, old-time vaudeville business and who has resided here for some time, gets back in the repertoire of the "Boys" with "The Bad Man" at local auditorium. Maylon will tour the company, hitting the school auditoriums and theatres in the Pacific northwest.

'Girls Turned in 17C in Peaky Boston, Dinner Big 16G, Cornell \$15,500

Boston, Oct. 10. Season is hitting its stride this week with opening week (Monday) of 'The Time of Your Life,' by William Saroyan, and starring Eddie Dowling and Julie Haydon. 'The Man Who Came to Dinner,' originally booked for two weeks, is a smash hit, so Sam Harris is holding it here for a third frame for a third touching to the revised third act. Shows moved from Broadway to the Colonial, a larger house, where it will have a chance of topping the business of the opening fortnight.

'Too Many Girls' (the Rodgers-Hart musical) accorded good week in every phase but the book, gathered momentum during the week, and topped the box on Saturday night (7), with two football games in town, but more improved in the book, the book alterations, and the wise guys. It has at least a minor-making bid, if not a marathons.

Katherine Cornell drew her usual following here in 'The Time for Comedy,' but the play itself is not getting excellent comment. Also Gray Hays inaugurates a legit stock company at the Conley Thursday night (12) with 'Night Must Fall,' the opening piece, 'Night Must Fall' Gage.

Estimates for Last Week
'Too Many Girls,' Shubert (1st week) \$15,500, \$1,500. The play, which is into the hit class, with opening week's take being \$15,500. The play, which is into the hit class, with opening week's take being \$15,500. The play, which is into the hit class, with opening week's take being \$15,500.

LUNTS S.R.O. \$23,000 IN WASHINGTON OPENER

Washington, Oct. 10. Alfred Lunt-Lynn Lunt, the legendary, highly ballhooped season's opening here and record American Society subscription combined to hang out the s.r.o. sign for performance. 'The Time of Your Life' at the National, Capital's new theatre, opened last night.

Pre-Broadway showing of 'Ladies and Gentlemen,' with Helen Hayes returning to her hometown in this week and, without A's cut rate, the show held take for the week, sales indicate even higher gross than Shubert.

Nine five weeks are booked solidly, with three more pre-Broadway shows and two post-Broadway roadshows. Clara Boothe's new one, 'Margin for Error,' is the new one. Marnie's production of new Kern-Hammerstein musical, 'Very Warm for May,' comes to the edition of 'Leave It to Me,' with Sophie Tucker, William Cagney, and Victor Moore. Oct. 30: road company, headed by Laurette Taylor and Florence Easton, in 'Outward Bound,' and E. Elmer Barrymore's new version of 'The Merchant of Venice.' Oct. 31: Last two are second and third A's bookings.

Estimate for Last Week
'Taming of the Shrew,' National (1st week) \$23,000. The play, which is into the hit class, with opening week's take being \$23,000.

'Widow' \$6,000, 'Maritza' 3G L.A., Mikado Back

Los Angeles, Oct. 10. Matt Allen brought Mikado—In Swing back to the stage last Thursday night (5) after the all-American band had been in the city for six healthy weeks at the Hollywood and dancing chorus and singing chorus has been switched, a big change.

Southern California Music Project production of 'The Widow' continues at Hollywood with second week opening slight building. Opening week for two more stanzas. Countless shows have been booked since it opened Oct. 2.

Estimate for Last Week
'Mikado—In Swing,' El Capitan. Hollywood (1st week) \$1,500, \$1,500. The play, which is into the hit class, with opening week's take being \$1,500.

'STEED PAYS \$9,600 IN BALTO HANDICAP

Baltimore, Oct. 10. First show of the new season's Guild subscription series of plays, 'The White Steed,' at Ford's, did very well last week. Strong mail order and steady advance sale, plus a large number of people being promised for New Year's week. Rent of lineup has been paid. Ford's, for a half week beginning Oct. 19, also at the same time. The play, which is into the hit class, with opening week's take being \$9,600.

Estimate for Last Week
'The White Steed,' Ford's (1st week) \$9,600, \$1,500. The play, which is into the hit class, with opening week's take being \$9,600.

EVANS-HAMMETT ROBERT 22 1/2G

Philadelphia, Oct. 10. Maurice Evans brought his unabridged 'Hamlet' into the Forster last week and turned in a robust \$22,500, which for a Shakespearean tragedy-fulfiller is something to write home about. The play, which is into the hit class, with opening week's take being \$22,500.

Press Waltzes 'Dance, But Det. Biz Jive \$13,000

Detroit, Oct. 10. Despite lukewarm press reception, 'Dance, But Det. Biz Jive' last week at the Cas b.b., principally on Ruth Chatterton's name. Two matinees.

The Wilson, town's other legit spot, 'What a Life!' at \$17.75. Cas. is doing well, but not as well as 'Dance, But Det. Biz Jive'.

'Skylark' Wings to Hefty 9G in Buffalo

Buffalo, Oct. 10. Buffalinites gave Gertrude Lawrence and 'Skylark' a rousing welcome for three days last week, opening the legit season here.

'Mary Astor-Nugen's Play

San Diego, Oct. 10. Arthur J. Beckhard will give 'The Man Animal,' toppling Mary Astor and Elliott Nugent, a while at the Savoy Oct. 16-17.

Shows in Rehearsal

'Life With Father'—Oscar S. Brown.
'Mornings at Seven'—Dwight Deere Wiman.
'Very Warm for May'—Max Gordon.
'The White Steed'—Chekhov Theatre.
'Summer Night'—Louis E. Gordon.
'Gala'—Laurence Schwab.
'Very Warm for May'—Max Gordon.
'Margin for Error'—Aldrich and Myers.
'Three Cheers'—Hopkins, Payne-Jennings.
'Leave It to Me' (road)—Vinton Freedley.

'Desert,' 'Cavalcade' OK \$13,000 in Frisco; 'Folies' Up to \$12,000

San Francisco, Oct. 10. Increased tempo at the b.o. on tonight (9th week) of 'Desert Song' at the Curran has brought a fourth and final week of the Golden Gate and Clifford C. Fischer's 'Folies Regina,' but not by much.

Estimates for Last Week

'Desert Song,' Curran (3d week) \$13,000, \$1,500. The play, which is into the hit class, with opening week's take being \$13,000.

'C.C. to B.R. Vaude

Continued from page 1
...and also figures on eight to 10 weeks in the legit first and 10-week stock season. For the latter, the C. of C. wants Freeman to play the house with a flexible ticket scale, depending on the attraction ranging as high as \$2. Shows will have to be around two hours in length.

Indpls. C. C. Legit Hope

The Chamber of Commerce has organized a Theater-Governors Committee of 135 members to book and promote legit for the next five years. Members include representatives of service, luncheon, and other groups and organizations of the city. Their purpose is to interest in the legit first and 10-week stock season.

'Angel' 21G, Toronto

Toronto, Oct. 10. Despite slow advance sale, 'Angel' at the Regal, a smash opener of the Royal Academy, will be tonight at \$1.16. Sealed at \$3 top, 1,500-seat was jammed for the eight performances.

More 'Way Highs; 'Hells' 33G, 'Yokel' 30G, 'Scandals' \$26,500

'Paris' 28G, 'Story' Tops \$23,000

HAYES-LADIES' \$28,000 IN SIZZLING PITTSBURGH

Pittsburgh, Oct. 10. Legit trade got red-hot last week, as it always does when Helen Hayes comes around, and star's new vehicle, 'Ladies and Gentlemen,' knocked down sizing \$28,000 at the Nixon. Opened just fair, but by Wednesday afternoon had reached capacity and played to SRO for remainder of stretch.

Estimate for Last Week

'Ladies and Gentlemen,' Nixon (1st week) \$28,000, \$1,500. The play, which is into the hit class, with opening week's take being \$28,000.

'MAMBA'S' 14G LEADS CHIEF 'TOPBEAT'

Chicago, Oct. 10. Legit season is rapidly increasing its pace. Current week sees three of the available four downtown houses lighted. 'Mamba's' at the Chicago, from Detroit to relight the Harris and got away well last night (Monday).

Estimates for Last Week

'Mamba's,' Chicago (1st week) \$14,000, \$1,500. The play, which is into the hit class, with opening week's take being \$14,000.

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'ROAD DANDY \$13,000 IN 5TH ST. LOUIS VARIETY

St. Louis, Oct. 10. Tobacco Road, opened legit season at the American, Oct. 10, with great swell biz that the original production had enjoyed, extended to another. It's the fifth week of the play, and it will have nine weeks when the current season ends.

Estimate for Last Week

'Tobacco Road,' American (1st week) \$13,000, \$1,500. The play, which is into the hit class, with opening week's take being \$13,000.

'Time of Life' \$2,000 In New Haven Preen

New Haven, Oct. 10. One-performance break-in of the new Theatre Guild play 'The Time of Life' drew almost no house, but Saturday night (7). Trade was also set back in for the big game in the Yale Bowl.

Increasingly excellent trade

was recorded on Broadway last week and again there were new high grosses for the week. The play, which is into the hit class, with opening week's take being \$23,000.

World Series helped business last week

Friday (6), and Saturday night saw very little of the larger capacity theatres. Still, shows are somewhat skeptical.

Indicated that the trend theatre

'Straw Hat Review,' at the Ambassador, which is into the hit class, with opening week's take being \$26,500.

Only one income this week

'Three Sisters,' Longacre, but next week will see three out-of-town high grosses for the week.

Estimates for Last Week

'Three Sisters,' Longacre (1st week) \$26,500, \$1,500. The play, which is into the hit class, with opening week's take being \$26,500.

'Mellissop,' W. in E. Garden

'Mellissop,' W. in E. Garden, which is into the hit class, with opening week's take being \$26,500.

'Straw Hat Review,' Ambassador

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'Tobacco Road,' Forrest

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'Yokel,' Majestic (1st week)

'Yokel,' Majestic (1st week), which is into the hit class, with opening week's take being \$26,500.

Her Lovely Complexion is PRICELESS

She's never careless about
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Soap—the soap with ACTIVE lather

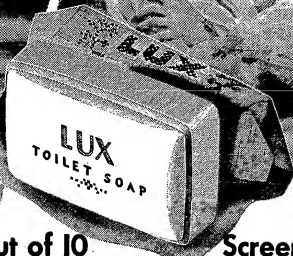
WHY don't you use Lux Toilet Soap regularly as 9 out of 10 lovely screen stars do? This gentle soap has **ACTIVE** lather that cleanses *thoroughly*, removes every bit of stale cosmetics, dust and dirt from the skin. It helps guard against dullness, tiny blemishes, enlarged pores: unattractive Cosmetic Skin. You can use cosmetics all you like, but always be sure to use Lux Toilet Soap. Make this mild white soap your regular bedtime complexion care. You'll find it will give your skin protection it needs to help it stay soft and smooth—appealing!

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SKIN THAT'S
SMOOTH—

IT'S FOOLISH TO
RISK **COSMETIC
SKIN**—IT RUINS
A GIRL'S CHANCES
OF ROMANCE!

SO BE CAREFUL!
USE **LUX TOILET
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AS I DO!

I USE COSMETICS
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I **ALWAYS**
REMOVE THEM
THOROUGHLY WITH
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IN WALTER WANGER'S

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LOCALLY

9 out of 10

Screen Stars use Lux Toilet Soap

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Vol. 136 No. 6

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56 PAGES

MAKE THE MAX SCIENCE

Frozen U. S. Film Coin Revives Talk Of M-G, 20th Buying Gaumont-British

London, Oct. 17. If American distributors are not to be permitted to send home more than 20% of their gross income from pictures here, it is reported that Metro and 20th-Fox would again negotiate to acquire control of Gaumont-British. Thus two American companies would use their frozen English assets, which will involve millions in one year, as payment in English currency on the deal.

Metro and 20th-Fox are two of the biggest picture sellers here.

No 80-20% Ruling, Yet
No ruling has been made by the British government which would freeze all but 20% of American distributors' rental coin in Great Britain, according to direct information received by the Hays office from London.

There has been no cessation of money shipments to American picture companies from England. Current proposal up in England would freeze 80% of all rental money, allowing U. S. distributors to export only 20% to this country. But no action has been taken on freezing the

(Continued on page 12)

Freddie Seeks Hotcha Colored Bandsmen To Give Out in Legit Show

Vinton Freedley's legit show, "Young Man with a Horn," set to start rehearsing momentarily in New York, may have an all-star colored band on-stage to play in musical sequences. Producers of the show are trying to gather such musicians as Fats Waller for piano, Sidney Catlett on drums and Ben Webster, strong, trumpet, among others. Armstrong is probably out, however, as he's supposed to have a part in Benny Goodman's "Swingin' the Dream" as well as playing with his band at the Cotton Club, N.Y.

Brad Gowans was last week signed for a part in the show in addition to Eddie Condon, previously set. Both are members of Bud Freeman's (white) Summa Cum Laude orchestra now at Nick's in Greenwich Village. Gowans plays trombone.

N. Y. Fair's 'Wake'

Weisenheimer New Yorkers who went to the Fair in its early weeks and then gave it the thumbs-down when the weather and tourists started rising, are planning a "wake" for the N. Y. expo when it falls Oct. 24.

For several days until closing, the elaborate cat society bureau is planning a last whistle for the Fair, with the allied parties in the swank evening, akin to the early days of the Fair last spring.

'Discovering' GBS

Hollywood, Oct. 17. Bernard Shaw's play "Pygmalion," having been a big hit in its film form, the venerable playwright is won over belatedly to "mechanized" entertainment, including television. But one aspect of his "Pygmalion" going cinematic has distressed him. Namely, the type of fan mail he's been getting.

Film-goers write in to hail him as a promising new comer.

Smaller Output Would Insure Greater Playing Time in U. S., Joe Schenck Opines —Objective Is to Extend Runs in American and Canadian Market

SHOWMANSHIP

While extending playing time in order to get more out of product in this country and Canada is the goal sought as a square for the loss that will be suffered abroad, Joseph M. Schenck believes the real solution to the problem is the production of fewer pictures. He does not indicate that the company of which he is chairman, 20th Century-Fox, or others will shorten their programs this year, although for the succeeding season (1940-41) this is a probability, it war continues. Schenck is currently in N. Y. on business.

Solution in fewer features embraces economical factors as well as the fact that if there aren't so many pictures to be bought by the ex-

(Continued on page 54)

Demobilize French Stars Temporarily To Perk Film Prod.

Paris, Oct. 17. For the first time since the declaration of war, the wheels of French picture production have started this week. The Bureau of Information for the completion of six pictures started prior to the start of the conflict.

Charles Boyer, Pierre Fresnay and Jean Gabin thus have been temporarily demobilized in order to finish films.

"Ma Releve," temporary title of a new war picture scheduled to go before the cameras under Julien Duviour's direction, gets underway next month. Cast will include Raimu, Louis Jouvet, Pierre Blanchard, Francois Rosay and Gaby Morlay. Films "L'etale" to be completed are "Remarque," "Les Corsaires," "Le

(Continued on page 53)

Hellinger May Personal On B'way With His Pic

Hollywood, Oct. 17. Mark Hellinger may do a personal appearance at the Strand, N. Y., co-incidental with playing there of "Roaring Twenties," which he produced for Warner Bros. Opening is set for Nov. 10. Bob Crosby's orch is also slated in.

Pic is the writer's first high-budget production in his two years on the Warner lot.

Esoteric

New Benny Goodman sextet has, among them, composed four tunes in the past few weeks, three with screwy titles understandable only to those in the trade.

Sonata to ASCAP, "Opus Local 802," "Flying Home," and "AC-DC Current" are the tags. Last named refers to the two electrical instruments in the six pieces, Charley Christians' guitar and Lionel Hampton's vibes.

Boom in the legit field is not confined to Broadway, grosses out of town indicating the wide interest in the stage. Boston again stands out as the best key, but Chicago may climb later in the season when it gets its quota of fresh attractions. Big date it has had but two new shows.

Other week stands in the east, however, have turned in corking grosses, particularly Pittsburgh, Washington and Philadelphia. Excellent attendance in those spots is credited to the name attractions either on tour, or polishing performances prior to Broadway. Big business has been drawn by Helen Hayes ("Ladies and Gentlemen"), the Lunts ("Taming of the Shrew"), Katharine Cornell ("No Time for Comedy"), Gertrude Lawrence ("Sky-lark"), Maurice Evans ("Hamlet"), particularly, but other attractions have gotten excellent coin, too.

"The Man Who Came to Dinner" was quoted at better than \$18,000 for its third week in Boston, that figure being unusual because the show's cast has no names. The Lunts were last week's toppers and were credited with better than \$28,000 in Washington. First week of Miss Cornell in the Zieg was \$37,300, with the mark bettered last week. Evans started very strongly in Philly with takings of more than \$22,000. Miss Hayes found Pittsburgh a natural with better than \$26,000 although the

(Continued on page 47)

YANK SINGERS FAVORED BY MET OPERA

With the official sugar-coated announcement from Rome to the effect that 10 of the most prominent opera stars of Italy will not come to the U. S. this year, the Metropolitan Opera Company of N.Y. has started to make its plans to replace the non-arriving artists with American talent. The Met's general manager, Edward Johnson, declared that replacements are possible for all, and stressed the point that 60% of the personnel already is American. Apparently that the Met will continue to give breaks to American artists, over those who are foreign-born, it would appear that a new batch of American singers will shortly be announced as joining the organization. Unfortunately, after an examination of the list of available American singers, it would appear that, except in isolated cases, few are ready for what is every opera singer's goal: the Met.

One of the most important singers who is not coming is Galiano Masini, lyric tenor, who has been counted on for over 20 performances. Of the Americans available, Jan Peerce, tenor of the Radio City Music Hall;

(Continued on page 16)

'All Quiet' Non-Neutral?

Columbus, Oct. 17.

First run showing of Universal's "All Quiet on the Western Front" has invoked a storm of protests in Columbus. Leading a fight to prevent additional runs is the Peace Action Group for Franklin County.

Local newspapers and service groups have not minced words in their denunciations of the picture, contending that the reissue is definitely non-neutral.

Fear Bad B'way Press Would Hurt Bette Davis Film B.O.; WB's Reasons

Boston, Oct. 17. Bette Davis, currently "vacationing" in the east, is understood to be hiding out from Warner officials. Actress is said to be peeved because the studio won't permit her to do a Broadway stage appearance. She has been anxious to try legit for some time, but didn't make an issue of it until Warners let Paul Muni do "Key Largo" for the Playwrights' Co.

In mixing Miss Davis' legit ideas, the studio execs are reported to have told the actress they don't want to relinquish her earnings, especially in pictures for an extended period. An Broadway stage appearance, however, the picture officials fear that an unfavorable reception on Broadway might impair her value to the studio.

Actress is believed to be somewhere in New Hampshire at present.

PROV. DEBS LEBLAINING

Providence, Oct. 17. Ruby Newman will play for a mass coming-out party of society debutantes at the Providence Biltmore, Dec. 22. To save doubt presumably, 40 deb's will debut at once.

THE RUC

Erpi To Participate in GN Refinancing; RFC, Felt Coin Also Reported Set

Electrical Research Products, Inc., will participate in refinancing of Grand National. Telephone company should own the mortgage on the Hollywood studios of Educational Pictures, GN parent company. It is understood the mortgage and interest amount to something over \$200,000. This is to be paid off out of the \$1,000,000 loan GN is seeking to get and ERPI, in turn, will participate to the extent of \$100,000 in the loan.

Reconstruction Finance Corp. is reported to have given final approval for advancing \$500,000 to GN. Felt & Co. Wall St. bankers, swinging the refinancing, have approximately \$1,000,000 on the line and waiting for delivery.

Temporarily suspending consummation of the deal is a change in terms demanded by one of the participating banks. Felt's plan arranged the terms several times in an attempt to satisfy the bank, and it is expected details will be worked out amicably. Banker participation is in a revolving production fund, the RFC's portion is an operating fund.

Felt and Earle W. Hammons, GN are anxious to get started on distribution because they feel the present foreign situation is preposterous to their sets. GN has no interests and no investments abroad. It has always operated in the domestic market, virtually 100%.

Warner Impatient
Pleading the working out of the new deal, Franklin M. Warner, head of Fine Arts, is impatient with his New York. He has about \$500,000 tied up in GN and is anxious to see the situation straightened because it will give him an opportunity to get his money out. He is determined to get an answer from Hammons on the future of the company this week.

Some employees, both New York and on the Coast, now also have a stake in the outcome of the loan. Their pay was skipped the week before last, due to the outfit's rental income being impounded by a California court pending trial of Dr. Eugen W. Frenke's suit for \$2,500 allegedly due him. A payday was not hurried early in the summer, so employees have two weeks' coin coming to them when financial arrangements are completed.

ED SMALL UNDECIDED ABOUT PROD. HIATUS

Edward Small is undecided whether to follow the lead of several other United Artists producers and take a two or three-month hiatus after Jan. 1, or to continue on normal schedule. He'll make no decision on the matter until later in the year, waiting to view developments in the foreign situation.

Work will begin on 'My Son, Son' about 10 days, to be followed next November by 'Kit Carson.' That'll take until New Year, when the shuttering may take place.

Test Mercury Players At RKO for Welles Pic

Hollywood, Oct. 17. Orson Welles is putting four members of his Mercury Theatre cast through screen tests for their roles in his picture, 'Heart of Darkness,' at RKO.

Four, who recently arrived from New York, are Everett Sloane, Ray Collins, Edgar Barrier and Erskine Sanford.

BABY SANDY'S 3RD

Hollywood, Oct. 17. Universal assigned Charles Lamont to produce his third Baby Sandy feature, still untitled.

DeBra's Home Run

Arthur DeBra crashed through with one telling counter-blow during the heckling the Hays organization took at the censorship meeting. He pinned Morris L. Ernst down with this question:

"What would you prefer, our middle-of-the-road position that does work and does reduce censorship menace, or policies that would certainly bring on new threats of Governmental control of all form of communication?" Ernst conceded he had something there.

Foreign B.O. Dent A Setback To Indie Producers

Independent producers of film for many as well as indie distribution will be the first forced to curtail production costs—or stop production altogether—as a result of the loss of European income, according to experts on film financing. Among the principal producers to be affected will be those distributing through United Artists.

In the estimation of bankers who advance the coin for production, indie will feel the pinch badly starting in February, when they begin seeking money for spring film. Major companies, which produce a picture a week or every two weeks, and thus have a tremendous backlog of domestic monies constantly coming in, won't be affected at their banks until probably a year from now, it is said.

It is the men with the least ready income who will feel the European loss first. Taking the United Artists' picture list, under the plea of Seranick or Wanger or any of the other producers must go to the bank for the money. The advances on new production. Bankers, of course, will want to see the books to find out what has been the experience with previous monies. If income should be down because of the foreign market, the banks undoubtedly will want its investment more in ratio with domestic distribution.

Virtually all independent production is financed in this manner, by the bank. In this a producer's money coming into the bank is loaned out again almost immediately for more production. The money advanced again comes in during the first 26 weeks after initial release of a film.

A second plan of financing, which will also be affected, is the "finished negative loan." In this a producer gives the bank a lien on a film going into distribution in return for a loan for more production. The money, naturally, don't advance more for the future film than it is coming out of the completed one.

Hays Meeting to Cover Frozen Coin, Neutrality

Lack of quorum caused a postponement of the Hays office directors meeting last Oct. 15. The production committee quarterly session started today (Wednesday).

The date for this adjourned conclave is more satisfactory for industry heads anyway, because they hope to have a more definite picture of the foreign situation abroad in view of the European war. The proposed neutrality bill and the money situation in Great Britain are topics slated for discussion.

N. T. CENSORSHIP RALLY WARMS UP

Two-Day Meeting Embraces All Forms of Amusement and the Threat to Them of the Government's Censorship Tendencies

RADIO ANGLES

A hard-hitting, plain-speaking conference on censorship in all its forms, actual or threatened, was held Friday and Saturday (12-14) of last week at the Hotel Baltimore, New York. The event, which was rounded at the various group meetings, the banquet Friday night and the Saturday afternoon session, was held in the United States goes to war?

The National Council on Freedom from Censorship, which called the conference (because the war's publicity exists and because 1939 is the 150th anniversary of the American Revolution's Bill of Rights) invited representatives of the film, radio, book, legit and newspaper industries in addition to persons in the realm of propaganda, education, libraries, labor unions and others.

General apprehension of what war would do to the amusement industries brought out a wide variety of opinion. On the far left in criticism of the film business was Norman Thomas, the Socialist, who thought that moving pictures will be in the front ranks of those influences which lead us into war. "Our optimism was not to confer with Nate Blumberg and Murray Silverstone."

Stahl has served at Universal for the past 10 years, reported for time out for one picture at Metro. During this decade he was the lot's prestige director and the majority of his films brought top coin on b.o. returns. "Bull by the Horns," which he had in preparation, goes to another director.

JULES LEVY'S PROD. UNIT MAY BE VIA UNIVERSAL

Giving unhurried consideration to several propositions, following his resignation from RKO as general sales manager, one of the first on Jules Levy's agenda is understood to be a bid from Universal to go into the producing field. This is said to have come from Kate J. Blumberg, president of U. friend and former associate of Levy's.

Pending further discussion of a production venture, probably in the form of a unit that would be guaranteed release by Universal, Levy is awaiting word from Coast principals to come west for huddles. Reports are that several are interested with Levy in entering production, 1 proper arrangements can be made, this includes financing.

Levy is making headquarters in New York at the law office of William S. McKay and Sol Rosenbaum, but is still sticking into his office at RKO, cleaning up pending matters when he resigned.

LeRoy Wants to Do 'Dinner' for Metro

"Man Who Came to Dinner," new Kaufman-Rand play which opened at the Music Box, N. Y., at Columbia to be filmed by Metro. Mervyn LeRoy, Metro producer, yesterday returned to Hollywood from New York (Tuesday) so he could catch the opening, as a possibility for his own career.

LeRoy was in New York for a two-week vacation, only business he attended to being viewing of "Dinner" and discussing with Sam Harris and the authors the possibility of filming it.

Vast Majority of Large Circuits Have Closed Up Product Deals For '39-'40; Distribbs Ahead of '38

WB's Filmusical Yen

Hollywood, Oct. 17. Warners is checking on the b.o. returns of recent musicals with the idea of resuming production in that field. First step is the buildup of Dennis Morgan for the spot once occupied by Dick Powell. Actor broke into Hollywood as a singer under his real name, Stanley Morner, but never sang in pictures. Studio is also sending a number of star femmes through intensive vocal training.

Stahl Off U Lot But May Renew New Deal: UA Bid

Hollywood, Oct. 17. Terminating a 30-month contract with Universal producer-director, John M. Stahl has left the studio and plans his own production unit. He has several offers, including a new deal with Universal and United Artists. "Our optimism was not to confer with Nate Blumberg and Murray Silverstone."

Stahl has served at Universal for the past 10 years, reported for time out for one picture at Metro. During this decade he was the lot's prestige director and the majority of his films brought top coin on b.o. returns. "Bull by the Horns," which he had in preparation, goes to another director.

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The vast majority of the large circuits, including those affiliated with major producers, and most of the smaller independent exhibitors, have closed their product deals for the 1939-'40 season, in some cases through 1940-41 and 1941-2 semester. There have been no terms for more than three years, and not many of the latter.

In distribution quarters it is stated that an unusual period of buying has occurred in the past three weeks, with result exchanges in some territories are completely sold, except for a very few accounts. Buyers began coming in faster after the picture was sold, and following decision of some distributors not to let accounts, including steady ones, pick up new season (1940-'41) unless they came in and signed a contract. A representative number of exhibitors have been dealing with right along, contingent upon signing down what they will make for the entire season. Some distribb got tired of this after too much product was being picked up, and they had certain circuits and individual exhibitors have not filled out their requirements for the whole film year but have signed up for sufficient products to carry them until they decide with whom they will make an additional deal. In some cases this includes three major programs, and is estimated the account may be playing the product of five companies, possibly the two to come on selected, and the balance to be made and policies to be pursued.

Many Denied 'In'
There are numerous deals of major importance which have been in negotiation for a long time, but have gone away past the formative stage and are estimated "in" although various details are yet to be broken down to a fine point. This is particularly true of larger circuits where the basic principles of a deal have to be applied down to the line in each case and each theatre, taking into consideration the difference that exists in the basis on which the picture is.

(Continued on page 18)

VARIETY	
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INDEX	
Bills	49-47
Burlesque	55
Chatter	54
Dance Bands	38-41
16 Year Ago	18
Film Booking Chart	18
Film Reviews	14
Film Showmanship	8
House Reviews	45-48
International News	12
16 Year Ago	50
Inside-Music	41
Inside-Radio	34
Legitimate	49-52
Literati	53
Musical	38
Night Clubs	41
Obituary	55
Outdoors	52
Pictures	22-31
Radio	2-21
Radio Reviews	24
Sports	47
Unit Review	44
Vaudeville	42-44

AKO and a statement.

Schedule to Determine Screen Values

Alternate agreement covering the production of legit plays with motion picture backing, to be adopted by the Dramatists Guild and the Broadway managers, contains the following schedule for determining the screen rights of such plays:

MEDIUM ADVANCE PAYMENTS
\$5,000 when the author or manager splits picture money 60-40 only if the show runs three weeks, the author would receive the entire first two payments. Of the \$15,000 total advance on a three-week run, the author would receive \$9,000 and the manager \$6,000. But all such payments would apply against subsequent royalties, if any.

ROYALTIES BASED ON LEGIT RUN
Shows operating at a cost of less than \$7,500 a week

period	1st 15-week	Second 15-week	All over 30 weeks
First \$5,000 weekly gross.....	25%	15%	15%
Second \$5,000 weekly gross.....	20%	15%	15%
Over \$10,000 weekly gross.....	15%	15%	15%

Shows operating at a cost of \$7,500-\$15,000 a week

period	1st 15-week	Second 15-week	All over 30 weeks
First \$5,000 weekly gross.....	20%	12½%	15%
Second \$5,000 weekly gross.....	15%	12½%	15%
Over \$10,000 weekly gross.....	10%	12½%	15%

Shows operating at a cost of more than \$15,000 a week would call for payment of a straight 10% regardless of the weekly gross or the length of run.

Shows operating at \$15,000 or less a week would call for payment of a straight 10% regardless of the gross or the length of run. Shows operating at more than \$15,000 a week would call for a straight 5%.

(Note: No royalty payment would be figured on any week in which a show, either on Broadway or in the provinces, is closed for more than one week. All royalty payments, like advances, would be split 60-40 by the author and manager.)

Goldwyn Refuses to Accept UAA Bonus with Any Strings Attached

Holding up transfer of Sam Goldwyn's share of the United Artists producers bonus which was passed out by the board of directors last month, it was reported today that Goldwyn's refusal to sign a contract which would have the effect of nullifying Goldwyn-UAA litigation now in court.

Max D. Steuer, Goldwyn's attorney in New York, declared UAA will not turn over the coin until the producer inks the paper the distributing company demands, and Goldwyn will not accept the money with the strings tied by UAA. Bonus is understood to amount to about \$55,000.

Both Steuer and Charles C. Schwartz, UAA counsel and director, refuse to reveal the exact nature of the disputed contract. It is understood to be something in the nature of a release, however, for Steuer said that signing it would adversely affect Goldwyn's rights and would be tantamount to withdrawing the litigation brought by Goldwyn. Suit pending is an attempt to break his contract with the distributing outfit.

Goldwyn declared that he would by the terms of the original contract to turn the bonus over unconditionally. It is further stated that this agreement by refusing to do so. Inasmuch as Goldwyn is not now in need of money, Steuer said, there will be no compromise.

Another angle which comes up, of course, is that Goldwyn's acceptance of the coin would be tantamount to the signing of the "Silverstone plan," bonus schedule under which it was allotted, and which is one of the principal objections named by Goldwyn in his suit to break away from UAA.

Green Heads New Indie Co.

George Green, an independent director at Paramount, was elected president of the new Producers Corp. of America, an independent production company. Carl Winston is v.p.; Howard Levy, treasurer; and Harry Sokolov, as secretary.

First feature, "Kingdom Come," forthcoming Cosmopolitan map serial by Hal Rogers is being written and shot in mid-December, John Charles Thomas starring.

FOULK, LEGIT STAGER, TO DIRECT FOR WB

Robert Foulk, Broadway actor, director and author, goes to the Coast tomorrow (Thursday) on a directorial contract for Warners. He recently staged the Legitimate Theatre Corp.'s road production of "What a Life." Because of his association with the George Abbott office (he appeared in the original company of "Brother Rat" and directed road companies of the comedy), he may be assigned to the sketch, "Brother Rat Has a Baby," at the studio.

Mrs. Foulk, a radio actress under the name of Alice Frost, will remain in New York, at least for the present. Her starring contract for "The Big Sister" program comes up for renewal about the end of the year.

EXTRAS' BIG '39 COIN

\$3,000,000 This Year—\$100,000 Ahead of '38 to Date

Hollywood, Oct. 17. Extras will earn around \$3,000,000 this year if the present pace is maintained for the remaining three months. Income for the past month has been \$750,000, or \$100,000 over the same period last year. Total for the year to date is within \$200,000 of the 1938 aggregate.

Placements by central casting during September totalled 26,004.

Berlin's Pic Parley

Hollywood, Oct. 17. Irving Berlin hopped off Oct. 17 (Tuesday) after a huddle with Harry Zankoff on ideas for the production of "Say It With Music." Composer returns here in April to work on the picture for early summer shooting.

METRO'S TESTIES

John Banner and Illa Rhoden, who appeared for a brief time on the Broadway stage during the last run of "From Vienna," have been screen-tested by Metro.

They will appear in "The Price," stock company juvenile, under option for test this week.

CONTRADICTORY POINT OF VIEW

Agreement to Be Approved Within Three Weeks — Calls for \$5,000 Minimum Advance and Royalties on "Requires Independent Managers"

PROTECTIVE CLAUSES

Final draft of the plan to regulate Hollywood financing of legit production has at last been approved by the Dramatists Guild council and will probably be adopted within the next three weeks by the Guild membership and the Broadway managers. It will then be effective immediately.

Copies of the draft will go out to the Guild members within the next few days and, since it involves an amendment to the constitution, it must be considered at a general meeting. The organization's annual meeting is scheduled for Nov. 7, so presumably it will be brought up then. The producers are expected to okay it about the same time.

It is emphasized that the plan is not altogether one, so it will not supplement the present minimum basic contract. Thus, the Broadway producers may or may not utilize it as an amendment to the constitution. Similarly, while most of the film companies are expected to take advantage of the plan to reenter the legit field, they may back shroud under the existing minimum basic agreement or continue to hold off from any Broadway financing, whichever they choose.

Since the agreement is in the nature of an experiment, it will be effective until Sept. 1, 1940. It will doubtless be revised as of that date, in line with conditions that have been encountered in its operation in the meantime. However, there is no provision for renewal. The agreement specifies that all disputes arising out of it must be arbitrated.

Originally conceived by John Wharton, theatrical attorney, the plan has been developed through two years of conferences and study between Jake Wilk, of Warners; John Robert, of Metro; with Louis Sillock and Sidney Fleischer, representing the Guild. Several months ago John Byram, of Paramount, also joined the Guild. It was his suggestion, according to a source, that royalties based on the operating cost of the legit production, that formed the basis for the final plan. It was also Byram whose figure on the preliminary draft of Broadway financing revision of the Guild's proposed minimum "bonus" payments.

As finally accepted by the Guild council, the plan is a compromise between the various conflicting interests. But in general it appears to favor the playwrighting and Broadway writers as against the Hollywood intentions. Thus, while the final plan uses the studio proposal for payment of the minimum advance, it is applied against subsequent royalties, rather than a "bonus," to be paid outright in advance of a royalty. The schedule of royalties payments themselves are considerably higher than advocated by the picture executives.

For instance, the minimum classification for the legit production is set at \$7,500, as against the \$5,000 for the legit. Similarly, the percentages for extended runs (30 weeks or more) in legit production are set at 15% on all shows operating over \$15,000, instead of 10-12½-15%, as in the legit. Shows with a weekly \$15,000 a week will call for a 10% royalty on extended runs, instead of 10-12½-15%.

Another setback from the studio end is the stipulation that the Hollywood plan may not directly produce the legit play, but must in all cases be a picture.

(Continued on page 55)

4A's Pushing 'One Big Union' But Factional Squabbles Reappearing, Principally Equity; Also AGVA

Typed

Paris, Oct. 5. Eric Von Stroheim has played Optimus officers so frequently in films that the characterization caught up with him here last week. He was arrested in Fontainebleau, being mistaken for a German officer at liberty. However, he was released when a crowd recognized him and rushed him for photographs.

LaGuardia Can't See Why N.Y. Isn't Pix Prod. Center

Mayor F. H. La Guardia proposed that the picture business return to New York city where it started, addressing the last convolve of the Society of Motion Picture Engineers in New York Monday (16). The city's chief executive pointed out that he did not want to take anything away from Hollywood city but he did want to "promote my own."

He recalled the numerous advantages which New York might have in film production, concluding: "I can't see why the motion picture producers don't make pictures here."

Mayor La Guardia's statement that he was very happy to confer with any delegates who represent producers about coming back to New York indicated that his talk was no idle chatter.

He did not small-town or chamber of commerce talk—I mean it, it said the mayor.

(Actually more feature production, slated for worldwide release, has been lined up for the east this fall than possibly any time in recent years. Three features scheduled for the Eastern Service studios will be released by RKO, and two others lined up for production at the same plant will be released by Columbia. The minimum advance requirement of more than \$1,000,000, will be in force by the end of this year.)

John Dickenson, who has financial v.p. of the SMPPE, and J. Frank Jr., secretary, were selected for additional terms. D. E. Hyndman, of Eastern Kodak was elected engineering v.p., while R. O. Strook of Eastern Service Studio was named treasurer.

SEIZNICK'S BENCHLEY SHORTS THROUGH UAA

Hollywood, Oct. 17. Seiznick-International has decided to launch into production of shorts and will lead off with a series starring Ben Bendley, who has finished up at Metro. Films will be made on both coasts to allow the humorous feature and picture artists without interruption.

Releasing deal for the shorts is being talked with United Artists, which has never distributed pictures aside from Walt Disney's "Mickey Mouse" cartoons.

Lamour in 20th 'Apollo'

Hollywood, Oct. 17. Dorothy Lamour has been brought from Paramount for the co-starring role with Tyrone Power in "Johnny Apollo" at 20th-Fox. Shooting starts late in November.

Despite a resumption of internal friction among the various branches, the 'one big union' idea is still being pushed by the Associated Actors and Artists of America. As a step in that direction, all the member unions, except Equity, which owns its own building in West 47th street, will remain at that location.

While a broad plan of unification has been more or less outlined, nothing further will actually be done until mid-November, when Kenneth Thomson and Laurence Beilenson, representing the Actors and Artists Guild, arrive in New York to confer with other Four A's officials. Unintended specific plan, calling for a temporary trial period and regional setup somewhat resembling that of the American Federation of Musicians, may be proposed. Certain, however, that the regional angle will have to be solved as the Coast end is determined not to permit control of the picture union affairs to be held in the east.

Although the recent struggle with the actors and artists has represented an unprecedented degree of cooperation among the Four A's unions, the settlement of the picture union many of the same old factional jealousies are reappearing. Thus, Equity officials are again beginning to oppose any unification program. The eastern end's cry of SAG domination is once more being heard, and efforts are being made to inject a tactical maneuvering squabble into the picture.

A. G. V. A's Growth

Actually, what may delay the consolidation of the unions more than anything else is the increasing refusal of the American Guild of Variety Artists to accept any sort of dictation or control by outsiders. The Guild has been one of the other Four A's unions. The vaudeville organization now has a membership of more than 10,000, growing by giant strides. Expected that within a couple of months it will be almost double the number, strength of any of its affiliates, including SAG or the American Federation of Radio Artists. Under the circumstances, the AGVA board may elect to stall the unification plan until it can take a stronger hand in directing policies of the partnership.

Lodged in the New Four A's headquarters in New York will now be the SAG, the Actors and Artists Guild, Theatre Authority and several of the smaller unions. The variation in expense at least for some, admitting their leases to expire, with the idea of taking advantage of joint office space, is being discussed.

But while the move to joint offices is being discussed, it is doubtful if any consolidation plan will bring about any major change in the status quo for the time being. Main difficulty is that the unions are not all on the same of the member unions is salaries.

Empire Trust-Con. Labs Stymied on Bio Deal

Deal between the Empire Trust Co. and Consolidated Film Industries for purchase of latter's equipment for the production of a picture in the studios in the Bronx, N. Y., is temporarily stymied. Consolidated released a statement saying that the bank refuses to set the price it will pay. It is planned to wriggle out of the deal by the end of the month. Empire plans to keep it open for rental to indie producers who may wish to use the consolidated equipment or other equipment to stock it.

+ FULL SHOWMANSHIP +

Rossi Proclaims Film Jubilee Week; Other 50th Anniversary Events

San Francisco's Golden Jubilee campaign and Ann Rutherford's appearance as Queen of the Cotton Carnival at the Cotton States Exposition in Greenville, S. C., topped news of celebrations reaching the Fiftieth Anniversary Committee this week.

Reports of the campaign in San Francisco, where Mayor Rossi proclaimed Oct. 8-15 as Motion Picture Jubilee Week, were received from Phil Phillips, advertising manager of the San Francisco division of Fox West Coast Theaters.

San Francisco made the most of the fact that California provided an historic forerunner to the Kinetoscope 27 years before Edison's invention, as the San Francisco Chronicle pointed out in its editorial. At Leelan Stanford's stock farm at Palo Alto, in 1872, photographs of human action were made with a battery of cameras with automatic shutter controls. These were the first ever made of objects in motion and were valuable to Edison's work.

Most of the San Francisco newspapers stressed this angle. There were editorials in all the papers, as well as feature stories in the *San Francisco Chronicle*, *San Francisco Examiner*, *La Belle*, *Frederick Johnson*, *Adel Hoffman*, *Tim Guiney* and others. The *Call* carried a cartoon by *W. C. Sullivan* showing the world wearing an international tie of film, labelled *Pictorial Motion Pictures*.

Ann Rutherford's appearance at the Cotton States Exposition, arranged by Carter Barron, who has pointed out the significant part the exposition has played in the development of motion pictures. Thomas Armat caught his first glimpse of Edison's Kinetoscope at the Exposition in Atlanta in October, 1894. The following year the Armat project, manufactured by Edison and known generally as Edison's Vitascope, was used in the first theatre projection at Koster and Baile's Music Hall on April 23, 1896. That was the beginning of the screen to Broadway.

In Buffalo the film committee of the Women's Clubs celebrated the Golden Jubilee at a luncheon at the Hotel Buffalo. In Baltimore the Motion Picture Theatre Owners of Maryland took full page advertisements in the newspapers to commemorate half a century of progress in motion pictures.

A number of cities electric light and power companies and electrical dealers have cooperated in the celebration. In Harrisburg, Pennsylvania Power and Light company took ads in the newspapers to congratulate the films on their anniversary.

UA PUB.-ADV. EXEC'S WEST TO O.O. PRODUCT

Lynn Farnol, head of the United Artists publicist-advertising department and two of his chief aides, Monroe Greenblatt and Al Margolies, are going out on the Coast in a relay to see new product coming out. A total of eight pictures is now in coming stages.

Greenblatt goes first, leaving the end of the week. When he returns, Farnol will make the trip and, after his arrival back east, Farnol goes out. Each will stay west a week.

'Movie Quiz' Suit Against Donahue & Coe Settled

The \$100,000 action of Edward J. Pfeiffer against Donahue & Coe, in which Edward J. Churchill was settled and discontinued last week in N.Y. supreme court. Action charged piracy by the defendants of Pfeiffer's idea for the "Movie Quiz," which he claimed was submitted to the agency in June, 1938. Shortly thereafter, it was asserted, Donahue & Coe turned the idea over to several parties.

Pfeiffer sued for 10% of the alleged \$1,000,000 received by the agency in advertising.

By John C. Flynn

Film industry will know in a short time whether the American market is capable of profitable return on high cost negatives. On the answer depends the future policy of Hollywood production. And the welfare of exhibitors.

Events in Europe during the past fortnight have indicated an extended conflict which can be interpreted to mean that foreign revenues are likely to remain on the downcast, and despite the most liberal exhibition regulations which the governments may put into effect, the financial sector of the film industry is proceeding on the theory that future foreign income is uncertain and incapable of reliable estimate.

The urgency of higher domestic rentals is prompting plans among distributors for radical revision of sales policy on a few individual films of cost and quality which will merit experimentation. Walt Disney's "Pinocchio," two years in the making and reported to represent an investment in excess of \$2,000,000, which was split in the "seven dwarfs" will be handled by RKO on a high scale of boxoffice percentages. Extended runs will be governed by "stop" figures. It is reported that exhibitor agreements may be advanced several paces.

'GONE WITH THE WIND' AT \$1
From the Coast comes first intimation of sales' plans for "Gone With the Wind," which has been distributed by Metro. Announcement that the film will be shown in Hollywood around the holidays, under a policy of admission for film theatres playing on a world market, now somewhat limited by the march of history. Paramount is carefully considering its plans for the release of "Gone With the Wind," directed by Frank Lloyd, and also "Gulliver's Travels," a feature length animated Max Fleischer production, veiling in production circuit with the Disney unit.

Most brilliant pages of film industry are illumined by showmanship which pioneered, and subsequently established in the public mind the idea that a film of entertainment was worth \$2 of anybody's money. There is nothing revolutionary in the idea, therefore, of producing a film of exhibition quality, in connection with pictures, that provides for admission price boosting in connection with the exhibition. The prevailing status quo will be greatly disturbed, and tomorrow showmen will hesitate to up.

It was back in 1914 that the late J. J. McCarthy,

'PINOCCHIO'S' HEFTY PUBLICITY BREAKS

Although the full force of the advance buildup ballyhoo for Walt Disney's "Pinocchio" will not make itself felt for several weeks, not a few important national "breaks" reveal as starting in gain momentum. Publicity buildup appeared in *Good Housekeeping* this week. The *Los Angeles Times* and the *New York Times* magazine section.

Housekeeping, in its Oct. issue, devotes 20 pages to the first half of the Walt Disney story with illustrations in black and white and full color drawings by the Disney studios. The story is being featured with a special wrapper around each copy. The *Los Angeles Times* display signs, with "Pinocchio" art, all newstands.

This Week Magazine, which is an integral part of a great many leading Sunday newspapers such as the *New York Times*, *San Francisco Chronicle*, *Omaha World-Herald*, *Chicago Daily News*, *Minneapolis Star*, *St. Paul Press*, *New Orleans Times-Tribune*, has a total circulation of more than 6,000,000. The magazine, which is a magazine carried a double spread about "Pinocchio" with color illustrations.

Red, White and Blue

Novel exploitation

In handling legitimate attractions, persuaded D. W. Griffith, Harry Akon and associates, financially interested in "Birth of a Nation," to present the film in its original theatrical form. How radical that suggestion was at the time is best exemplified by the then prevailing scale of admission prices in nickelodeon stores where, when the general law was 10c, kids saw "Birth" played year after year under McCarthy management at \$2, and returned better than \$4,000,000 in net profits.

If McCarthy showmanship, chief characteristic of which was consistent public advertising and dissemination of results to a hesitant trade, which kept saying that it couldn't be done, had ended with "Birth of a Nation," there might be some ground for believing that the Griffith opus was in a class by itself and the only film of its kind. It might be possible to find it adaptable to other films which McCarthy "sold" to the public for \$2. Among them were "Covered Wagon," "10 Commandments," "The Big Parade" and "Ben Hur." Competing showmen adopted the plan which resulted in big earnings for "Four Horsemen," "Iron Horse" and half a dozen successful pictures.

DEPARTURE FROM ROUTINE

Contemplated "break" from routine film distribution, which is the opportunity offered by a group of forthrightly unusual attractions which face the economic depression from the domestic market greater gross revenues than prevailing admission scales permit, is likely to be the most constructive forward step in the film industry taken since the end of production of shows. Within the scheme lies a solution for mounting production costs, and for exhibition profits, undreamed under the current policies of showmanship. It is a bold and confused operation, depend on double features, bank-nights, screen and free dishes, with occasional automobile raffles as special inducements, instead of forthright theatre management.

No one with five minutes' experience in Hollywood believes that good pictures will emerge from studios where creative talent is working on cut salaries, limited mechanical facilities or penurious management. Under pressure of current curtailment of foreign income and the necessity of stimulating the domestic revenues, fresh ideas of showmanship and showmanship only will solve the problem.

Success in the able and resourceful handling of individual attractions, in contrast to blockbooking and double-features, will not be a pushover. The pendulum of "Rutles" has been heavily tilted in the direction of quality, has swung far to the left. An entire industry, which includes the operators of affiliated as well as the independent circuits, will have to be persuaded and won over to a new shuffle of the cards. Showmen with vision, courage and a deep conviction that films are worth their efforts, will have to do the job.

It can't be done with magazine advertisements, drug-store tissues, gratis china cups and saucers, or triple feature programs.

It can't be done by handing back the film theatres to the public which built them, by unreeeling on the screens after proper exploitation the finest films the industry has to offer, by entertaining the audience by any one of eight major producer-distributors, possessed of sufficient executive acumen, courage and strength to start swimming upstream.

M. H. Capitalizes On Bergman's Smash

Ingrid Bergman's rave reviews in the *New York Times*, after showing "Intermezzo," at Radio City Music Hall, have been capitalized on by a combination newspaper splash which contained the announcement for the second week holdover of the film.

The publicity campaign concentrated on the title of the film, producer, director, and the type of performance and the praise for Miss Bergman, however, was capitalized in subsequent advertisements.

Modification of copy was regarded as a secondary consideration, putting a local exploitation under for-bid-ban Bergman films.

'MOHAWK' PREMIERE SET IN ALBANY, N.Y.

"Drums Along the Mohawk" will have an announced "world premiere" in Albany, N.Y., this evening. The film, starring a lady, Ufa, Amsterdam and Gloverville, Mohawk Valley cities, which is a long and attractive picture, is scheduled to go to the continent for "advertising" although it is not definitely known who the exhibitors are working with branch manager Joe Grassgreen, a Canadian manager, Low Goring, a Canadian manager, Alan Sayles, Gov. Herbert H. Lehman and Mayor John B. Chasler will be invited to participate in the Albany ceremonies. Schematically showing would be under Fabian auspices; Gloverville and Amsterdam under Schine.

Para Preems 'Passage' In Detroit as Stars And Cars Take the Bows

Detroit, Oct. 17.

Parade of "Stars and cars" will highlight Detroit's first world preem Thursday (18) when Paramount will unveil "Disputed Passage" at Michigan theatre. Elaborate plans being laid for the event, will bring John Howard, Akim Tamiroff, J. Carroll Nash, Alan Tarriff, Olympe Bradna and Patricia Morrison from Paris to operate motor bus and railway lines, operating within 150 mile radius, are running special services to accommodate influx of fans. Theatre is being gayly decked, and reviewing stand is being erected opposite Michigan on Bagley Avenue. Public address system will carry introduction of each player for blocks around theatre.

Street scenes in front of Detroit auto makers are cooperating, will cover all of Woodward Avenue, town's main street, and then from Michigan theatre. In parade will be 1840 makes of cars, now just being announced to public. Parade will start at 7 p.m. thereby avoiding dinner hour jam, and will permit cars to move back and forth in a tail showing of "Passage." New cars will be displayed outside theatre in blocks.

Howard and Tamiroff are due in town tomorrow to make personal appearances. They will be at the stores before preem. Other players will arrive here Thursday morning.

EMBRYO PUBLICISTS 'EXPLOIT' 'WHAT A LIFE'

Milwaukee, Oct. 17.

Erling Farnsworth, manager of Fox's Palace theatre here, is attempting something which is a complete innovation to the amusement world. He has invited a group of students composed of representatives from all high schools in the city to handle the entire publicity campaign on "What a Life."

Because 400 Los Angeles high school students participated in making the picture, and because the entire story is about high school students, Farnsworth feels it is appropriate that high school students themselves should have the opportunity to bring the film to the attention of the public.

"What a Life" was chosen for the committee and the students were put on their own to devise exhibition and publicity campaign. To make all contacts with the newspapers, plan contacts, suggest means of publicity, secure merchant cooperation, and to exploit "What a Life" in every way they can conceive.

Since this picture has a definitely strong appeal for persons of all ages, Farnsworth says the students have strong material with which to convince themselves into motion picture publicity.

'Mr. Smith' Ties-In With Political Campaign

New Orleans, Oct. 17.

Capitalizing on the success of the state political campaign, Vic Meyer, manager of the Orpheum theatre, and Gar Moore, his blurbist, grabbed off space in the *Morning Tribune* for "Mr. Smith Goes to Washington" (Col.) by inviting gubernatorial and other candidates to view the picture at the theatre.

Rodney D. Troup, manager of Loew's State, and Bob Woods, United Artists manager, tied up with the item in search to find local couple married the longest as stout to exploit the picture. They tied up with the item in search to find local couple married the longest as stout to exploit the picture. They tied up with the item in search to find local couple married the longest as stout to exploit the picture.

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In addition to news stories for several days during progress of search, paper also printed picture of winners.

FILM COS. REVIEW S.A. SHORTWAIVE SITUASH

Foreign department advertising publicity chiefs met last week at the Rays office to go over the shortwaive broadcast situation. Decision was made to prepare script material in the future only in English, Spanish and Portuguese in order to make broadcasts more concise and eliminate any additional expense involved in their foreign-language scripts. It also was decided to take steps to improve the caliber of material so that the shortwaive programs would be more all-inclusive industry affairs, rather than items about different company's stars.

Fact that several foreign publicists correspondents had lost their jobs because of the Economic war was taken up at the session, with provision made to make adjustments in the foreign department setups to meet changing conditions.

That Heifetz Film Has Boys 'n' Girls Tunin

Indianapolis, Oct. 17.

Joe Halloren of Loew's, plugging "They Shall Have Music" (UA), told the future of the department. Pearson Company to exploit stores' children band instrument sales, picture and distribute 1,000 children's tickets to play at current house rate at 10c each, giving them free to moppets who would come in to store and ask for them.

About 500 lines of display ad space was used to play plan, with newspapers doing art and reader service. Pic sequence in which Heifetz organizes a children's orchestra was used as the tie-up angle.

Mpls.: Perks With Better Pix; 'Maid Sturdy' \$8,000, 'Bali,' at \$6,000, Mild

Minneapolis, Oct. 17. Impressive lines of film are hyping grosses currently. While still prior considering the entrance quality, theatres are making an improved showing. U. of M. and high school football games, together with other athletic events and the radio, are still considered a fourth option in the showbusiness, especially in view of the uncertain future of the budgets. This week there's also Lunt-Fontanne's "The Green Room" for competition to play.

Present screen trade stimulants are "The Old Maid," "The Women and They Shall Have Music," all displaying above average grosses. Mild's vaudeville is still maintaining its steady, satisfactory pace.

Estimates for This Week
Aster (Par-Singer) (25-35-40)—"U-Boat 29" (Col) and "Blue Grass" (Par)—first-run. These selections for this spot and continuing full week. Good \$18,000 in proper. Last week, "Champion" (Par) and "Stop, Look, Listen" (2nd) first-run, split with "Excuse" (20th) and "Winey Dancer" (WB), also dual first-run, \$15,000, pretty good.

Estimates for This Week
Aster (Par-Singer) (25-35-40)—"Women" (M-G) (3d wk). Moved to first-run. These selections for this spot and continuing full week. Good \$18,000 in proper. Last week, "Champion" (Par) and "Stop, Look, Listen" (2nd) first-run, split with "Excuse" (20th) and "Winey Dancer" (WB), also dual first-run, \$15,000, pretty good.

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GLORY DUAL \$21,000, BROOKLYN'S TOPPER

Brooklyn, Oct. 17. Top money-getter is a new Low's Metropolitan, with "Real Glory" and "Two Bright Boys." RKO Albee, show "Edith Cavell" and "Here I Am a Stranger" and Paramount's "The Green Room" are showing good results. Eddie Cantor's unit moves into Low's Metropolitan Thursday (10).

Estimates for This Week
Low's (27-35-40)—"Nurse Cavell" (RKO) and "Stranger" (20th). Showing remarkably well and should get around \$15,000. Last week, "Rains Came" (20th) (2d), good.

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Key City Grosses

Estimated Total Gross
This Week.....\$1,631,000
(Based on 27 cities, 172 theatres, chiefly first-run, including N.Y.)

Estimated Total Gross
Last Week.....\$1,756,000
(Based on 27 cities, 181 theatres)

Cantor Whammo \$38,000 in Hub, With 'Two Boys'

Edie Cantor personally led the Keith-Banton in eclipsing everything in town. "Thunder Afloat" is strong in a double, "Two Boys" (M-G) and "State and Blair" and "Stranger" are putting "Nurse Cavell" is very good but not so.

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Thunder Dual Nice \$5,500 In Montreal

Montreal, Oct. 17. Brace of h.o.s. gives "Hollywood Cavalcade" the call at the top for best probable gross of week, "Wizard of Oz" and "Iron Mask" at Low's and Orpheum respectively, beginning to fade.

Estimates for This Week
His Majesty's (C) (1,000; 35-60)—"Moonlight Sonata" (Emp-Brit). Not likely to get more than \$5,500.

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Heat Back, But Now Benefits L.A.: 'Bali'-Vaude Good \$18,500, 'Babes' Trim \$28,500, 'Glory' Nice 24 1/2 G

Broadway Grosses

Estimated Total Gross
This Week.....\$247,000
(Based on 12 theatres)

Estimated Total Gross
Last Week.....\$244,000
(Based on 12 theatres)

Cows vs. Films In K.C.: Cooper Hearty \$11,200

Kansas City, Oct. 17. Local show business is heavily entwined this week with town's own, annual American Royal livestock show and attendant activities. Running through the entire week after grand opening ball last Saturday (14), event is a competitive factor not encountered any other time of year.

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Los Angeles, Oct. 17. Another heat wave, but not so stifling as in late September, but with plenty of temperature well up in the nineties, is on tap here, but theatres' grosses are showing an exceptional trade over the weekend.

"Honeymoon in Bali" is town's leading solo grosser, at the Paramount, "Babes in Arms" is kept okay at State-Chicago, and "The Real Glory" clicking fairly well at the RKO's "Nurse Edith Cavell" is a distinct disappointment at RKO and Lighthouse. Holdovers are registering light.

Estimates for This Week
Cathay Circle (Fox) (1,518; 30-40-55)—"Babes in Arms" (M-G) (20th) and "Adventures of Shirley" (20th) are showing good results from State and Chicago for continuing first-run in week at \$14,000. Last week, "Babes" (20th), on moveover, for \$14,000.

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**San Diego opening
HOTTER THAN ANYTHING
IN THE LAST 8 YEARS!**

BY DIRECT WIRE FROM
**WESTERN
UNION**

SYMBOLS
24-Hour Letter
15-Hour Letter
10-Hour Letter
5-Hour Letter
Day Letter
Night Letter

CALIF 16

NUT6 TWS PAID 5 MINS=
UNITED ARTISTS CORPORATION=
729 SEVENTH AVENUE NYK=

HOUSEKEEPERS DAUGHTER WORLD PREMIERE AT FOX CALIFORNIA SANDIEGO
IS OUT-GROSSING EVERY OTHER ATTRACTION BUT ONE IN EIGHT YEAR
HISTORY OF HOUSE. IN FIRST FOUR DAYS PICTURE HAS GROSSED \$4653
AS FOLLOWS: THURSDAY \$1131 FRIDAY \$905 SATURDAY \$1240 SUNDAY
\$1379. THIS IS \$1223 MORE THAN CAPTAIN FURYS GROSS SAME PERIOD
WHICH STILL HOLDS HOUSE RECORD FOR THE YEAR. ONLY OTHER PICTURE
TO REACH THIS FIGURE WAS CHRISTMAS WEEK ATTRACTION AND AT
PRESENT RATE WE SHOULD EXCEED IT. FOX WEST COAST SO ENTHUSED
OVER SHOWING HAVE BEEN ADVISED THEY ARE PLANNING TO MOVE PICTURE
INTO PLAZA THEATRE FOR EXTENDED RUN REGARDS=FRANK SELTZER.

HAL ROACH presents

THE HOUSEKEEPER'S DAUGHTER

starring

JOAN ADOLPHE
BENNETT * MENJOU

And Introducing
Hollywood's Newest Heart-throb JOHN HUBBARD
Wm. GARGAN Geo. E. STONE Peggy WOOD Donald MEER Victor MATURE

Directed by HAL ROACH

Screen Play by RIAN JAMES and GORDON DOUGLAS
From the Novel by DONALD HENDERSON CLARKE
RELEASED THRU UNITED ARTISTS

"Hilarious...
should rate
high!"
—BOXOFFICE

"Top bracket
comedy!"
—JAY BRANDED PUBLICATIONS



Spain Would Freeze 50% Rank Com Should U.S. Produce Films There

Plans for several U. S. major companies to produce Spanish-language pictures in Spain, with hopes of getting some of the present movie boom out of that country, received little balm this week. The Spanish government favors such pictures but has insisted that 50% of all revenue collected on such films be returned to the government in Spain. The present restriction keeps all revenue obtained in Spanish distribution in that country.

Many majors have substantial amounts collected during the Spanish civil war, in Seville, Valencia. Idea of starting production in Spain was conceived in order to use part of the coin since it could not be applied to production.

Foreign department officials were a bit skeptical of coming out under the 50% provision. It's likely that the Hays office will make representations shortly in hopes of getting better terms. The Spanish government will be told that the plan calls for idle money to be put back to work, gives employment and may bring in new film producing business in Spain.

Pic's War Theme Basis of Squawk By British Experts

London, Oct. 5. Many British exhibitors, in playing "Toby's Delight," have apologized to customers for so doing. Reason is the pic's warlike theme, not held in good taste at this time.

Most theatre operators would have preferred lighter entertainment, but the Odeon circuit ordered house managers to explain they were obliged to play what they had and that sudden outbreak of the war had thrown the theatres into temporary confusion.

Understood circuit chiefs and others protested to Metro that the sub-story should have been withdrawn, but company's ruling was it should be played. A number of exhibitors, finding they could not evade their commitment, made cuts on the side, particularly in more warlike sequences, namely one of an air raid. Such scenes cut too near the bone for Britishers whose homes are within easy range of German bombing bases.

Favor Latin Locales Instead of Cheap Films in Spanish

Hollywood, Oct. 17. Spanish language pictures for the Latin-American market have been dropped by Paramount and 20th-Fox. Both films backgrounded against picture countries being bled dry. Studios figure that at a minimum \$60,000 to produce, these films are proving unprofitable in the limited market. Pix with Latin themes and own titles superimposed, it is believed, will still be able to bring added revenue to companies.

FRENCH M. P. CORP'S FINAL REORG PLAN

Oct 24 has been set as the date for the final confirmation of the plan of reorganization of the French Motion Picture Corp. The company had filed a bankruptcy petition in February, 1938, and the judge listening to a proposed plan of reorganization several months ago, contingent upon the bankrupt raising \$50,000 as working capital.

The petition of the debtor revealed that Robert L. Hubbard, president, had applied for a license to operate in the French Exchange Bank of N. Y., on Oct. 2 and that of the same date he allowed claims, \$10,034 had approved the plan.

The plan itself contemplates payment 15% in full presently to all unsecured creditors, and the bill and tax claims in full.

Film Biz at Bordeaux

American picture companies now regard Bordeaux as virtually the capital city of France. All distributors have moved their negatives there from Paris, which meant it is the main distributing point for American companies.

Picture companies which are using U. S. lines almost exclusively and it is convenient to headquarters at Bordeaux, too, because all American boats dock there instead of Havre. Operations also regarded as safer for film distrib.

NEW AUSSIE TAX FIGHTS FOR U. S.

Canberra, Oct. 17.

The Motion Picture Distributors Association of Australia has been confronted with a government drive to slap more taxes on foreign (largely U. S.) distributing companies. The association, faced with war expenditures, believes the film business is not paying enough taxes.

Aussie government already gets revenue from (1) custom duties, (2) from taxation on all profits made from originals in this country, (3) tax from negative companies (such as the Eclair company), (4) through local taxes and (5) through theatre admission taxation.

The MPPDA plans to resist the additional taxation, headed by J. Bernard Kimmim, its president, who has succeeded Sir Victor Wilson in the post.

London in Wartime

London, Oct. 5. Anthony Kimmim, a naval lieutenant commander before he became a playwright, is now in the Naval Intelligence.

Clive Brook has applied to rejoin the Royal Air Force, in which he was a captain in the last war.

Alan Grogan, partner and brother-in-law of Christopher Isherwood, is in the Military Intelligence Corps.

Jack Hylton, chairman of Entertainment National Service Association (ENSA) (band section), lining up several band leaders to provide entertainment for troops.

Anthony Wyndar, partner in John Myers organization, has rejoined the Queen's Westminster Rifles with the rank of captain.

The ram's horn, which is used to announce the conclusion of the Jewish Day of Atonement, was not used in the Jewish theatres on a week-to-week basis, and instead on adhering to the two-week notice clause. Several houses are reopening with smaller bands of non-Jewish men.

The Bakers, street entertainers who perform for crowds, are unable to enter theatres for unreserved seats, have been hit very hard by the blackout.

Even Hilda had a Mother's Day song. The London Ambulance refused to license for public performance in a West End show. But the ban has now been lifted.

A number of London actors are now serving as special constables. Majority are attached to the Cannon Row station, and are assigned to the area and around Whitehall.

Laughton's P.A. Off

Hollywood, Oct. 17. Infected ear caused Charles Laughton to call off his first dog on personal appearance tour in connection with his British-made picture, "Jedda Inn."

English star cancelled dates in New York, Washington and other eastern keys.

ITALY FEELS FILM DEARTH

Rome, Oct. 17. With U. S. distributors no longer operating in Italy and three major European producing countries in the midst of war, the Italian picture business is striving to bolster local production.

Actually, Italian producers probably will turn out 30 more features this season than last year. The films seen as tops for 1939-40. The minimum number of pictures on the Italian exhibition circuit per year is placed at 250. This means 150 films must be imported.

KAHN HEAD OF SALES FOR FILM ALLIANCE

Film Alliance, independent distribution company formed to distribute foreign language pictures, has appointed Henry W. Kahn, sales manager in Europe for 20th-Fox for a number of years, as general sales manager.

Harry Brandt, N. Y. indie theatre owner, is v.p. of FA which has N. Y. office at 125 West 42nd St. Kahn, in the same suite as Trans-Lux. President of company, not yet announced, is understood to be Major L. E. Thompson. Company set a first-run outlet on Broadway last week.

As house where films would be shown first.

London in Wartime

Three members of the Auxiliary Fire Service are Dorothy Seacombe, Stanley Holloway and Sydney Wood. The last holds the mill run title outdoors.

Roy Royston, captain in the Flying Corps in the last war, is rejoining as a flying lieutenant. Was recipient of the Military Cross in the last two wars.

Carl Brisson lining up to provide the musical interval of "Mid-Winter." Figures venture will be successful now that there are no German royalties to pay, which invariably amount to \$750 per week.

Africke bent on staying here to see it through, although he has tempting offer to return to Africa.

Foreign acts going to Ireland now need travel permit card and also return visa. English acts also need travel permits.

While most picture critics may charge with one film festival. Associated British is bent on continuing with double feature.

Contrary to expectations, George Black does not intend to play his "Toby's Delight" in any provincial spots. Has put entire show in storage, and will only be played when Palladium is in a position to open.

Jack Harris tour for General Theatre, set to open in a percentage basis (50-50). After Manchester he goes to Glasgow and Liverpool, with other stops to be lined up.

Leslie Macdonnell's first concert for Grenadier Guards, at Chelsea Barracks, comprised Beatrice Lillie, Sydney Baker, Joe Loss band, Max Bacon, Chris Girdle, Olive Gordon, Al Burnett and Leslie Strange. Macdonnell has now been appointed unofficial concert organizer for the Guards.

J. Calvert, son of Mai Bacon, the actress, killed in action with the Royal Air Force in France.

Provincial Stage Show Biz Is Hefty, Aided By Lack of London Competish

Gould's N. Y. Powwow

Walter Gould, United Artists division manager for Latin-America, arrived from Buenos Aires Monday (16) for home office business in New York.

Had been on a 10-week inspection tour of company branches in Brazil and Argentina.

BRITAIN ADOPTS CURBED FILM PROGRAMS

London, Oct. 5. Single features and shorts, plus newswreels, are to be definite policy of British theatres so long as the war continues. Decision sponsored by major circuits, being supported by Cinematograph Exhibitors Association and all indie houses.

Some groups, notably Bernstein Tendencies, are continuing to work until their current booking commitment can be straightened out.

Programs are continuing from restricted program time allowed by the government and from desire not to hold big audiences in public buildings for very long. Transport snags and expected slump in b.o. intake are other factors.

Frozen Coin

Continued from page 1.

coin, according to information at the Hays office and in foreign departments of major companies.

Majority of U. S. film companies this week said remittances are coming in fairly regularly from foreign Britain, but few were optimistic about the future coin restrictions in the market. Distributor representatives in London were handed the 80-20% outline of government proposals on coin early last week. American distributors in England naturally are resisting drastic restrictions, contending it would badly handicap steady flow of strong product to Great Britain and cripple efforts to carry on production in that country.

Two of larger majors this week said money was arriving in substantial quantities within 90 days, or any the last 10 days one company has received around \$100,000 via London. The covering revenue collected in Great Britain as well as in South Africa and Australia.

Aussie, S. Africa Angles. Because remittances from Australia and South Africa clear through London, any severe British crackdown on currency would mean trouble coming out of these countries, also effort consequently is being made to get companies willing to have remittances from Down Under and S. Africa made direct to London, rather than through England. They hope to avoid British restrictions in this way.

Coin scarcity in France are so severe that virtually no currency is coming through to N. Y. This is causing some concern among the grosses as curtailment of the vast British income, which makes up a high percentage of the total coin.

Extended Foot in England

One out that has been suggested, if there is any severe coin restriction, would be Great Britain to carry on extensive production in England. This would follow automatic quota system from foreign territories, which seems likely. It's estimated that U. S. companies would be able to get the money they need in Great Britain to sustain the making of new features in England.

Coin scarcity in France are so severe that virtually no currency is coming through to N. Y. This is causing some concern among the grosses as curtailment of the vast British income, which makes up a high percentage of the total coin.

While reports are scattered from many neutral countries of Europe,

London, Oct. 5.

With little opposition from the West End, where biz has been away, provincial theatres are playing the best stage talent and continuing to draw the most of the box office. Percentage idea for acts, ranging from 12 1/2% for stars to 4% for some standards, is proving very profitable for most of the circuits.

Best appointments in Birmingham, with Brighton next, Glasgow, Nottingham, Manchester, Liverpool, Edinburgh, Sheffield and Birkhead have been doing fairly well in that order.

The fine biz has been all the more exceptional because theatres have not been permitted to use the gallery, in conformance with Air Raid Precautions.

Neutral Vessels No Great Worry In Shipping Biz

'Cash-and-Carry' proviso of the proposed new neutrality bill, now before Congress, this week was regarded as a relief to the shipping industry as originally believed. The bill business, through the Hays organization, is making representations so that there will be no doubt on the status of film production.

Picture companies hope the final wording of the revised neutrality bill will provide that films are not ordinary merchandise, are not sold but rented, and should not be restricted as to what nations they may use in transportation to belligerent countries.

Originally, the neutrality proposal read that title to the article to be exported must be transferred and cash paid for it within 90 days, before it leaves the U. S. Early reading of the proposed measure convinced Hays that it almost certainly would come within its scope. If the law reads plainly, or can be definitely interpreted to mean that cash must come within its scope, it would be possible to assign rights to a foreign subsidiary, the matter of paying any special duties within 90 days, or any other designated period, would be avoided.

Industry officials are not so worried about the matter of shipping on certain vessels, although they have used American vessels almost exclusively since the outbreak of the European war. Even shipping in boats of belligerents involves only risk of the possible loss of a print, which can be readily replaced.

Major Frederick H. Herron, Hays office director, department head, returned yesterday (Tuesday) from Washington where he spent three days conferring with Congress on proposed new neutrality bill. Point that Herron stressed was that it is impossible to have a neutrality policy to films since they go out of U. S. on a percentage arrangement. The growing conviction is that the picture business can't sell before it ships product.

There is a definite upswing in business throughout the entire foreign market. Statements made by returning officials from the Latin-American market indicate a rush to cinch bookings of American product. This is attributed to the growing conviction in that territory that British, French and German product shortly will dry up because of curbing on production. Such a situation is not natural. There is no way of telling just how much this improvement will lose to the picture business in foreign market, but foreign executives are hopeful that it may be partial; supplanting the picture business.

Actual return from Latin-American countries is an extremely small part of total revenue of the industry is true of South Africa and Australia. But if there is a distinct pickup in all countries as now proposed, it will go far toward alleviating the foreign market's dislocation.



ON YOUR MARX!

Only M-G-M can make this sort of comedy so that it smacks over to the millions. This is a laugh riot on a par with "A Night at the Opera" and "A Day at the Races"

GROUCHO — CHICO — HARPO

MARX BROS. "AT THE CIRCUS"

Groucho—Chico—Harpo MARX BROS. "AT THE CIRCUS" with Kenny Baker • Florence Rice • Eve Arden • Margaret Dumont • Nat Pendleton • Screen Play by Irving Brecher • Directed by Edward Buzzell • A MERVYN LEROY Production • An M-G-M Picture.

ALLEY-
OOPI!



I THANK
YOU
— Lea



TIME OUT!

Stop what you're doing and take good notice! Your theatres have reached no gross so high, have held no drama so long, that it can't be topped by this attraction! It is Cagney co-starred with Priscilla Lane in 'The Roaring '20's'! Read the reviews! Follow the tip! Tell your customers *now*!

JAMES CAGNEY
and
PRISCILLA LANE
in "THE
ROARING TWENTIES"
with
HUMPHREY BOGART • GLADYS GEORGE
FRANK McHUGH • JEFFREY LYNN • PAUL KELLY
Directed by **RAOUL WALSH**
Screen Play by Jerry Wald, Richard Macaulay and Robert Rossen • From an Original Story by Mark Hellinger

Warners for Action!
Warners for Fair Play! Warners for 'The
ROARING TWENTIES'

Yank Singers

Continued from page 1.

James Melton, and Sidney Rayner, comprise all who might attempt to all the Italian's shoes. Rayner is conceded having the most voice of the three, but his appearance, somewhat short and stocky, makes him stand apart from the rest. Melton announced himself as a member of the company some time ago, but, incidentally, is against him. The last named had a three-year trial at the house, but was found wanting in several capacities, of which he refers to his voice, which is excellent.

To replace Masini, then, it will be necessary to give more roles to such veterans as Jan Klepura, Giovanni Marinelli, Frederick Jager, Jess Bjorling and Armand Kohak.

Sopranos

Matilda Favero, lyric soprano, and Maria Gaudino, dramatic soprano, perhaps create an even higher need than Masini. Of the available American sopranos, Rosa Tentoni, Rosemaria Brannetti, Miliza Kuehn, Lucille Manners and Helena Traubel might be mentioned. The first named is a member of the company who made quite an impression in "Bohème," in which opera she made her debut in the spring several seasons ago.

She has been an inactive member of the company since. Brannetti, out of coloratura range, would be inacceptable, since her voice is too light for lyric roles. There she would be in direct competition with Tonya Korlus, who has sung in opera in Germany, has not enough range to warrant her engagement, as is the case of Helena Traubel, who bids fair to becoming one of the most dramatic sopranos in this country has ever produced.

To replace the missing singers, then, the Met must turn to the big standbys as Dugma Giannini, Helen Jepson, Irene J. Star, Elizabeth Milvan, Grace Moore, Zinka Rankin and Biddy Sayre.

Among the baritones, basses and contraltos not arriving are Carlo Zaccagnino, Salvatore Baccaloni, Giuseppe De Luca and Ebe Stignani. The baritone wing of the house is its strongest. But it is likely that the young American Robert Weede, whose performances with smaller companies have been so successful, his favorable comment everywhere, will be given more of an opportunity this year. Others away from the house, who are not sung at the house, would include Nelson Eddy, who is reported has declined an offer to sing at the Met as it would be less profitable than his concert, radio, recording and film engagements, and Frank Chagnon, the last-named singer, husband of Gladys Swarthout, has sung in most of the important opera houses of the world, but had not recently remained in the background to aid his wife's career.

Recently he has emerged, and is singing six standard roles in Chicago. (Miss Swarthout, who has sung little with the company the last few seasons, will appear in "Mignon," "Carmen," and "Boris Godunoff" this season, thus offsetting the loss of Stignani.)

De Luca and Baccaloni, who were not members of the company last season, will be missed. Only that scheduled revival of "Don Pasquale" had to be cancelled. The oldtimers particularly will miss the veteran 70-year-old De Luca, whose failure to be reengaged several years ago, after a score of years of service, annoyed subscribers to whom the baritone was the last remaining link between this generation and that of the golden era of singers, which has passed.

Perhaps in an endeavor to secure new artists, singers from South America, who have been ignored a vast deal in the past, may be engaged. Reports from American singers returning from engagements in the opera in Buenos Aires state that there are many Latin Americans of Metropolitan caliber singing there.

An American Indian soprano, Mobley Lushanya, has been signed for the full seven weeks of the Chicago Opera season. She made her debut in "Aida" the first week of November.

The singer has been appearing at all the principal opera houses of Italy, where she has been winning favorable comment in dramatic roles. She also created a good impression at a recent Metropolitan audition, and, if successful in Chicago, may be one of the new crop of replacements at the Met in view of its lack of dramatic sopranos.

FILM BOOKING ART

(For information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of release given in parentheses. For the running time of picture, see page 117.)

Rev. in Rev.-Reviewed to Variety Key to Type Abbreviations M-Melodrama; C-Comedy; Cl-Comedy-Drama; W-Warfare; D-Drama; M-Musical

WEEK OF RELEASE	Rev. in	TITLE	TYPE	CO.	TALENT	R. T.
8/11/39	9/8	LADY OF THE TROPICS	D	M-G	R. Taylor-M. Lamm	81
	9/8	GIRL FROM KENYA	D	M-G	Movita-W. Hull-Baldwin	81
	9/8	THE ROYAL KENT	D	M-G	Tommy-L. L. L.	81
	9/8	OUR LEADING CITIZEN	C	Par	B. Burns-H. Hayward-A. Allen	87
	9/8	NEW FRONTIER	W	War	Three Menqueters-P. Lisle	56
	9/8	BAD LAMB	C	20th	C. Boyer-D. D.	63
	9/8	CHICKEN WAGON FAMILY	C	20th	J. Withers-L. Carillo-M. Weaver	53
	9/8	WHEN TOMORROW COMES	D	UA	C. Boyer-D. D.	63
	9/8	MAN IN IRON MASK	D	UA	L. Bayard-J. Bennett-W. William	110
	9/8	TORCHY PLAYS DYNAMITE	M	WB	J. Wyman-A. Jenkins	59
8/18/39	9/8	THREE GLAMOUR GIRLS	C	M-G	L. Ayres-L. L. L.	81
	9/8	THE OKLAHOMA TERROR	W	Mono	J. Randall-V. Carroll	60
	9/8	MAN FROM TEXAS	D	Par	R. Miller-R. Price-C. B. Wood	74
	9/8	THIS MAN IS NEWS	C	Par	W. Roberts	60
	9/8	RENEGADE TRAIL	W	Par	W. Roberts-H. Hayden-G. Hayes	57
	9/8	IN OLD MONTANA	C	Par	G. Aubrey-B. Barrett-G. Hayes	74
	9/8	IN NAME ONLY	C	RKO	L. Lombard-C. Grant-K. Francis	54
	9/8	STANLEY AND LIVINGSTONE	D	WB	S. Tracy-N. Kelly-R. Greene	108
	9/8	HEY! SHALL HAVE MUSIC	C	UA	H. Belia-B. McCrea-A. Leeds	59
	9/8	CAKE DAWN I DIE	D	WB	J. Cagney-G. Kati	92
8/25/39	9/8	FIVE LITTLE PUFFERS	C	M-G	C. Farrow-D. Peterson	55
	9/8	WIZARD OF OZ	C	M-G	G. Garland-W. L. L.	108
	9/8	IRISH LUCK	C	M-G	R. G. Farrow-D. Peterson	55
	9/8	THE STEEL CROW	C	M-G	G. Garland-W. L. L.	108
	9/8	SMUGGLED CARGO	D	WB	H. Belia-B. McCrea-A. Leeds	59
	9/8	QUICK MARCH	D	WB	B. Mackay-R. Hudson-G. Barber	74
	9/8	ANGELS WASH THEIR FACES	D	WB	J. Froudy-W. L. L.	86
	9/8	EVERYBODY'S HOBBY	CD	WB	Dead End Kids	86
9/1/39	9/8	KONGA, WILD HORSE	C	M-G	L. Rich-H. O'Neill	55
	9/8	THE WOMEN	C	M-G	Fred Stone-J. Crawford-R. Russell	112
	9/8	DEATH OF A CHAMPION	D	Par	L. Overman-K. Page-D. Vale	47
	9/8	CONSPIRACY	D	Par	R. L. Taylor-L. L. L.	81
	9/8	WALL STREET COWBOY	D	Par	K. Rogers-G. Hayes-A. Baldwin	60
	9/8	FLIGHT	D	Par	R. Farrow-D. Peterson	55
	9/8	ADVENTS SHERLOCK HOLMES	M	20th	H. Belia-B. McCrea-A. Leeds	59
	9/8	THE UNDERPUP	C	WB	G. Jean-R. Cummings-A. Gray	87
	9/8	MUTINY ON THE CHALKHAWK	D	WB	R. Arden-L. L.	87
	9/8	THE OLD MAID	D	WB	B. Davis-M. Hopkins-G. Brent	55
9/8/39	9/8	GOLDEN BOY	CD	Col	C. Stanley-W. A. Menjou-W. Holden	98
	9/8	CRAN AT TREASURE ISLAND	D	M-G	W. Boyd-L. L. L.	81
	9/8	THE FIGHTING GRINGO	D	RKO	S. Teller-C. Romero-P. Moore	72
	9/8	FULL CONCLUSION	D	RKO	G. O'Brien-L. L.	81
	9/8	TWO BRIGHT BOYS	M	U	E. Lowe-W. L.	81
	9/8	DESPERATELY YOURS	C	WB	J. M. Brown-B. Baker-F. Knight	69
	9/8	NANCY DREW & STAIRCASE	M	WB	R. Granville-L. L.	81
9/15/39	9/8	OUTPOST OF MOUNTAINS	D	Col	C. Turner-L. Meredith	81
	9/8	DANCING CO-ED	D	M-G	L. Starnett-R. Carlson	81
	9/8	SIX PATES	D	M-G	T. Trent-H. L. L.	81
	9/8	BEAU GUEST	D	Par	G. Cooper-K. Millard-R. Preston	60
	9/8	DAY THE MONKIES WENT	D	Par	J. Farrow-D. Peterson	55
	9/8	THE RAINS CANE	D	20th	M. Lay-T. Fower-G. Brent	53
	9/8	BAHAWAN NIGHTS	D	WB	J. Downes-L. Carillo-C. Moore	53
	9/8	DUST ME NOW	D	WB	L. Carillo-P. L.	81
9/22/39	9/8	THOSE HIGH, GREY WALLS	D	M-G	W. Connolly-L. Meredith	79
	9/8	THUNDER AFOAT	D	M-G	G. Rogers-C. Morris-V. Grey	94
	9/8	THE FIGHTING GRINGO	D	RKO	F. Brown-L. L. L.	81
	9/8	FIFTH AVENUE GIG	D	M-G	W. Rogers-W. Connolly-E. Ellison	82
	9/8	STOP LOOK AND LOVE	D	WB	J. Farrow-D. Peterson	55
	9/8	INTERMEZZO, LOVE STORY	D	WB	L. Howard-J. Bergman	78
	9/8	RIO	D	RKO	S. Gorie-B. Rathbone-V. McLaglen	78
	9/8	NO PLACE TO GO	D	WB	G. Dickson-D. Morgan-F. Stone	81
9/29/39	9/8	SCANDAL SHEET	M	M-G	O. Kruger-O. Munson	81
	9/8	FAST AND FURIOUS	M	M-G	A. Sauter-F. Tene-V. Grey	71
	9/8	THEY MET IN MONTANA	D	M-G	MacArthur-R. Jones	81
	9/8	CALLING ALL MARINES	M	Par	D. Barry-H. Mack-W. Hynes	81
	9/8	THE ARIZONA KID	W	Par	R. Rogers-H. H. H.	81
	9/8	HERE I AM, STRANGER	D	WB	R. Greene-D. B. Joyce	81
	9/8	THE WITNESS VANISHES	D	WB	D. Durbin-E. Fallette-L. Howard	81
	9/8	NURSE EDITH CAVELL	D	WB	Non-Oldfield	81
	9/8	A CHILD IS BORN	D	WB	G. Filburn-J. Lynn	81
	9/8	ESPIONAGE AGENT	D	WB	J. McCrea-B. Marshall	81
10/6/39	9/8	WHAT A LIFE	D	Par	J. Cooper	81
	9/8	CRASHING THRU	D	M	J. Newell-W. Hull-M. Stone	81
	9/8	THE KANSAS TERRORS	W	Par	Three Menqueters	56
	9/8	EVERYTHING ON ICE	D	RKO	L. Dore-S. L. L.	81
	9/8	THE ESCAPE	D	20th	K. Richmond-A. Duff	110
	9/8	ETERNALLY YOURS	D	WB	E. Farrow-D. Peterson	55
	9/8	HERO FOR A DAY	CD	UA	L. Young-D. Niven	65
	9/8	PRIDE OF BLUE GRASS	CD	WB	E. Farrow-J. McCallan	65
10/13/39	9/8	ELICHT	CD	WB	C. Carroll-J. Wells	65
	9/8	BARDES IN ARMS	CD	Par	J. Garrow-J. Garrow-G. Kibbee	65
	9/8	JAMICA INN	M	M-G	C. Langford-M. O'Bara	65
	9/8	THREE SOLDIERS	M	WB	J. Garrow-J. Garrow-G. Kibbee	65
	9/8	BOLLYWOOD CAVALCADE	MU	20th	A. Faye-D. Amende-S. Ervin	65
	9/8	ON FOUR	MU	WB	Zarins	65
10/20/39	9/8	THE LITTLE ADVENTURES	C	WB	S. Farrow-J. Wells-C. Edwards	65
	9/8	LAW OF THE TEXAN	W	Col	B. Jones-D. Fay	65
	9/8	AT THE CIRCUS	C	M-G	Marx-Rog. R. Baker-R. Hoo	65
	9/8	TELEVISION	C	WB	J. Garrow-J. Garrow-G. Kibbee	65
	9/8	SHIPWRECK	C	20th	G. Hedges-S. Howard	65
	9/8	BACK UP YOUR SHOULDER	C	20th	J. Withers-L. Carillo-M. Weaver	65
	9/8	TOWER OF LONDON	M	U	B. Rathbone-B. Karloff	65
	9/8	OKLAHOMA FRONTIER	M	WB	J. M. Brown-B. Baker-F. Knight	65
	9/8	SNASHING AND RING	M	WB	E. Beagan-L. L.	65
10/27/39	9/8	BEWARE SPOOKS	C	WB	J. E. Brown-M. Carille	65
	9/8	RAD LITTLE ANGEL	C	M-G	W. Weller-G. Reynolds-R. Owen	65
	9/8	THE BIG HUNG	C	WB	G. B. B. B. B.	65
	9/8	OVERLAND MAIL	D	Mono	Jack Randall	65
	9/8	DANGER FLIGHT	D	Par	Trent-M. Reynolds-M. Stone	65
	9/8	SUSPENDED PASSAGE	D	Par	L. L. L.	65
	9/8	DUTY FOR LIEB	D	RKO	K. Taylor-L. Hayes-L. L.	65
	9/8	20th NEW YORKER	D	20th	V. L. L.	65
	9/8	HOUSEKEEPER'S DAUGHTER	C	WB	J. Bennett-A. Menjou-W. Gargan	65
	9/8	LITTLE ADVENTURES	C	WB	M. H. H.	65
	9/8	THE ROARING TWENTIES	C	WB	J. Cagney-H. H.	65
	9/8	JEFFERS CREEPERS	CD	WB	W. Weaver-R. Rogers	65
11/3/39	9/8	STRANGER FROM TEXAS	W	Col	C. Straret-L. Gray-D. Curtis	65
	9/8	NINOTCHKA	D	M-G	G. Garbo-M. Douglas-L. Claire	65
	9/8	THE FLATIR DEUCES	D	RKO	J. Withers-L. Carillo-M. Weaver	65
	9/8	MARSHALL OF MESA CITY	D	WB	George O'Brien	65
	9/8	HEAVEN BROTHERS	CD	WB	J. H. H.	65
	9/8	LEGION OF LOST FLYERS	M	U	B. Arlen-A. Narel-A. Devine	65
	9/8	CALL A MESSENGER	M	WB	B. Arlen-H. Hall-M. Carille	65
	9/8	KID NIGHTINGALE	M	WB	J. Farrow-J. Wynn	65
11/10/39	9/8	SECRET OF DR. KILDARE	D	M-G	L. Ayres-L. Garrow-L. Day	65
	9/8	THE CANAL	D	WB	R. H. H.	65
	9/8	MAIN STREET LAWYER	D	Par	R. Rogers-L. L.	65
	9/8	ALLEGHANY UPRIISING	D	RKO	G. Colver-C. Trevor-C. Sanders	65
	9/8	FIRST LOVE	D	WB	J. H. H.	65
	9/8	DEATHS ALONG MOHAWK	D	20th	C. Colver-H. Fonda-E. M. Oliver	65
	9/8	ONE HOUR TO LIVE	M	U	D. Durbin-L. L.	65
	9/8	ELIZABETH AND ESSEX	M	WB	C. Nolan-C. Blackford-J. Liel	65
	9/8		M	WB	B. Davis-E. Flynn	65

Product Deals

Continued from page 3.

are to be played, guarantees, percentage allocations, etc. Stragglers on deals are mostly the smaller subsequent runs, many of which complete their picture and release dates as 90 days. Thus, they can wait three months longer than the first-run product, but act on notice of availability, or as soon as there is playdraming.

Distributors, with the terms under contracts and sales on '39-40, as measured by dollars, are completing their picture and release dates as 90 days. Thus, they can wait three months longer than the first-run product, but act on notice of availability, or as soon as there is playdraming.

John B. Rubens, operator of the Great States circuit in Illinois and Indiana, controlled by Balaban & Katz, has closed a deal with United Artists for the 1939-40 season although B&K has not as yet gotten together with its distributor, but is negotiating. Rubens set the UA deal in New York last week.

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HOLLYWOOD CAVALCADE

**THE PICTURE
THE INDUSTRY
HAS TAKEN
TO ITS HEART!**

Some towns report it beating "Alexander's Ragtime Band"... others, "The Rains Came," "Stanley and Livingstone," or "Kentucky"!

And audiences everywhere give it the greatest ovation in years!



THE KEYSTONE OF YOUR FUTURE

Anti-Sunday Films Drive On in Pa.; Despite Ga. Tabu, Exhibs Open Up

Philadelphia, Oct. 17. Led by Rev. William B. Forney, secretary of the Lord's Day Alliance, Pennsylvania's blue law forces will make a determined effort to close down Sunday pictures in at least 18 communities at the elections to be held Nov. 7. This year's drive is only a warm-up for the campaign to be waged by the church forces in 1940. Dr. Forney said.

"Our organization is planning to have the Sunday movie issue on the ballot in many districts which we lost five years ago," he said. "Under the 1935 law repealing the blue laws the question can be voted upon every five years."

The communities to vote on whether to continue to allow Sunday films are: Bristol Township, Bucks County; Forty Fort, Luzerne County; Shingle House, Potter County; New Philadelphia, Schuylkill County; Wellbore, Blount County; Elkland and Westfield, Tioga County; Roscoe, Washington County; Koppel and Fredon, Beaver County; Milliflora, Union County; Bigler Township and Coalport, Clearfield County; Mt. Penn and West Reading, Berks County; and Black Township, Cambria County.

Under the 1935 Act, each community may determine whether it wants Sunday pictures. When it was originally submitted to the voters 164 communities, including Philadelphia, approved Sabbath shows. About 150 rejected them.

Ignoring Ga. Ruling

Atlanta, Oct. 17. Local theaters kept their doors open Sunday (15) despite ruling early last week by Georgia Court of Appeals that operation of theatres on Sunday is illegal. DeKalb County Superior court and came following appeal filed by Southern Theatres, Inc., operators of Avondale theatre, in an Atlanta suburb. Trio of operators of house had been fined \$100 each and costs for running show on Sundays.

Some years back, when Atlanta was without Sunday amusements of any kind, referendum was held and pro-Sunday amusement forces won narrow victory at polls. Since then theatres and pro baseball have been operating on Sundays without mole-

REPUBLIC'S \$500,000 BUDGETERS FOR WAYNE

Following the buildup given John Wayne in two pictures by United Artists, he is to be put to work on his home lot, Republic, in a pair of high-budgeters. Herb Yates, Republic's chairman, is prepared to spend around \$500,000 on each of the films in the hope that he can push the company now that it has a grip on its hands, out of its rutted predicament as merely a maker of cheapies. Similar attempt was made earlier this year with "Man of Conquest," for which Rep borrowed Richard Dix and other names. It cost about \$750,000. Yates felt that justified it by the prestige it gave the company. Two Wayne pictures are "Command" and "Wagon Westward." "Wagon" was originally slated to roll first, with "Command" to follow, but the order was reversed last week. Claire Trevor was inked for support of Wayne and "Command" will go before the cameras on Nov. 10. "Wagon" will follow almost immediately after completion of the first film. Miss Trevor will probably appear in that, Charles Bickford is being sought for the heavy.

Cheer in New Year

Richard A. Rowland's first production for United Artists release "Three Cheers For Miss Bishop," is slated to roll Jan. 4. Picture will be filmed at Grand National.

'HOUSE' STILL DARK

Hollywood, Oct. 17. Walter Winchell's inability to borrow George Raft from Warners for a male lead delayed the start of "The House Across the Bay."

Joan Bennett is slated as femme lead, Archie Mayo as director. tation, receipts from shows going to Scottish Rite hospital for Crippled Children. Ruling by court now brands even this type of operation as violation of blue laws, holding that such operation was "detached business" and law reads that it is a violation per se.

Naturally

Hollywood, Oct. 17.

In his audience, warm-up on first program of the season, Jack Benny Introduced Eddie "Booster" Anderson as "the guy who stole my last picture."

Next day he signed him an exclusive three-year personal contract.

CRY OF 'FIGHT' ('FIRE') STAMPEDES THEATRE

Providence, Oct. 17.

Mistaking the cry of 'fight' for 'fire,' 26 persons were injured, one seriously, when 200 gallery patrons, mostly children, stampeded for the nearest exits at the Empire, second-run downtown house, Sunday (15) afternoon. A seven-year-old boy is near death in Rhode Island hospital with severe head injuries. Twenty-five others were treated for a variety of minor injuries.

Charges of assault and disorderly conduct were placed against at 21-year-old man and a 16-year-old boy, but a police pre-empt investigation. According to police, the fight was started by Louis Carbo, 21, of 28 Crout street. Lawrence Manfredi, 16, of 128 Aborn street, Providence, was charged with disorderly conduct. Manfredi and others are said to have raised the cry of 'fight' which was mistaken for 'fire' by children in the balcony.

An investigation continued, police also sought an interpretation from City Solicitor William A. Needham, relative to the law governing admittance of minors to theatres. According to Chapter 362, Section 15 of the general laws, children under the age of 18 years shall be prohibited in theatres, unless accompanied by and under the charge of a parent 18 years of age or over.

Theatre is part of neighborhood chain operated by Antonio Romano, district manager for Associated Theatres, Inc. The Empire is also the oldest theatre in downtown Providence.

STU WALKER'S HEARTACHE

Hollywood, Oct. 17. Stuart Walker succeeded William Wright as associate producer on Paramount's "Broken Heart Cafe," slated for January shooting.

Wright handled preparation of the picture before he checked off the lot 10 days ago.

Conference Chides Hays

Continued from page 1.

the open they too, would find the public on their side.

Setting forth a long-perspective viewpoint, Ernst deplored the concentration in New York City of the radio networks and the film production overloads. Such control in radio made for better programs, he conceded, but he would consider it better to have more interior programs produced locally. Since he had rapped the Hays "regimentation" that he thought blighted the output of Hollywood, his theory was that censorship was best avoided and automatically through diversification and thought the Atlantic seaboard (and its remote control outpost, Hollywood) too dominant in American life and entertainment influences. The real Yankee roots and stuff was neglected in the vast inland section, he declared.

DeBra Badgered

Arthur DeBra, educational and civic relations representative of the Will Hays office, was a much-badgered person at the Saturday morning meeting. He was hounded by Ernst, Thomas, Frank Nugent and Lynn Riggs. He was currently more "social problem-minded" but Thomas scorned this as a time-old individual in the audience.

Ernst was the most outspoken antagonist giving it as his flat opinion that Hays office was a model of integrity and progressiveness.

It had previously been stated by a speaker that Warner, creator of a Nazi Spy and "Espionage Agent" and RKO's "Nurse Edith Cavell" had been "social problem-minded" but Thomas scorned this as a time-old individual in the audience.

Ernst was the most outspoken antagonist giving it as his flat opinion that Hays office was a model of integrity and progressiveness.

Censorship Conference Sidelights

Elmer Rice Kicks Moss

Elmer Rice, the playwright, lambasted N. Y. License Commissioner Paul Moss as "a vast pocket Mussolini who once backed a stage play and thinks himself an authority on the theatre." He ridiculed the commission's alleged desire to sit in on the dress rehearsals of legit shows "with the view to suggesting how the plays could be re-written."

Rice cited a Lynn Riggs play where a character in biting into an apple complained of the arsenic approved for use in the apple. He asserted Moss had made representations at the time on behalf of the apple-growers' association to have the character discover a worm in the apple instead.

Film Cuts Need Publicity

Frank Nugent, film critic of the N. Y. Times, urged that deletions made by the censor should be made public by the censor himself. He asserted that the censors themselves refused to explain their cuts or defend any action they took. Nugent thought publicity would render the censoria ridiculous and the public would react with such capricious behavior. The Hays office had been remiss in not following through in this regard, he thought.

Should Log Radio Time 'Requests'

The American Civil Liberties Union itself came out strongly in favor of a requirement that all radio stations be obliged to keep a log-book of "requests made for free time by persons or organizations together with the disposal of the request. Such a log-book should be available to public inspection, the union believes.

Censors Don't Argue the Point

Censors of stage plays and films alike invariably favor punitive action by police officers and dislike judicial procedure. The censor, it was claimed, is conscious that he cuts an absurd figure in front of a jury and his only instinct is to flee swiftly, secretly, arbitrarily and to refuse absolutely to discuss the matter. That was the standard technique in Boston which all the anti-censors seemed to agree was the stronghold of the "or else" system.

British Influence in U. S. A.

Norman Thomas alluded to a subject several speakers brought up in their connection, viz. British influence in American motion pictures. The British Empire got all the best of it in Hollywood and cited "Gunga Din" as a particularly undesirable sample of dishonest twisting of reality.

Radio was also accused (by another speaker) of sanctioning abuse of Soviet Russia but editing out adverse allusions to the British Empire. Sidney Kaye, a CBS attorney, and Elmer Davis, president-to-be of the Authors' League of America, were among those who deprecated the latter charge, however, giving it as their view that the European war news over the radio was being handled as impartially as could be expected.

Steinbeck and Public Libraries

There was considerable discussion of the public libraries banning John Steinbeck's "Grapes of Wrath" novel which a labor union spokesman said he believed was a result of a Californian "defense" committee meeting in San Francisco. One librarian, however, said that her profession could not rise above community sentiment and that it was not for her "plot." As a propagandist Steinbeck did weaken his effectiveness by the use of taboo language and it was necessary to remember that the average American has a deep-seated aversion to vulgarity, strong enough to make the message of any novel written in the language of vulgarity. In other words, moralizing in immoral language was self-defeating to some extent.

Radio Stations 'Liber' Slender Alibi?

One asperity hurled at the radio stations by the censorship party was that station owners and managers did not sincerely wish to be relieved of their present liability for law suits of slanders. This was too handy an alibi to use in ducking unwelcome requests for time, the suspicious claps averred.

Burlesque Called Dumb, Harmless

Burlesque was called dumb but harmless by the censorship meeting. H. H. Mencken was quoted as once having said that there was never a lynching in any town that had a burlesque show. It was praised as a good way to let the fringe of the community de-stress. It was charged that the campaign against burlesque in New York City two years before had been a smoke screen for a broader maneuver in Albany for censorship but the latter had been broken up.

OPENING TONIGHT
Rainbow Room at Radio City
BENJAMIN FRANKLIN
and his orchestra
William Morris Agency Inc.
NEW YORK • LONDON • CHICAGO • HOLLYWOOD

AN IRRESISTIBLE COMBINATION!

Charles
LAUGHTON
—the star!

.....
LAUGHTON
"JAMAICA INN"

Daphne
Du MAURIER
—the author!

Maureen
O'HARA
—Laughton's great
star discovery

Alfred
HITCHCOCK
—the director!

Only three other pictures in the last seven years at the New York Rivoli Theatre have equalled the business of "JAMAICA INN" the Pommer-Laughton Mayflower Production, released by Paramount. "JAMAICA INN" even tops Laughton's sensational "Beachcomber" by 25%. At the Paramount Theatre, New Haven, "JAMAICA INN" beat "Beau Geste" and "Honeymoon in Bali." At Allyn Theatre, Hartford, it beat "Honeymoon in Bali" and "If I Were King!"



• RIO DE JANEIRO • BATAVIA • ROME • SINGAPORE • CAPE TOWN • SYDNEY • JOHANNESBURG • MOSCOW • MELBOURNE • BRISBANE • CALCUTTA •

IT TOOK A WAR!!!

TO BRING THE GREATEST INTERNATIONAL SHOWMAN
AND BOXOFFICE ATTRACTION TO YOUR DOOR

A BOMBARDMENT
OF BEWILDERMENT

DANTE

A SERIES OF
MODERN MIRACLES

AND HIS BIG INTERNATIONAL COMPANY IN HIS MYSTERY REVUE

"SIM-SALA-BIM"

Featuring Mary Dante and Moi-Yo-Miller, Australia's Most Beautiful Woman

EVERY FEATURE A NOVELTY NEW TO AMERICA

ALHAMBRA,
WEST END, LONDON
1 month

KING'S THEATRE,
MELBOURNE, AUS.
3 months (prolonged)

CIRCUS, STOCKHOLM
3 months (prolonged)

CIRCUS, COPENHAGEN
2 months (prolonged)

ADRIANO, ROME
5 weeks (prolonged)

RUSSIA
3 months

SCANDINAVIA
11 months

EMPIRE, PARIS
4 weeks

GLASGOW
1 month (return)

EDINBURGH
1 month (return)

BIRMINGHAM
1 month (return)

CASINO THEATRE,
BUENOS AIRES
6 months (prolonged)

WINTER GARDENS
WEST END, LONDON
2 months

EMPIRE,
JOHANNESBURG
6 weeks (prolonged)

OPERA HOUSE,
CAPE TOWN
4 weeks

CARLTON, SHANGHAI
2 months (prolonged)

ITALY
9 months

BRUSSELS
1 month

THEATRE OF VARIETIES
PRAGUE
3 months (prolonged)

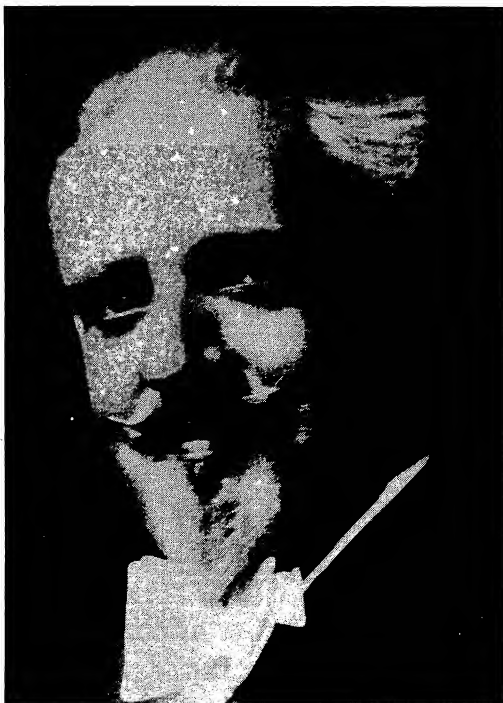
SCALA, BERLIN
5 weeks
(Contract extended 4 to 8 weeks)

JAPAN
3 months

OSAKA
210,000 paid admissions in 8 weeks

THEATRE ROYAL,
SYDNEY, AUS.
8 weeks

ENGLAND
3 years without an open week



After 10 years' association with HOWARD THURSTON, the DANTE SHOW sailed from New York in 1927. Since then it has appeared, not only as described on this page, but in every country of the world to enormous business, each date with prolongations or returns and all in first class theatres as an entire evening's production, with the only show of its kind in the world. UNSURPASSED ENTERTAINMENT FOR ALL CLASSES, ALL AGES, ALL NATIONALITIES. Not a Film, but THE MOST STUPENDOUS MYSTERY SPECTACLE EVER STAGED BY THE WORLD'S GREATEST MASTER OF MAGIC AND ILLUSION in his ORIGINAL MYSTERY REVUE, "SIM-SALA-BIM"

AT LAST — THE PERFECT MAGICIAN!

And NOW AMERICA—RADIO—PICTURES—CINEMAS—THEATRES—VARIETY—TRY WM. MORRIS, N. Y.

P.S.—Confirmation of the above statements upon request

• SAO PAULO • MADRID • BRUSSELS • BURMA • BOMBAY • GOTEBOURG • STOCKHOLM • AMSTERDAM • PARIS • COPENHAGEN • OSLO • BERLIN •

HAMBURG • VIENNA • VENICE • PRAGUE • MARSEILLE • NAPLES • SHAN CHAI • ANTWERP • TOKIO • BANGKOK • NICE • MILANO • HONGKONG • PEKING • AUCKLAND • FLORENCE • PORTO RICO • MANILA • WELLINGTON

LENINGRAD • DUBAN • MONTEVIDEO • COOK • DUBLIN • BELFAST • BIRMINGHAM • MANCHESTER • GLASGOW • EDINBURGH • LIVERPOOL • LONDON • LEEDS • NOTTINGHAM • BRADFORD • NEWCASTLE • LAS PALMAS

COULD BE

It All Sums Up As A Snub

A lorgnette and speeches luncheon in New York City last week devoted itself, with the customary publicity releases, to urging a 'greater care in editing radio news.' The luncheon was untended by prominent representatives of the radio networks, trade associations, and services, etc. Indeed the luncheon was notable for attracting no more attention than a mild resentment at what the majority of observers thought to be a gratuitous case of 'smearing radio.'

Promoter of the luncheon, and of previous forays into the realm of page one, is a woman. She has previously concerned herself with radio entertainment for children. Since the death of Chairman Annings 'Another comment was 'Being in favor of more careful editing is on a par with being in favor of more careful driving. Who isn't?'

PUBS DECRY Obesity Cure Loses Damage Action Based On WMCA Cancellation 'LICENSE'

Broadcasters were advised by Harry Fox, agent and trustee for publishers, last week that his clients refused to recognize the right of a phonograph record manufacturer to license radio stations for the airing of the latter's product. Fox takes the position that the license which the recorder has obtained from the musical copyright owner does not grant the manufacturer any right to collect a performing or any other fee from users.

The letter sent out to all stations by Fox reads:

"We have seen the proposal of certain manufacturers of commercial phonograph records to grant to radio stations licenses to broadcast such records."

"In as much as this association represents a great many publishers whose copyrighted works are involved, we wish to advise you that any such proposal is not authorized or sanctioned by them. The recording licenses granted to the record manufacturers by these copyright owners do not give to them the right to demand from you license fees for the broadcasting of phonograph records."

O'KEEFE TO BE EXAMINED IN HIS SUIT VS. Y. & R.

Supreme court Justice Aaron J. Levy in N. Y. has ordered the examination before trial of Walter O'Keefe, in connection with the latter's \$40,750 suit against Y. & R. Music, Inc. and Packard Mutos.

O'Keefe claims illegal discharge, asserting he was employed Jan. 4, 1938, to May 31, 1938, at \$4,000 weekly to March 1, when the salary was to be \$3,750. He complains that contract was breached on March 1.

Eugene Lyons Sponsored

Spartan Radio begins a Tuesday through Saturday news period on WMCA, New York City, tomorrow (Thursday) with Eugene Lyons. Will air 10:45-11 p. m. Lyons is editor of American Mercury Magazine and one-time Russian correspondent for Varsity and United Press.

Lyons' first news report was several weeks ago, when he started on WMCA for another sponsor.

Pete Peterson Of KENF

Chicago, Oct. 17. M. H. (Pete) Peterson has resigned as manager of KENF, Shenandoah (Pa.) and is moving to Chicago where he joins the Ryndols-Fitzgerald newspaper and station outfit.

R-F firm is making a drive in the station rep field.

UNION CURIOUS

New Television Technique Involving 500 Feet of Specially-Made Film to Be Inserted in Live Talent Show Attracts Visit From SAG Rep

Experiment by NBC with a new technique in television, combining live shows with spliced-in footage of specially-made film, ran afoul of the Screen Actors Guild Monday (16). Meantime, Max Gordon and Thomas Hutchinson, in charge of NBC television, appeared yesterday (Tuesday) before the Equity Council in regard to live television. The matter of television is seen as likely to develop a jurisdictional tangle in the Associated Actors and Artists of America.

NBC's initial experiment in the technique consisted of filming about 500 feet of the prize program in "The Milky Way" to be inserted in the live show. The script with the same actors. It was done this way because NBC's studios had been in the live show since before the cameras in the way that the directors desire. If it works out it could extend the artistic frontier of television.

Shooting of the film footage had hardly begun in New York last Monday when Mike Connelly, Screen Actors Guild rep, walked in and put up a squawk. Union had not been notified that film was to be made and he maintained that NBC actors were being used in the live show. After a hurried confab with NBC executives, Connelly allowed the taping to continue in view of its experimental nature. He exacted an agreement, however, that NBC would discuss the work with the union before any similar shooting is done in the future.

Equity now has limited jurisdiction over television and there is no scale, actors merely working on a flat basis agreed on beforehand with the company. In the event the SAG scale should be entered, it would be impossible to continue with the new technique-Hutchinson declared. Rate for a day minimum for principals, \$150 for parts with special business, \$11 for bits, \$6.25 for general atmosphere, and \$5.50 for mobs when more than 50 people are employed. Hiring cannot be for less than one day.

Hutchinson maintained that the filming does not come within the SAG scale inasmuch as the picture is absolutely worthless for commercial exhibition. It is even of no value as a record unless the play (Continued on page 47)

HARRY DOLF ANSWERED

General of Metro Pictures Corp., Answered Fonda, Maitland, and Bentley, Benton & Bowles, Inc., NBC, Marcus Loew Booking Agency, Inc., and the Dolphs. He said that the \$100,000 suit of Harry Dolf against the firm was filed in the N. Y. Federal court. The answer consists of a general denial, and an affirmative defense, claiming that the plaintiffs sketch, "The Joker" was not original with him. A dismissal of the action is sought.

Dolf alleges plagiarism of his sketch in a broadcast over WFAP and WFMT on the Good News of 1938 broadcast.

Jay Franklin on Wax

Washington, Oct. 17. More waxed news has been put on the market. Jay Franklin, former State Department executive, now interpreter of political language disseminated via the Bell system, has debuted with a weekly platter followed by a 12-out hour broadcast on Pennsylvania stations.

As a rival for Boake Carter, Jay Franklin (whose name is not professional) is Carter is doing "The Week in Washington" with guest artists as an occasional ad star.

General as NBC War Observer

Criticized by Rival Radio Camp; Royal Defends Appointment

Los Angeles, Oct. 17. Los Angeles Times changed its attitude toward radio last week when Columbia's KNX offered a free service for transmission of Bill Henry's daily commentary from the European war zone. It was snapped up fast and the show may yet give CBS a credit line with each of the Henry dispatches. Network made available, for the Henry daily contributions to the Times, its short wave facilities direct from the front via relay to CBS headquarters in New York, and thence west. Service greatly expedites transmission.

It is strictly a gesture by CBS and the network is permitted to use what it will for news coverage from the Henry report. CBS has occasionally used Henry as a commentator from the war zone. He is one of the credited correspondents at the front.

General Henry J. Reilly may quit as war correspondent for NBC when he goes on the job. General Reilly, who is not in this country, doesn't like the idea of being limited to a 30-minute slot along the French front. In taking the assignment he had looked forward to being the network's roving war expert with every section of the battle front coming under his observing range.

General Reilly commanded an infantry brigade in the American Expeditionary Force in the last war and is now retired. For several years after the war he published the Army and Navy Journal. On the outbreak of the current European war he offered to organize a regiment of American volunteers in the French army, but the proposition did not meet ready acceptance. Rivals of NBC last week seized upon the angle to question the prudence of General Reilly's appointment.

NBC last week set upon the point raised by the competition was that since Reilly had offered to fight for the Allies it was unlikely that he could be depended on for neutral reports.

Pearson-Allen, Rapee Head New Mutual Cooperative Show

Mutual bows in another co-operative show this Sunday (22). It will span the 6 to 6:30 p. m. period. Cast will consist of Drew Pearson, Bob Allen, Erno Rapee and a 30-piece orchestra, Mary Mall, the Tundivers and Arthur Hall. Pontiac dealers will back the show in New York and Detroit, Regal show in Cincinnati and Washington and Iowa Meat Packing in Des Moines and Cedar Rapids.

TONY WAKEMAN SACKED BY BRAD ROBINSON

Washington, Oct. 17. "T" Between Tony Wakeman, WOZ sports announcer, and Brad Robinson, broadcast chief for General Mills, last week led to replacement of Wakeman by a General Mills spokesman.

After airing a ball game played by George Marshall's Washington Redskins during the past two weeks, Robinson was given the bounce and Harry McGuire, General Mills sports chatterer, the job. Robinson's sacking of Wakeman was attended by plenty of grief in the studios. Bill Dolph, president of WOZ, was unable to let his playboy because of a clause in the contract giving the Wheaties outfit the power to name its own announcer. Seemingly, nothing could do more to keep Wakeman at the microphone.

Job for Wheaties was not confined to the radio station. Wakeman was scheduled to make 23 calls upon various grocery stores, where—accompanied by a football player—he was supposed to make a personal appearance in the interests of scrunchy breakfast food.

'Hardy' Not for Texaco

Texaco's home office stated yesterday (Tuesday) that there was nothing to the report that there was again considering using an advertisement of the "Lucky Hardy" series for the second half of the oil company's Wednesday night show on WOZ.

Texaco spokesman added that the outfit was entirely satisfied with the way the Transmanland-produced dramatic piece was turning out and it hadn't even given a thought to something else.

Not a Violation

John R. NBC program chief, burned when he heard about this line of comment. Royal pointed out that all the front correspondents by the three networks, Reilly was the only one that was a military correspondent. He had experience. Royal also burned at the opposition's criticism of what they called a "military" move on the part of the general's appointment. The other networks had implied that NBC violated a gentlemen's agreement when it jumped the gun on announcing this announcement.

According to the opposition, the unwritten code which was adopted by the networks several weeks ago included the understanding that no important move on war coverage would be made public without previous consultation among the three networks and a joint announcement.

Royal ridiculed this version. He said that the understanding had nothing to do with appointments but that it did bar the parties to the agreement from claiming any sort of advertising "firsts."

ROYAL'S NEW THE DUCKS BORAX

Chicago, Oct. 17. Solution has been found by NBC for the problem created by Foster & Gamble's wish to spot its new comic, "What's My Name?" on the network's Saturday night. Network offered the 7-7:30 period and the account accepted it. Series starts in a week with a football play, and a hookup of 34 stations, which include the mountain and Pacific groups.

NBC had originally made a \$200 per week available. Borax protested on the ground that the two firms are peddling a competitive product. Borax's "Great Valley Days" holds the succeeding half hour.

Blackett-Sample-Hummert is the agency on "Name." There will be a repeat broadcast at 10:30 p. m.

CANNON OF KSL HONORED

Salt Lake City, Oct. 17. Latter Day Saints (Mormon) church last week honored Sylvester Q. Cannon, president of KSL by appointing him to the church's council of 12 apostles.

He formerly was an associate.

E. ROOSEVELT MUST CONFORM TO CODE OR N.A.B. LOSES FACE, LEADERS AGREE

Father Coughlin and Townsends Would Make
Capital of Exception—Mutual in Delicate Spot
—Awaiting President's Son's Answer

Washington, Oct. 17. Spanking of Elliott Roosevelt, even if he does typify the constant threat or political revenge, is planned by the National Association of Broadcasters code enforcers as a demonstration that the new pact is not a one-way proposition. After the ban was raised against further sales of time to the Townsend old-age pension lobbyists, N.A.B. officials decided that Roosevelt's def could not go unchallenged and promptly called attention of Mutual executives to the conflict between his news comment and the impartiality requirement to which the web has subscribed. Matter is in the lap of Theodore R. Streibert of WOR, the Mutual voice on the code administration body.

Streibert was advised that N.A.B. expects Mutual to put its own house in order, via a letter from Neville Miller Friday (13) after discussions whether to let Roosevelt get away with it.

While young Roosevelt was in town last week, he made no move toward the N.A.B. and couldn't be bothered to drop around at WOL, the local MBS headquarters and outlet. But he did promise to fly to New York this week for a huddle with Streibert concerning his intention to go on taking sides in his microphone discussions and the restraining effect of the code.

Action against the President's son became imperative when friends of Father Coughlin sounded off about the refusal to permit the Detroit priest to go on buying time for his political harangues. Code enforcers are aware that if they wink at Roosevelt this they'll be wide open to charges of discrimination and without a reply to assertions that they lack courage to apply the penalties to spiers with intimidating political connections. Taunts of this kind would be intensely humiliating and compliance by other gabblers could not be expected if such favoritism unbalanced enforcement of the code.

Warning on Townsends

Formal warning against sale of time to the Townsends was provoked by inquiries from agents of the pension movement which has mapped elaborate plans for a vote-rallying campaign in the hope of putting over the \$200-a-month scheme in the next Congress. Although slow in getting rolling, the pensioners are collecting a slush fund to finance daily talks, with an ambition to expand gradually until the broadcast operations are on a transcontinental scale.

During political campaigns, the Townsends can purchase periods in order to support or fight qualified candidates for public office, which they intend to do, the N.A.B. committee remarked. But otherwise, discussion of the pension formula would constitute debate on a public controversial issue, allowed only on a sustaining basis with equal opportunity for all factions.

The action caused little comment here, where hosts of legislators are terrified of the Townsends and not likely to be displeased by any development which tends to minimize the ballot-box influence of pension-seekers. Senator Sheridan Downey of California, who is close to Dr. Francis E. Townsend and the new one-man strategy board for the outfit, remarked that N.A.B.'s stand had been expected and he was confident that 'we will be able to work something out.' No threats were issued locally, although more rabid Townsends probably will harbor resentment and wait for a chance to pay off grudges.

Possibility that Townsend will go over the border, a la Brinkley, and try to drum up allies and votes through a Mexican transmitter seems remote. With the United States applying pressure to get the American-owned plants off the air, operators below the Rio Grande are not believed likely to incur more American wrath.

Up-to-Date Scripts

San Antonio, Oct. 17. 'The Adventures of Gary and Jill' heard daily over the Texas State Network may be the only radio program incorporating day-by-day developments in the present war zone in a fiction yarn.

Writing the script only a short time before it goes on the air, Jimmy McClain, author, writes in allusions to latest war bulletins.

KYSER AIRS FROM FILM SET AT RKO

Hollywood, Oct. 17.

Kay Kyser's program next Wednesday (25) will come from a broadcasting set in his picture, 'That's Right, You're Wrong,' at the RKO studio. Regular duet holders will be admitted.

Kyser guests with Jack Benny on his program Sunday (22) to swap quips and get in a plug for his picture.

Wynn Neely, formerly with WISN and WEMP, Milwaukee, has joined the sales staff of WRCK, Rockford, Ill.

Network Premieres

WEDNESDAY, OCT. 18

CHARLES GULDEN, INC. WJZ-NBC, Wednesday and Friday, 6:30 to 6:45 p.m. 'Gulden Serenaders,' with Red Latham, Wamp Carlson, Guy Bonham, Peg La Centra, Johnny Gart, Charles W. Hoyt. Producers, Frank Chase and Richard Pratt. Announcer, Hjerluff Provensen. Originates from New York. Hookup, 5 stations.

FRIDAY, OCT. 20

MENNEN CO. (Shaving Cream). WOR-Mutual, 8 to 8:30 p.m. 'Quixie Doodle Contest,' with Colonel Lemuel Q. Stoppaghe, contestants, H. M. Kiewetter. Producer, Sam S. Baker. Originates from New York. Hookup, 10 stations.

SATURDAY, OCT. 21

COLGATE-PALMOLIVE-PEET CO. (Cue Liquid Dentrifree). WABC-CBS, 8 to 8:30 p.m. 'Gang Busters,' with Col. Hapet, H. Schwartzkopf, dramatic cast. Benton & Bowles. Announcer, Frank Gallop. Originates from New York. Hookup, 61 stations.

COLGATE-PALMOLIVE-PEET CO. (Cashmere Bouquet Products, Halo). WABC-CBS, 8:30 to 9 p.m. Wayne King's Orchestra, with Buddy Clark. Benton & Bowles of Chicago. Originates from Chicago. Hookup, 66 stations.

SUNDAY, OCT. 22

CO-OPERATIVE. WOR-Mutual, Sunday, 6 to 6:30 p.m. 'Calling America,' with Drew Pearson, Bob Allen, Erno Rapee, Mary Small, Tunetwisters. Announcer Arthur Hale. Originates from New York and Washington.

NOT ONLY THE MOST

• Big or small, the local firms

whose business depends on

selling Cincinnatians, are

switching to the new WSAI...

The significance of their

changing to WSAI is fully ex-

plained by merely listing

them—the who's who of radio

sponsors in Cincinnati.

Included are: Cincinnati's su-

per-merchandisers, ALBERS

SUPER MARKETS; also Cin-

cincinnati's greatest "mutual as-

sociation," the 800 food deal-

ers making up the WHITE

VILLA GROCERS. Included,

too, is Cincinnati's biggest

drug chain, THE DOW DRUG

COMPANY. And the entire

GREATER CINCINNATI

MEAT DEALERS' ASSOCIA-

TION... Not to mention THE

CINCINNATI GAS & ELEC-

TRIC COMPANY... Nor the

34 OTHER LOCAL FIRMS,

WHICH, REALIZING WHAT

CINCINNATI'S NEW RADIO

SITUATION MEANS TO AD-

VERTISERS, ARE PLACING

THEIR BUSINESS WHERE IT

WSAI Cincinnati's

RADIO LAW FEES G

N.A.B. Tells Food-Drug Officers They Don't Know Radio Facts

National Association of Broadcasters, through its bureau of advertising, last week answered the attack which had been made upon radio advertising at a recent Hartford meeting of the Association of Food and Drug Officials. The N.A.B. answer termed as 'unfair and not based on facts' various statements made by speakers at this gathering, and cited the co-operation on the subject that has ex-

isted for years between radio and the Federal Trade Commission.

One speaker at the Hartford meeting stated that radio advertising of food and drug products ought to be subjected to the same scrutiny by government officials as that of newspapers, while another commented that statements over the air have thus far escaped 'regulation.' The N.A.B. statement recalled that the networks furnish the FTC with the scripts of all commercial programs, while exercising their own voluntary con-

Choice Spot

Washington, Oct. 17. Salesmen for WRC overheard giving spot client big build-up as follows: 'We can put you between The Men I Married' and 'John's Other Wife.'

trol of advertisers' claims in advance of programs, and that all stations supply the FTC with a full week's scripts at weekly intervals. Also that the N.A.B.'s own weekly bulletins to stations carry a full report of FTC actions, including complaints, cease and desist orders and stipulations.

Likewise pointed out by the N.A.B. that the FTC review of radio advertising copy has been in effect

since July, 1934, and that recognition of radio's co-operation was included in the commission's report for the fiscal year ending June 30, 1938. The report stated that it has observed an interested desire on the part of such broadcasters to aid in the elimination of false, misleading and deceptive advertising. During this year, added the report, it received 490,670 copies of commercial radio broadcast continuities.

Fulton Lewis' Acc't.

Fulton Lewis, Jr., Mutual's Washington commentator, has his first network commercial. It's Detroit radio.

He starts on a 14-station MBS hookup Oct. 30, with the set manufacturer underwriting him three days a week.

WASHINGTON IS GETTING WORSE

The Regulations Circus Gets More Complicated and Both Stations and Attorneys Face Readjustments

DETAIL LOAD

Washington, Oct. 17. General jacking up of legal costs will cause pocket-book convulsions on the part of broadcasters and individuals anxious to enter the business. It's because of the growing amount of work required by the complexity of new FCC regulations and tougher attitude which increases the likelihood of court rows.

With much more detail to be handled in prosecuting a case, members of the radio bar are up against the necessity of lengthening their hours, turning out business, or taking a cut in income. Some offices have taken on additional help, but others feel it is desirable to reject new accounts and boost charges for work that is accepted. Of course, some attorneys still are anxious to grab more clients.

The unavoidable necessity of putting in more time on cases—thus making it difficult to represent as many clients as before—is traced directly to the revised rules of procedure promulgated during the past year. These require more thorough preparation of cases, with longer periods at the case histories and deeper research, plus additional documents. Hope of winning is more immediately contingent upon diligence and conscientiousness than before, and the lawyer who gets beaten too steadily finds prospective business going past his door and present clients growing uneasy.

Many Worries

First worry for the barristers was abolition of the old examining system. When examiners' reports were given up, the FCC required the practitioners participating in a hearing to file their own digests of evidence and a proposed finding of fact. This entailed additional work that previously was a chore of Commission hired hands.

It still is necessary to go into the legal precedents, the record, and the statute to obtain an oral argument. Exceptions to the Commission's proposed findings have to be more explicit and detailed, however, now that the regulators have become Legreish toward nearly all petitioners.

Another bundle was thrown on the load last week by Chairman James L. Fly. So the Commission can have a guide for oral arguments, Fly wants all attorneys to submit three days in advance a memorandum outlining the way they will cover the points made in their exceptions.

On top of all this, court litigation requires a pile more work. Frequency of appeals has increased materially in the past year—in everything except routine cases somebody is liable to ask a review because of the heightening controversies over many aspects of the law and the bitterness of competition—so that the limit on the client's bankroll is about the only check on the effort required by barristers. As the number of disappointed facilities-seekers grows, the proportion of appeals rises.

OLD GOLD DECIDES ON BENCHLEY THIS WEEK

Old Gold has until the end of this week to pick up its option on Bob Benchley, whose contract with the account expires with the Nov. 14 broadcast.

Lenner & Mitchell, agency for the client, has been dictating for Rudy Vallee's services but this is out, principally due to the \$19,000 net that his type of show would entail.

-but the best!

WILL DO THEM THE MOST
GOOD.

WSAI now has the MOST
LOCAL BUSINESS OF ALL
NETWORK STATIONS HERE.

Just as important, WSAI NOW
HAS THE BEST SPONSORS.

Many of the 39 firms listed
are using two or more differ-

ent programs for different
products. Look them over.

And remember this: THEY
CHOOSE WSAI BECAUSE IT

IS THE BUY IN CINCIN-
NATI!

* These Firms Place Their Business From Cincinnati; Knowing Cincinnati Thoroughly, They Naturally Choose WSAI

ALBEE'S SUPER MARKETS, INC.
BARG BOTTLING COMPANY
BARON COLLIER
CAPROL-BARG MEAT CLEANING COMPANY
CINCINNATI GAS & ELECTRIC COMPANY
CROSLBY DISTRIBUTORS
DOW DRUG COMPANY
DR. KINWALD
DR. SAM POLLOCK
FIFTH THIRD UNION TRUST COMPANY
FORD MOTOR COMPANY DEALERS
B. GOODRICH COMPANY
GOODYEAR SHOE REPAIR SHOP
GREATER CINTY. RETAIL MEAT DEALERS ASSN.
GRIPPO CONE & BETTEL COMPANY
GUESTER JEWELERS
HOOVER KITCHEN
HUB CLOTHING COMPANY
H. W. KAMEY COMPANY
LANGE THE JEWELER
R. LUEDERKE DAIRY COMPANY
MODEL SHOE COMPANY
MOULDER COAL COMPANY
MORAWK RADIO & ELECTRIC SHOP
NASH MOTORS OF CINCINNATI
OHIO EMERGENCY COMMITTEE
& S. POGUE COMPANY
L. W. PRINCE COMPANY
QUEEN OPTICAL COMPANY
RED TOP REWEAVING COMPANY
ROLLMAN & SONS COMPANY
RUBEL BAKING COMPANY
SCORING BAKING COMPANY
SEPPERS & SOLLERDORF
SWIFT COMPANY
SPOT CINCINNATI, INC.
WESTERN UNION TELEGRAPH COMPANY
WHITE TILLA GROCERS
WUEDEMAN DRY CLEANING COMPANY

Represented by INTERNATIONAL RADIO SALES
New York • Chicago • Los Angeles • San Francisco

Own Station



WESTERN UNION

BA660 PF372 45 WOLFF PITTSBURGH PENN PP 950M PM 2-24
 64W WEISBORD
 1270 SIXTH AVE NEWYORK NY

EDDIE CANTOR PACKED ONE HUNDRED AND THREE THOUSAND PEOPLE INTO THE STANLEY IN SIX DAYS. IF THAT ISN'T A RECORD IT WILL HAVE TO DO UNTIL HE PLAYS CANTOR AGAIN!
 CHAS EAGLE MANAGER STANLEY THEATRE

Postal Telegraph

WY11 17-PY SYRACUSE NY 11 157P
 MS MORRIS AGENCY
 1270.6 AVE NEWYORKITY

EDDIE CANTOR IS HITTING A DUBBY THE GREATEST BOXOFFICE ATTRACTION EVER TO APPEAR IN SYRACUSE—CROWDS NEVER STOPPED COMING FROM THE OPENING TILL CLOSING—TIS A PLEASURE TO HAVE THIS GREAT SHOW—TOD HAD FOR SHOW BUSINESS HE CAN'T PLAY EVERY CITY AND TOWN IN UNITED STATES
 CUS LHOPE

Postal Telegraph

TO 32 DL-WD TOLEDO OHIO 11 221P
 WICK KNIGHT
 HOTEL STATLER BOSTON MASS

PEOPLE DROVE MORE THAN A HUNDRED MILES TO SEE CANTOR WHEN HE BROKE ALL RECORDS AT TOLEDO PARAMOUNT SEPTEMBER TWENTY FOURTH THEY ARE STILL ASKING US TO BRING HIM BACK AGAIN REGARDS
 RALPH LAWLER

Postal Telegraph

DA474 41 DL 3 7-D BUFFALO NY 11 300P
 WM MORRIS OFFICE
 ROCKEFELLER CENTRE NEWYORK NY

CANTOR RECORD BREAKING ENGAGEMENT THE TALK OF THE TOWN STOP BIGGEST DAY WE HAVE EVER HAD
 GED A HASON WON GREAT LAKES THEATRE

Cantor Entertains Big Toledo Audience

Capacity Crowds Flock to Paramount And Are Well Repaid

You can't keep an entertainer like Eddie Cantor off a Toledo stage about it when Toledo crowds flock to his shows Cantor's Paramount theater stage yesterday and gave him a well-earned home which must have warmed him.

Cantor didn't. He offered his company which must be

By Harold W. Cohen
 On the Stage
 They still don't come any better than Mr. Cantor. He is show business' No. 1 entertainer and it is long sitting and proving that the

Eddie Cantor Packs RKO Boston With A-1 Stage Show

Comedy Aplenty In His Offering

By PEGGY DOYLE

Eddie Cantor, who says that epiphany is an actor's Vitamin B, played an actor's Vitamin B in his offering at yesterday's RKO Boston opening show.

EDDIE CANTOR HIT AT BOSTON

Comedian's Lively Show Wow's 'Em PRUNELLA HALL

Eddie Cantor dropped his own show at the RKO Boston Theatre yesterday. He stopped it too soon.

"The Biggest Box Office"

WM. MORRIS IS PROUD TO

EDDIE CANTOR

"An American
 A TRIUMPH
 OF BROKEN
 FROM SAN F
 GOLDIE
 TO BROADWAY
 LOEW'S

STANLEY, PITT

Pittsburgh, Sept. 28.
 Eddie Cantor, Best George, Sidney Fields, Loni Lynne, Fairchild & Cars, Joyce Hunter, Sluggo Morgan, Adams (A), Norm Sheel, Max Glick (NG), These Glamour

For its first stage show, picked up more than four months ago.

AGENCY
REPRESENT

**THE
CANTOR**

Institution"
**ANT TRAIL
N RECORDS
RANCISCO'S
N GATE
Y'S FAMOUS
STATE**

Postal Telegraph
(101)
P372 45 *SAN FRANCISCO OCT 5 1939
EDDIE CANTOR, RKO BOSTON THEATRE
BOSTON MASS
FOR THE FIRST TIME IN THE HISTORY OF OUR THEATRE WE HAD TO PLACE SEATS ON THE STAGE FOR THE OVERFLOW CROWD STOP IT WAS A RECORD BREAKING PERFORMANCE IN EVERY SENSE OF THE WORD STOP HOPE HE CAN PLAY YOU AGAIN REAL SOON REGARDS
MANAGER RMO GOLDEN GATE

WESTERN UNION (123)
BA474 41 DL 5 EXTRA-SOUTHBEND IND 11 10 15
WICK KNIGHT
WM MORRIS AGENCY INC
RADIO CITY NEWYORK NY
CANTOR NOT ONLY BROKE ALL EXISTING HOUSE RECORDS IN SOUTHBEND BUT HE BROKE HEARTS STOP WE COULD HAVE PLAYED TO TWICE AS MANY IF WE HAD THE SEATS DEFINITELY THE GREATEST ATTRACTION I HAVE EVER PLAYED
JOHN H WITCHELL MANAGER PALACE THEATRE SOUTHBEND, IND.

WESTERN UNION (125)
AG41 29 86 17 *ALBANY NY 14 1206A
EDDIE CANTOR
WM MORRIS AGENCY INC
RADIO CITY NEWYORK NY
YOUR ENGAGEMENT AT THEATRE ALBANY CROSSING 42 HUNDRED DOLLARS IN SINGLE HOT YOUNGER DAY PHENOMENAL FOR THIS CITY AND RECORD FOR THIS THEATRE. BEST WISHES ON YOUR TOUR
LOU GOLDING.

WESTERN UNION (125)
BIF254 32 DL 6 E1 NEWYORK NY 13 646P
EDDIE CANTOR
RKO KETINS BOSTON THEATRE
DEAR EDDIE: WELCOME TO LOEY'S METROPOLITAN THEATRE WHEN YOU PLAYED LOEY'S STATE THEATRE ON BROADWAY BEATING EVERY EXISTING RECORD AND PAID UP A GROSS OF \$20,126, YOU PROVED CONCLUSIVELY THAT YOU WERE THE GREATEST BOX OFFICE ATTRACTION IN THE COUNTRY. I HOPE YOU REPEAT YOUR PERFORMANCE AT LOEY'S METROPOLITAN THEATRE.
LOU WITCHELL
MANAGER OF THEATRE

I Dare Say—
Knight in Kid Boots
By FLORENCE FISHER PARRY
As I must have been as far back as the First World War I know that I was during those years "out" the stage and I was ready to enter the show business.

My Pen In Hand
By CAL TINNEY
Dear Grover Whalton: If you want to know who made the attendance figures at the World's Fair take a tallpin, blame it on Eddie Cantor. That bird moved into Loew's State Theatre.
Mr. Parry, I remember, "but there was a slick record you and I once made that was it." SHINE shine, you hear his voice in that little thing "The Voice of the Wind" up to the top of this 200-foot tower.

NEW FILMS
TO-BOSTON THEATRE
die Cantor and Radio Gang
Two Bright Boys
Yesterday afternoon 2500 viewers of the inner and I trailed off into a queue of a couple of hundred every seat and I heard with laughing and I saw Eddie Cantor and his Radio Gang.

Cantor Hero in K-B Stage Show
You can spend that hour by DON WARD for any day this week in you'll find Eddie Cantor at the Keith-Brookway Theatre. You'll just get what it takes to fight your way through the bitter, most interesting and hilarious show.
Cantor's Fun Sparks Stanley Stage Shows
Pop-Eyed Comedian Scores Big Hit With Opening Day Crowd: Mr. Guffey, Mad Russian, Leni Lynn
Featured: Max Adkins Leads New Band
By DICK FORTUNE

Attraction In The World!"

SHEPARD 'ON TRIAL' IN OWN HOME TOWN AS MAURICE FLYNN'S MOVES MATURE

Grudge Fight Set for Nov. 8—Staging Event in Boston Seen an Advantage to His Ex-Employee In Mustering Witnesses Inexpensively

Washington, Oct. 17. Grudge fight between John Shepard, 33, and an ex-employee, Lawrence Flynn, was set for next month by the Federal Communications Commission. Involving several important regulatory principles, a hearing in Boston goes on Nov. 8 on application of Flynn's Mayflower Broadcasting Co. for WAAZ's 1410 kc. berth.

In a virtually unprecedented action, the Commish has scheduled a public airing to determine whether Flynn or Shepard is better fitted to serve the public interest. Novel set of issues includes the usual reasonableness of a rival application—and the question of whether public interest would be promoted to a greater degree by allowing Mayflower to relocate the Yankee Network's Mutual outlet in the Bean Centre.

Holding the session in Boston is a distinct advantage to Flynn, who has been seeking his former employer's scalp for over a year. Simpler for him, and much less costly, to round

up Shepard's foes and wash dirty linen which has occasioned considerable comment in political circles.

Boston hearing is in accordance with a new—but never formally announced—policy of taking evidence in the field whenever all parties reside in the same locality. Pointed out that in the last round of the Bellingham, Wash., Tiff Commission attacks went to the Pacific Coast rather than drag witnesses 3,000 miles.

The Flynn-Shepard row is of trade-wide significance, not merely because Shepard has been prominent in W.A.B., but because an involved issue is whether a station proprietor, as such, has the right to use his facilities in taking sides in political rows, thus laying the basis for a clear-cut ruling on the disputed question about propriety of a radio station having an editorial policy like a newspaper.

Undercover agent, likewise concerning many broadcasters, is the

circumstance that Shepard has two outlets in the same city, thus giving the FCC a potential opportunity to carry further its contention that public interest is better served if ownership of outlets is distributed as widely as possible. The fact that Shepard possesses several plants undoubtedly will be spotlighted.

While the issues do not take the usual form in renewal hearings, Shepard will be on the defensive. Because Flynn last year filed a number of serious charges—ranging from violation of the lottery prohibition to denial of equal opportunity to political candidates—against WAAZ as a result of the last Boston mayoral election. After mulling the accusations, the FCC ordered a hearing on the station's license renewal plea, but this was called off when the Commish Law Department performed a remarkable somersault, and finally said there was no prima facie evidence which would justify taking of testimony. The flipflop, which occasioned considerable comment, occurred after Flynn tried to recall his complaint and decided to harass Shepard with the new application.

Stuart Wayne, announcer, moved to WMAZ, Springfield.

From the Production Centers

IN NEW YORK . . .

Howard London, who used to scout news for trade papers, is now chasing guest talent for Pedlar & Ryan in behalf of Vitall's "For Men Only" show. It's a part time assignment. . . . Bernard Schubert asking stations carrying "By Kathleen Morris" to telegraph the author's address. . . . Bill Peary recovered from nasty limousine spill that bruised his nose painfully fortnight back.

Lucius Beebe's first three shots at WOR-Mutual's "First Nighter" replacing Bide Dudley, are test shots. . . . Genevieve Rowe does concert at Rollins College, Va., Feb. 7, 1940. . . . WNEW gets another football commercial from Atlantic Refining Oct. 28. Carnegie Tech—Notre Dame. . . . Joe Lilley, choir director at NBC, out to free-lance. . . . Mutual to pick up all Hialeah Park, Fla., horse races this season. Starts Jan. 10 with Inaugural Handicap, winding up March 2 with Widener \$50,000 Handicap. . . . Allan Reed, announced on Col. Stoopnagle's "Quixote Doodle" show which starts on WOR-Mutual Friday (20). Is Teddy Bergman. . . . Freddie Rich band gets "Show of Week" shot on Mutual-WOR Nov. 6. . . . Dinah Shore has three new sustaining spots on NBC. She's on Sunday, Monday and Friday. . . . Ed East's early morning hour program on WJZ, N. Y., picked up. . . . Pinex, Vick Chemical and Commercial Solvents as participating sponsors. . . . Vicki Baum now permanent member of "Author, Author" on WOR-Mutual. . . . Dolly Mitchell, on Chieftain radio, says she goes into the gutter at Al Mitchell, WOR's "Answer Man". . . . WMCA installed RCA-NBC's Orthocoustic Recording equipment. . . . Otis Williams and Ted Herbert presented with watches for running over \$100,000 mark in time sales for WOR. . . . Bide Dudley doing his legit reviews on WHN.

IN HOLLYWOOD . . .

Bill Lawrence on leave from KNX (CBS) production staff to handle "I Want a Divorce" on NBC. . . . Lillian Cornell, Chicago cantor, was piped in by NBC on a picture audition. If studio officials like the goods Jack Benny's next picture at Paramount. . . . Orson Welles' troupe detoured to old KNX studio, now tenanted by a school, due to heavy Sunday schedule at Columbia Square and remote.

POLITICIAN BIDS FOLKS HECKLE HIM

Cincinnati, Oct. 17.

Seeking to bust into politics as a councilman, Charles Tobias, a broker, is buying twice-weekly quarter-hour periods on WCPO to wage a candidate campaign. Has no set talks for sidewalk sessions and invites onlookers to nap questions, which he answers on the air. He's extra polite to hecklers.

Station's production manager, Bob Bentley, tugs co-mimers.

Elliot Broza's Boy Orch.

Auditioning for a Film

Philadelphia, Oct. 17.

A moppet orchestra led by Elliot Broza, son of Stan Lee Broza, program director of WCAU, will be auditioned next week by Republic Pictures scouts for a spot in its new "Hit Parade" film.

The members of the band range from 12 to 14, and were formed from among participants in Pater Broza's "Kiddie Hour."

KSO-KRNT Net Show

Des Moines, Oct. 17.

KSO-KRNT is again furnishing talent for the Des Moines net show, this year Oct. 23 to 28. Headliners will be Grif Williams' band with Ray Perkins, of NBC, as emcee.

This is the seventh consecutive year the stations have been in charge of entertainment for the show.

Sponsors, LEND AN EAR



To KLZ's "Lady, Lend an Ear"

• In less than a year KLZ-produced "Lady, Lend an Ear" has completely captured the housewife interest of 255,000 radio homes in the Denver-Rocky Mountain area. It started off as a 15-minute period of home-making suggestions and household hints. It has grown, by popular demand, into a 45-minute, six-times-a-week program that holds its audience through a flawless blend of showmanship plus.

Local advertisers were first to discover the power of this typical sales-provoking KLZ production. National sponsors lost no time in capitalizing on its popularity and its drawing power. So in less than a year on the air, "Lady, Lend an Ear" has counted on its roster of participating co-sponsors leading names in Colorado among retailers and manufacturers of home furnishings, foods and appliances.

Naturally, this type of program . . . designed, planned and conducted by KLZ's

Margaret Moore*, a skilled commentator who for eight years has been creating outstanding women's programs . . . can be made available for a limited number of sponsors. But participation of a few seasonal accounts leaves an occasional spot for those who want a sure, economical road into the hearts of women of this region.

*Dinty Doyle, N. Y. Journal-American columnist, referred to her as "an important lady of radio who should be grabbed by the networks."



VISUAL EVIDENCE of the popularity of KLZ's "Lady, Lend an Ear" is to be found in the SRO signs which usually go up in KLZ's main studio before this sparkling program goes on the air.

KLZ Denver

CBS AFFILIATE * 560 KILOCYCLES

UNDER MANAGEMENT AFFILIATED WITH THE OKLAHOMA PUBLISHING COMPANY * PUBLISHER OF THE DAILY OKLAHOMAN, THE TIMES AND THE FARMER-STOCKMAN * OWNER AND OPERATOR OF STATIONS WKY, OKLAHOMA CITY, AND KVOZ, COLORADO SPRING * REPRESENTED BY THE KATZ AGENCY, INC.



"The Radio-American Way"

ONE of the biggest National Advertisers in the country and the largest in the field of radio advertising has distributed this New York Times as a result of this English radio program. The radio program has been on the air for over 10 years.

Established a record of sales figures which was impressive. The Agency handled and ran, what was called an early radio program. The radio program was of great value to the advertiser.

But, in the early days, we recall that market. And we recall that they. . . . If the station had not been in their program, it would not have been so successful. The Agency was the one who made it so.

There, we explained to us that through this program and other market, it was necessary to advertise. The radio program was the one who made it so. The radio program was the one who made it so.

That's why, like many others, have been continuing advertisers with similar results. And that's why it is so when you advertise "The Radio-American Way."

For more information, contact the Radio-American Agency, Inc., 1000 Broadway, New York, N. Y.

9th Anniversary

IN appreciation of the generous tribute in last week's Variety on the anniversary of my ninth year in radio . . . It was touching, and I am deeply grateful . . . to

· ABBOTT and COSTELLO	KOMA, Oklahoma City	TOM SHIRLEY
NEAL BARRETT	ESTELLE LEVY	DON STAUFFER
BEN BERNIE	GUY LOMBARDO	TED STRAETER
NAT BRUSHLOFF	A. & S. LYONS, INC.	BILL STUHLER
ARTHUR COHEN	WILLIAM P. MALONEY	SYLVAN TAPLINGER
TED COLLINS	MINNIE MECCA	ELSIE TOMPKINS
C. B. S.	HELEN MENKEN	JANE TOMPKINS
COLUMBIA RECORDS	JACK MILLER	HARRY VON ZELL
ED CASHMAN	NOËL MILLS	REGINA WALLACE
ALLEN DRAKE	WM. MORRIS AGENCY	MARK WARNOW
GEORGE FERRIS	BILL ROBINSON	WCAU, Philadelphia
BETTY GARDE	ERIK ROLF	ORSON WELLES
JOHNNY GREEN	DON W. SHARPE	JOHNNY WILLIAMS
ADELAIDE KLEIN	SAM H. SCHIFF	HENNY YOUNGMAN
	LILLIAN SCHOEN	

My sincerest thanks,

Kate Smith



Radio Performers In London Protest B.B.C. Trading Them In for Records

London, Oct. 5. Radio performers who have been idle a month since outbreak of war, due to drastic reshaping of British Broadcasting Corp. schedules, are in protest to Directors-general Cuthbert. Performers are gathering together and want to have a deputa-tion meet him to hear their pleas for a break.

Trouble is many of these entertainers depend largely on broadcast for the weekly pay-off, and cannot even get auxiliary engagements outside because of the clamp down on most forms of entertainment. What irks them is to hear frequent pro-grams of phonograph recordings in spots they feel could better be filled with live talent.

Only talent getting a break is that small contingent recruited into BBC stock variety and drama companies, on a for-the-duration-of-the-war

basis. Actors are located at secret centres out in the sticks for this work.

First Remote Pickup

First remote hook-up of a war-time show was made, by BBC from an airplane hangar at a Royal Air Force camp somewhere in England. Concert was given for the troops by entertainment personalities, led by Dorothy Ward, Phyllis Robbitt and Staines Stephen, and was part of the big national plan for keeping the boys lively and cheerful. Program, however, did not reach home listeners, but went out instead only over the Empire senders.

Legit Stars on Air

Closing down of the dramatic theatres or their operation on a day-time only basis has made available to radio many stars not often heard over BBC. These names will prob-

ably be notable as BBC reconstructs its shattered program schedule. Jack Hurlbert and Cicely Courtneidge with their own stage musical hit "Under Your Hat" a victim of the blackouts were recently lined up by BBC. Similarly another musical comedy pair, Jessie Matthews and Sonnie Hale, who are sans vehicle due to the war, have also been approached for radio.

John Watt is especially alive in wishing to draw into his variety hit as many of the pacetime kingfishes of entertainment as will take the bait. His permanent musical comedy pair, Jessie Matthews and Sonnie Hale, who are sans vehicle due to the war, have also been approached for radio.

Already back on the air are shows like "The White Coats," "Band Waggon" and "It's This Man Again." Others due for wartime debuts are "Sing Song," "The Kentucky Minstrels," "Lucky Dip," "Songs from the Shows" and "Palace Varieties."

KFH's Harvest Show

Wichita, Kans., Oct. 17. Radio station KFJH is giving the Friday afternoon program at last week's Harvest Festival promoted by the local merchants to bring in crowds. Two KFJH units "Tea Time Jambo-re" and "Ark Valley Boys" barn dance edly, but the constantly rising curve of audience interest by guest artists.

Eddy McKean, KFJH announcer, was master of ceremonies.

Ernest Rogers, publicity director and head newsletter of WSB and WAGA, Atlanta, in hospital.

2,000,000 at CBS Shows in 1939

New York.

Editor, VARIETY:

I believe it is pertinent to note that with the leasing of the Ritz theatre on West 48th street, as a supplementary playhouse to accommodate many CBS programs and to serve as CBS Theatre No. 4, the Columbia studio audience figures for 1939 are expected to approach 2,000,000 people, two-and-one-half times as many as its nearest network competitor. It is not this figure a striking indication of the transition of radio from an auditory medium alone to an important visual attraction? In 1934, only 75,000 people watched radio programs during the entire year. This year, with only eight months gone by, the attendance in Columbia's three radio theatres in New York City alone, reached 695,095, while the west Coast auditoriums attracted a proportionately large number. And the demand for tickets is still ahead of the supply, in spite of the constantly increasing facilities for handling large audiences.

Seven or eight years ago very little thought was given to a studio audience for radio programs. The vast entertainment which listening to the radio at home gave to people seemed to preclude the possibility of a studio audience of any size. The largest studio which we (CBS) had at that time was Studio One, at 485 Madison avenue, seating 100 people. The average studios accommodated only four or five outsiders.

Columbia first started to change this in September, September, 1932, using outside facilities, such as Carnegie Hall, Mecca Temple and the Carnegie Chamber Hall, for several large programs. This met with a growing demand, which prompted CBS to open its first radio theatre, which it did frequently until Columbia left on June 26, 1937. Since then the corporation has had various leased on Broadway playhouses. Although there is a feeling that the World's Fair has been an important factor in improving broadcast attendance this year, it is impossible to actually determine its influence. It has helped undoubtedly, but the constantly rising curve of audience interest indicates that this year would have seen almost the same increase, with or without the fair.

Total attendance at all CBS radio theatres, coast-to-coast, through August, amounts to 1,123,619. In six years—75,000 to 2,000,000. A record.

Herbert Bayard Swope, Jr.
Columbia Broadcasting System.

MEMO TO RADIO COMEDIANS:

YOU'RE A SUCKER NOT TO BUY THE BEST GAGS!

For Fresh Comedy Material Get In Touch with

HAL WHITMAN

BOX 333, VARIETY, New York

Hard to Remember? Easy to Find Out!

Variety Radio Directory is an encyclopedia of factual data on broadcasting. In table of contents are:

TRENDS... 10 Years of Network Program Analysis Specially Compiled by the Co-operative Analysis of Broadcasting with 38 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.

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TELEVISION-FACSIMILE... Complete Details on Radio's Two New Arts.

Plus Unions, Networks, Law and Other Timely Subjects... 1,352 Pages.

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HOLLYWOOD

VARIETY

1708 No. Vine St.

SATYR BOOK STORES

1620 No. Vine St.

G. SCHIRMER MUSIC STORES

737 So. Hill St.

GIVEAWAY RADIOS A LA POT O' GOLD

Philadelphia, Oct. 17. Included in 27 special stunts to be aired by WFIL from the stage at the Automobile Show opening Oct. 28 at Convention Hall is a Radio Awards program, in which five radios are to be given away. A La Pot O' Gold to listeners whose names are picked at random from the telephone book.

Talent for Auto Show includes Colonel Steppings' "Quixote-Noodle," Horace Field, Cal Truzy, Howard and Shelton, Jessica Dragonette and Ben Jaffe.

Ben Jaffe, WFIL, has exclusive broadcasting rights.

'The Wise Guys'

San Antonio, Oct. 17. Local twist on the "Information, Please" and "Hop-Me-You've-Heard-This" programs debuts on the Texas State Network Friday. To be known as the "Five Wise Guys" it is the brainchild of Jimmy McLean who will m.c. the proceedings. Questions sent in by the audience asked the wise guys and \$1 in cash is to go to each listener stumping the group. Ralph Rose, director of the web's orchestra; Clark Fuks, continuity editor; Claudine French, radio actress; and Jack Mitchell, production manager of the web, make up the braintrust. A fifth "wise guy" will be chosen prior to the broadcast each week.

JIMMIE SCRIBNER'S
"JOHNSON FAMILY"
Live MBS Show
Available for Sponsorship
Exclusively on

KFBL
IN BALTIMORE
IT'S
WFMZ

NATIONAL REPRESENTATIVES
EDWARD PETERY & CO.

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

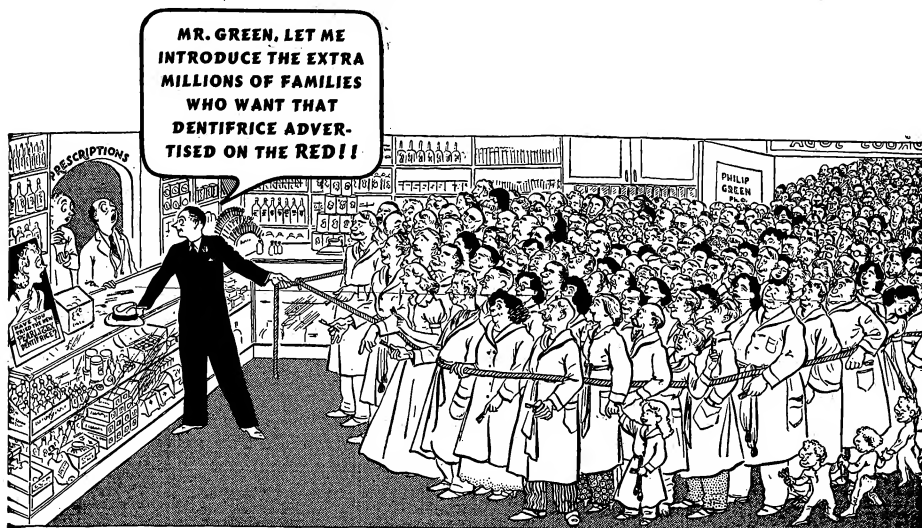
ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK

ON THE NBC RED NETWORK



Cold figures talk...Dentifrice makers, in the first eight months of '39, invested \$1,274,922 in NBC RED Network time—\$409,761 more than any other network!

Program ratings have a new meaning for *NBC Red* NETWORK advertisers!

Program ratings now have a new meaning...one discovered in the most penetrating circulation survey ever made—a survey which proves the Red's regular listening audience of 22,000,000 families is greater than any other network's—and which also reveals that 13,000,000 families "listen most" to the Red!

To make another survey isn't necessarily news. But this one literally rolls away a fog that has obscured radio for years!

Never before had there been a measurement of network listening habits of people in every city in the U. S. of 25,000 and over...in addition to the cities where leading networks have stations.

Plus that, the research delved into one out of five of all rural counties from coast to coast, adding to the findings among that part of the rural audience living near the cities where large stations are located.

"The Other Half" Talks!

From this remarkably complete survey, facts were found which no advertiser can profitably ignore. Facts which will surprise those who have judged

network values by program ratings...and prove the error of projecting, on a national plane, ratings made only in station-cities. Also facts based on the testimony of "The Other Half" of the national radio audience—the 51% of the country's radio owners never before studied!

Advertising men tell us this survey is the first to give them a factual presentation of why and how radio works the way it does. A survey that shows them the importance of the fundamentals of radio transmission...the relation of millivolts and listening habits to the curve on a sales chart. It shows how to judge networks on a comparable circulation basis...why day and night-time coverage are so vastly different...why a C. A. B. rating on the Red Network means a greater nationwide audience for a program

than precisely the same rating on another network!

It will pay you to hear this story

We are eager to visit your office and show you the results of this survey. We think you'll agree that the proof it offers of the Red's superiority can mean only one thing to advertisers on the Red—more sales. That, we believe, is why 79 national advertisers last year spent over \$31,000,000 on the NBC Red Network—more money than was spent in any other single advertising medium in the world!

You can now prove with facts why the Red—the network with the majority of leading programs, day and night, since the beginning of network broadcasting—is far and away your most profitable advertising investment!

NBC Red NETWORK

The network *most* people listen to *most*

NATIONAL BROADCASTING COMPANY • A Radio Corporation of America Service

Border Stations Expected to Win; Mexican Radio Walkout Hint

Mexico City, Oct. 17. All signs suggest that Mexico will continue to do as she pleases with regard to radio broadcasts. A senatorial committee has again nixed ratification of the Havana pact for regulations of wavelengths in North America. The committee this time passed up ratification with the explanation that to accept the pact would be contrary to Mexico's sovereignty and harm her interests.

Ratification issue now is solely up to congress. But it seems to be so that the legislature will follow its committee's lead and also nix ratification. It was done last year without comment or explanation.

Influence and political lobbying skill of the so-called 'border stations' (owned by American promoters) has consistently beaten down every attempt to get Mexico to endorse its own negotiating committee that initiated the reallocation pact in Havana some years ago. Buck-passing on the matter has maddened the American State Department which,

however, has been able to do nothing. The border broadcasters have played the political field too astutely.

It's Unreported in D. C.

Washington, Oct. 17. Eventual ratification by Mexico remains the hope of government people interested in the North American radio pact even though the outlook before the Rio Grande continues to be discouraging. Certain recent sub rosa developments are the reason for the optimism.

Grumbling about the dallying of the U. S. State Department is met with hints that something is being worked out quietly and suggestions that the Mexican operators will turn on heat which is sure to bring a signature from the politics in command. Officially the prospects are considerably brighter, although watchers are bewildered about the reasons for feeling confident.

As of this week, Washington has no definite information that the Mexicans are any nearer hawking than during the many months that Canada, Cuba, and the U. S. have been waiting. Changes in the internal political situation down there has, however, to have improved the odds. Shake-up in the Communications Ministry looks like a considerable advantage.

Bob McKee to Cicero

Pittsburgh, Oct. 17. Bob McKee, chief announcer at station WCAE, resigned last week to accept a spicier staff post with station WHCR in Cicero, Chicago suburb. At WHCR, he joins another ex-WCAE announcer, Marc Friedman, who is head of announcing staff there.

McKee recently married Billie Mulvihill, Pittsburgh socialite and actress, who was known as Evelyn when she was under contract to Samuel Goldwyn in Hollywood, two years ago.

Song Re-Worded

Whenever the current pop 'It Poured My Heart Into a Song' is aired on the Old Gold show the lyrics of the tune are changed. At one point lyrics read 'Played on the Hit Parade' and are changed to read 'Song Parade.' The Hit Parade is sponsored by Lucky Strike, Old Gold opposition.

WPEN OPEN, LABOR TALKS SLATED

Philadelphia, Oct. 17.

Order was tentatively received at station WPEN over the week when the musicians, announcers and engineers agreed to return after pending arbitration of the dispute between the station and the American Federation of Musicians scheduled to begin Thursday (19) in New York. The temporary truce was called Saturday night when a conference between representatives of Arde Bulova, owner of the station, and officials of the AFM, Local 77, and the American Communications Association, Local 28, representing the technical employees.

The ACA members walked out last Tuesday morning in sympathy with the musicians, who claimed they were 'locked out' by the station on Oct. 7, when they received notices they were dropped. The station went off the air from Tuesday 7 A.M. until Wednesday, 2 P.M., when it resumed with substitute employees promptly called 'scabs' by both unions. These men were let go when the union employees returned on Sunday.

Under the terms of the truce the members of the ACA were returned with salary for the time lost. It is reported that the WPEN management will try to get a reduction in 'live' music budget. Under the radio-AFM contract, the station was expected to spend \$300,000 a year on its 13-piece band.

Picketing of the station and transmitter during the six-day strike was marked by heckling of the marchers by passerby. Announcer Sandy Guver had his glasses broken and his sign taken away by a bystander who later told the Court 'I just don't like pickets.'

I. Q. PROGRAM DRAWS 9,000 IN OMAHA

Omaha, Oct. 17. Dr. I. Q. (Lew Valentine) played to 9,000 persons in the City Auditorium Thursday night (5) as part of the town's second radio promoted food show. So that the 5,000 persons turned away that night could see the Milky Way quiz program Valentine obtained permission from the sponsor's agency, Grant Advertising, Inc., of Chicago, to stay over Friday. Later night's attendance was also capacity.

WOW handled all promotion for the food show and booked the entertainment bill which went with it. Bill included Rouse Allen, Foly and Susie, and Lyle DeMoss and WOW Follies.

Reorg Kelly, Nason

Albany, Oct. 17. Kelly, Nason, Inc., has been formed as a reorganization of Kelly, Nason & Winston, Inc., and Mahana Sales Corp. Harry J. Wiustun was former president.

Directors of new company are: John C. Kelly, Scrabble, N. Y.; James R. P. Nason, Fairfield, Conn., and Elmer W. McCarthy, Jamaica, L. I. Capital stock is 2,500 shares. 1,000 preferred at \$100 par value and 2,500 common at no par value.

Saxe, Gerdes, Bacon & O'Shea, were filing attorneys.

Russ Stewart, KGKY, Scottsbluff, Neb., station manager, is to be married on Nov. 15.

Inside Stuff—Radio

Ben Pratt, who has been given the supervision of the Toscanini tickets at NBC, is following a different procedure this year, with a view to getting more working newspapermen into the concerts rather than have tickets fall willily-nilly into the hands of their flunkies and housemaids. Pratt makes a personal check each week. Idea is to substitute a positive policy of inviting the press rather than a negative one of having scattered and unchecked requests taken care of as filed.

Columbia Broadcasting System's improved radio time sales is expected to be reflected in an increase in net earnings for the first nine months this year, according to Wall Street forecast. Statement will not be out for several weeks but it is expected to show around \$3,400,000 net earnings or about \$800,000 more than the \$2,606,158 reported for similar period in 1938. The first three quarters are expected to show about \$2 per share on 1,707,500 shares of Class A and B stocks. In the first nine months last year, CBS net profit was \$153 per share.

Though unable to play Decca records because of an injunction by the latter, Martin Block keeps friends with Decca recording artists by plugging 'em without mentioning platter labels on his Make-Believe-Ballroom, 507 WHEW, N.Y. He uses a platter of another band then follows a short spiel about it with 'but you should hear the way so-and-so plays it.' In this case it was Jimmy Dorsey.

Dorsey's band got permission from Meadowbrook where it's currently on location, and played Block's Sunday afternoon shindig at Manhattan Center, N. Y., this week (15).

Arthur Mann, European correspondent for the St. Louis Post-Dispatch, has been named by Mutual as its eye-witness. He left London Monday (9) for the western front on invitation of the French Government to various newspaper men and broadcasters. John Stein remains Mutual's London man.

Don't Scare 'Em WLW Warns on Fairy Tales In 11th Annual Series

Cincinnati, Oct. 17.

Nothing scary for kiddies. That's the order on production for WLW's eleventh annual fairy tale series, starting Oct. 24. Stanzas will be aired Tuesdays at 6:30 p. m. Formerly they had a morning spot on the Nalson's School of the Air programs.

Stories will be originated by the station's educational department, under direction of Joe Ries, and dramatizations will be done by students of the Schuster-Martin School of Drama, local. Arthur Radkey, of the station's staff, will do the adapting and direction.

Robt. Harter promoted to head commercial traffic department of WIO, Des Moines.

Edward R. Mayer appointed news editor of WIP, Philadelphia.

SIDE LINE BECOMES Mainline
"The Mainline Way"

WOL 1000 WATTS DAY 1000 NIGHT

JOHN BLAIR & CO., Representative

WOL 1000 WATTS DAY 1000 NIGHT

WOL 1000 WATTS DAY 1000 NIGHT

THE VOICE OF THIS RICH MARKET IS...

LOOK AT THESE WHAS POTENTIALITIES

1,292,454 Families \$1,296,831,000 Retail Sales
\$2,214,269,000 Total Potential Spending Income
1,185,900 Radio Homes \$1,492,684,705 Bank Deposits

\$153,975,874 Industrial Payroll
\$1,360,833,000 Value of Farm Lands and Buildings

(Other data on sales potentialities in this area available on request.)

★ CBS Basic Station ★

820 KC. **WHAS** 50,000 Watts

NATIONALLY REPRESENTED BY EDWARD PETRY & CO.

Owned and Operated by
THE COURIER-JOURNAL—THE LOUISVILLE TIMES

820 KC. **WHAS** 50,000 Watts

NATIONALLY REPRESENTED BY EDWARD PETRY & CO.

Owned and Operated by
THE COURIER-JOURNAL—THE LOUISVILLE TIMES

"I GOT YOUR MESSAGE—THANK YOU SO MUCH!"

WOL 1000 WATTS DAY 1000 NIGHT

JOHN BLAIR & CO., Representative

IN SOUTHERN NEW ENGLAND WTIC RATES

FIRST

9 IN LISTENERS POPULARITY AS TO 9 IN THE HARTFORD AREA
9 IN NUMBER OF NETWORK ADVERTISERS
9 IN NUMBER OF NATIONAL SPOT ADVERTISERS

WTIC

50,000 WATTS HARTFORD CONN.

Not long ago a woman from a neighboring Connecticut town was as rude to a New Jersey seat-reserved by ear. Sudden illness in her family made it imperative that she be reached at once.

The Hartford police asked us to help. Naturally we complied at once.

FIVE MINUTES after her name was called on the air she telephoned to thank us. She had heard our message on the radio in her car.

In itself, this is a small thing. We mention it simply as an example of how thoroughly New Englanders have acquired the WTIC habit—and how consistently they listen to us. A big, friendly audience like ours can be a big help to your products in this Southern New England market.

Can any radio station match this record?

Crossley Inc. finds **94% of all sets in use tuned
to one radio station**
**6 A. M. to 12 midnight... Monday through Fri-
day... in three cities... 94% of all sets were
: : tuned to WJNO—CBS**

From September 25 to 29 (Monday through Friday) Crossley, Inc., measured the radio audience in Palm Beach, West Palm Beach and Lake Worth, (year-round population, 51,780; winter population, 173,000). Crossley, Inc., used exactly the same technique they use for the regular CAB survey of program audiences from coast to coast... except that a total of 5,000 calls were made in 5 days in our market; *one third as many as Crossley makes during the same period to measure program audiences in all the 33 CAB "checking cities," from New York to San Francisco!*

Here's What Crossley Found:

That 94% of all sets in use were tuned to WJNO!
That 99% of all programs heard in this area from 6 A. M. to midnight—Monday through Friday—in three cities—are heard over WJNO!

That no program broadcast over any station other than WJNO has even a 1% rating in our market!

That CBS network programs carried on WJNO have very high ratings. Like this: Major Bowes, 31. Professor Quiz, 25. Lum and Abner, 21.

"Strongest Baby in Radio"

So, because we are only three years old, we introduce ourselves as "the strongest baby in radio." And although we don't see how Crossley's findings could be improved upon, we would like to remind you that we now operate on 250 watts, night and day—a power increase that went into effect too recently to influence the Crossley study.

The conclusion is obvious. Only through WJNO can you hope to reach the wealthy Palm Beach market and its environs. No other station gets in!

WJNO WEST PALM BEACH, FLORIDA
Columbia Broadcasting System Affiliate • Representative—Weed & Company, 350 Madison Avenue, New York, N. Y.

'THE O'NEILLS'

By JANE WEST

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

Presented by Ivory Soap - 99% pure

LISTEN TWICE DAILY
NBC Red Network, 12:15 to 12:30 P. M. EST
NBC Red Network, 6:45 to 8:15 P. M. EST
IN . . . COAST TO COAST

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

FCC SCORES IN POTTSVILLE TACTIC

Washington, Oct. 17.

Preliminary victory goes to the Federal Communications Commission in its war with radio lawyers over propriety of the FCC's practice of reopening cases for new evidence following defeat on first findings in the intermediate courts. The Supreme Court agreed last week to enjoin appeal in the Pottsville case, considered a test of sweeping importance to all government quasi-judicial agencies.

The review will bring up the matter of whether the Federal Communications Commission's appeal in the Pottsville case, considered a test of sweeping importance to all government quasi-judicial agencies.

In obtaining a review of this question, the FCC indirectly can bring up the matter of how much discretion it has in laying down its own rules of procedure. The correctness of the initial Pottsville denial, however, is not up for scrutiny on this occasion, since the Commission is still fighting to obtain a free hand to take more evidence, and has not challenged the appeals court's decision, reversing the original decision against Pottsville Broadcasting.

Attorneys are following the matter closely, in view of the FCC habit of reopening cases.

The Pottsville crowd maintains that unless the courts take a hand, there's no limiting the agency whenever it wants to make the proposition come out a certain way.

WKZO, KALAMAZOO, WINS

WOW Suit Had Been Pending Over Five Years

Kalamazoo, Mich., Oct. 17.—By the U. S. supreme court's denial of a writ of certiorari to WOW Omaha, the five and a half year fight between that station and WKZO, Kalamazoo, has come to a close and the latter station is free to go on operating at full time on 590 k.c. WOW is on the same wavelength.

WOW battled the full-time grant, originally issued in early 1934, in and out of the Federal Communications Commission several times and despite previous setbacks before the Circuit Court of Appeals the Omaha station took the matter to the country's highest court.

RCA-NBC Television

Wednesday, Oct. 18

2:30 p. m., Robert Eichberg's 'Vist-Quiz'; 2:45 p. m., film, 'The Texas Ranger'; 3:05 p. m., film, 'Pilgrimage Through Palestine'; 3:15-3:30, Dr. Hugh Grant Rowell and Lisa Sergio on 'How We See'.

8:30-9:30 p. m., 'The Dover Road', by A. A. Milne, with Charles Webster, Marjorie Clarke, Maurice Wells, Marie Carroll, Richard Janaver, William Thornton.

Thursday, Oct. 19

8:30-9:30, Variety Hour, Bar-borison Studio Fashion Show and interviews.

Friday, Oct. 20

2:30 p. m., 'Fur Fashions', by I. J. Fox; 2:45 p. m., film serial, 'The Lost Jungle'; 3:05 p. m., film, 'Football-Kicking'; 8:30-9:30 p. m., 'The Milky Way', by Lynn Root and Harry Clark, with Claudia Morgan, June Blossom, Ross Hertz, and James Corner, Alec Cross, Fred Stewart, Paul Porter, Lowell Gilmore, Benson Greene.

Saturday, Oct. 21

2:30-3:30 p. m., first of a series on aviation and air travel. 9-11 p. m., boxing matches, Ridgewood Grove Arena, Queens.

'LIMITED COMMERCIALISM' MAY BE OK'D TO ENCOURAGE TELEVISION EXPERIMENTS

All Cost, No Return, Hampering in America—FCC Still Sees Industry Long Way Off and Fears 'Promoters'

Washington, Oct. 17.

Bars against commercial operation of television plants may be let down by the Federal Communications Commission in move to arouse more interest in research and speed perfection of visual transmission technique. Licensing plan due for presentation to the Commission very soon is likely to advocate this important change in attitude, with money-making on a restricted scale encouraged.

Uncertainties which have held up the engineers' report on allocation formula are being eliminated rapidly, while the prospect is that the licensing scheme will allow substantially more transmitters than first seemed likely. Concrete plan should be in the hands of the full board by the end of the month, following several months of conferences, headscratching, and observation.

Prospect that visio operators at

last will be allowed to collect on their investment is a direct consequence of recommendations from the Radio Manufacturers' Association. Although their proposed 'standards' were pigeon-holed last spring, the RMA's suggestions as to a licensing policy have opened the door to more transmitters, which makes it possible to ease up on the stiff restrictions.

'Limited Commercialization'

Just how much latitude will be allowed, or how the rules will be phrased, is unknown. But the disposition is to suggest 'limited commercialization' on the theory that individuals who have sunk substantial sums in research are entitled to begin recouping. The opportunity to cash-in likewise will be bait for others who might take elastic off the bank-roll when they realize the anti-profit principle has been modified.

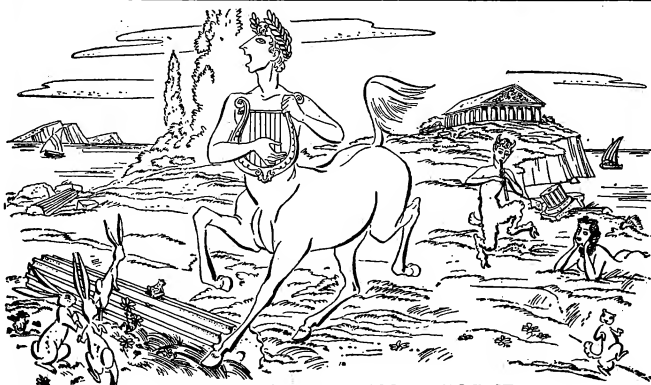
Money-making probably will not

be permitted indiscriminately. Older operators presumably will receive preferential treatment, with those which have contributed most to the advancement of the art getting the best breaks. Newcomers would be required to evidence their sincerity by running at a loss for at least a probationary period. Rookies also would have to gain experience before they could expect to attract clients, besides building up an audience that would be worth advertisers' attention. It is pointed out.

As things stand, the commercialization would occur only on the seven lower frequencies, keeping the higher parts of the spectrum for pure experimentation, chiefly with new theories (such as the Dumont process).

Long Way Off

Lack of data is one of the reasons for lowering the bars. While Commission experts still feel that television operation as an industry is a long way off, there is a definite need for more complete information about engineering problems. This can be met only by attracting additional experimenters.



THE GREEKS HAD A NAME FOR IT

(which NBC has borrowed)...

ORTHACOUSTIC

(TRUE SOUND)

Here's a revolutionary new recording system developed by RCA and NBC engineers—the result of RCA's vast experience and research in every phase of sound transmission, recording and reproduction. Orthacoustic Transcriptions give you recorded programs that literally sound like Live Studio Broadcasts!

You'll agree, after one demonstration of the new RCA-NBC Orthacoustic Transcriptions, that here is the truest recorded sound you've ever heard! You'll hear tone that is vibrant—sparkling with life and warmth. You'll be able to distinguish every instrument in an orchestra. You'll hear voices as naturally as if you were face to face with the speaker.

Orthacoustic Transcriptions provide colorful, living sound because they eliminate over-resonance, ear-

ting, needle-hiss, "wooms" and "muffles." They are boom-proof and distortionless. They reproduce with unmatched fidelity the true sound that goes into the microphone—and nothing else.

But let the new RCA-NBC Orthacoustic Transcriptions speak for themselves! Judge them as your audience will—by hearing them in action! Let us prove their superiority by comparison with current recordings! Call us today!

ELECTRICAL TRANSCRIPTION SERVICE • NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service

RCA Bldg., Radio City, N.Y.; Merchandise Mart, Chicago; Sunset Blvd., W. Vine St., Hollywood

A Background of Unmatched Experience in Sound Engineering

Orthacoustic Transcriptions are a tremendous forward step in recording quality. The unmatched experience of RCA and NBC in every phase of sound transmission, recording and reproduction—including radio, television, sound movies and records—stands behind them.

RCA-NBC ORTHACOUSTIC TRANSCRIPTIONS

—the truest recorded sound you've ever heard!

give users of transcriptions these advantages:

- 1 New high fidelity reproduction quality.
- 2 Elimination of distortion, particularly in high frequencies, no "see-ting."
- 3 A maximum signal-to-noise ratio, no "needle-hiss."
- 4 Entirely natural reproduction of speech.
- 5 Greater tone fidelity in reproduction of music.

4 NETWORK HITS!

PAUL SULLIVAN REVIEWED BY THE NEW YORK TIMES
CBS Network—39 Stations
Every night but Sat., 11-11:15 E.S.T.
for **RALEIGH CIGARETTES**

UNCLE WALTER'S DOG HOUSE
NBC Red Network—65 stations
Tuesday nights—10:30-11 E.S.T.
for **SIR WALTER RALEIGH TOBACCO**

AVALON TIME Featuring BOB HOPE
NBC Red Network—71 stations
Wednesday nights—8:30-9 E.S.T.
for **RALEIGH CIGARETTES**

PLANTATION PARTY
NBC Blue Network—6 stations
Friday nights—9-9:30 E.S.T.
for **BUGLER CIGARETTE TOBACCO**

Presented by BROWN & WILKINSON TOBACCO CORP., Louisville, Kentucky

IBAL
means business
in Baltimore

The New **RCA-NBC**
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PUBS READY FOR SPA PACT, SUBJECT TO REWORDING OF CERTAIN CLAUSES

Answer Irving Caesar Taunt That Negotiators Had No Authority in Past by Naming One Lawyer (Abeles) as Fixer-Upper

Music publishing industry as a whole is prepared to accept the terms of the new agreement offered by the Songwriters' Protective Association but it insists that the verbiage of the convenient plus the standard union writers' contract be clarified. Julian T. Abeles, counsel for the Robbiss-Metro group, was designated last week at a meeting of leading publishers as their spokesman in negotiating such language changes. Abeles' first move was to ask the SPA to grant an extension of its ultimatum, which had been set for Oct. 15.

Before Abeles could get an answer to his request he had to leave for Hollywood Friday (13) on a 24th-hour matter. He expected to be away from New York for at least 10 days and left it to his office associate, Arnold Bernstein, to get together with John Schulman, SPA counsel, on the date of extension.

(SPA yesterday (Tuesday) agreed to suspend action on the matter of asserting its mechanical rights until Abeles got back to New York.)

Abeles, along with counsel for other publishing firms, took the position at last week's meeting that many of the terms in the SPA agreement and the standard contract were conflicting and contradictory, but

that all this could be easily remedied. It was the expressed agreement of the gathered publishers that they would accept the document which Abeles, acting in consultation with Frances Gilbert and S. J. Buzzel, finally worked out with the SPA.

Decision to appoint Abeles as the lone negotiator and to be bound by his agreement conclusion came after the publishers had received a letter from Irving Caesar, SPA prez, in answer to their request for a meeting with the SPA. "We would," wrote Caesar, "unhesitatingly meet with you to discuss the provisions of the contract were it not for the fact that it were more than apparent that most of the publishers are unwilling to give to the conferees authority to speak for the group, with the result that all previous conferences have come to naught. If the past is any criterion, any attempt to arrive at an agreement satisfactory to all the publishers, and to the writers as well, would be a futile undertaking."

Others Sigh

Two more publishers last week joined the Warner Bros. group in accepting the SPA's agreement and standard uniform contract.

They were Max Dreyfus, who controls Chappell & Co. and the Crav-

ford Music Corp. and Mercer & Morris, Johnny Mercer, partner in the latter firm, has rejoined the SPA.

Agreement which is in effect with Warners can in no way impede the latter from exercising the mechanical rights of the works of SPA members. The Warner group recognizes the right of the SPA to administer these, as provided for under Article IX of the SPA's contract, and the SPA in turn renounces such rights to the Warner firms. This quit-claim reads as follows:

"We, the undersigned, Songwriters' Protective Association, an incorporated association, by a duly authorized officer, and Ray Henderson, Gus Kahn and George Meyer, as administrators under an assignment made to them by members of the association, do hereby remise, release and quit-claim unto the publisher above named, any and all rights which the undersigned may have in and to the above named composition or compositions, excluding from this release, however, the interest of the undersigned in the rights, if any, specifically excepted in Paragraph 17 of the above mentioned uniform contract.

(Paragraph 17 allows for rights retained by film or musical comedy producers, etc.)

In his answering letter Caesar also wrote: "From the fact that the present agreement has already been signed by publishing houses, we assume that its terms are not onerous to the point where a profit-

*Over the Rainbow ('Wizard of Oz').....Feist
Man with the Mandolin.....Sauty
South of the Border.....Shapiro
Blue Orquídes.....Sauty
An Apple for the Teacher ('Star Maker').....Sauty
Beer Barrel Polka.....Shapiro
In an Eighteenth Century Drawing Room.....Circle
Cinderella, Stay in My Arms.....Shapiro
Day In-Day Out.....BVC
Oh, You Crazy Moon.....Witmark
Swing Serenade.....Witmark
What's New.....Witmark
A Man and His Dream ('Star Maker').....Sauty
Lilacs in the Rain.....Shapiro
Little Man Wio Wio.....Robbins
*Musical.

able publishing business cannot operate in this fashion. You will understand that the contract, by its terms, binds the publisher only until May 31, 1940. The publisher has the option to continue the contract until Dec. 31, 1940, or to discontinue its use, whereas no such right is reserved to our association. In this respect all the advantage lies with the publisher.

"It should, therefore, not be difficult for the publishers to give the contract a trial for this limited period of time. If during this trial period situations arise which demonstrate that the contract is not to be a disadvantage, the publisher can, if he desires, permit it to terminate unless he is willing to make the changes which experience demonstrates to be necessary."

Several changes in language have already been made in the agreement and standard uniform contract accepted by Warners.

Paul Whiteman Adjusts Old Consolidated Claim

Paul Whiteman this week settled the contract difficulties between himself and Consolidated Radio Artists with an out of court settlement of \$12,500. CRA had claimed Whiteman owned it a total of \$40,000 in back commissions on a contract which had until 1945 to run. NBC acted as mediator in the settlement. Whiteman was among the bands turned over to CRA by NBC when the latter set up CRA as a band agency subsid. Leader broke away from CRA charging mismanagement and claiming CRA was unable to fulfill the contract.

Whiteman now does his bookings direct except for occasional dates. New Yorker Hotel, N. Y., dates where he opened last night (17) was done direct.

Trammel Served
Niles Trammel, NBC executive v.p., served as the intermediary in the settlement discussions, since it was Trammel that made the original management contract with Whiteman. Report persists a hand circles that Consolidated and NBC are on the verge of severing their financial and contractual relations. Divorce-moment deal, it is said has been completed, but the signatures won't be exchanged until certain formalities have been arranged.

'Romance' Song Suit

Carl Field, Henry Clarkson and Jeff Clifton filed suit in U. S. federal court yesterday (Tuesday) against 20th Century-Fox Film, (the late) Con Conrad, Herb Magidson and Sam Fox Publishing Co., claiming the plagiarism of their song "Good-bye to Love," in the Conrad-Magidson song, "Here's to Romance" used in the Fox film of the same name.

The plaintiffs claim \$25,000 damages and assert profits for defendants exceeded \$500,000. An injunction, accounting of profits and damages are sought.

MUSIC MEN ATTEND U.S. RALLY

Delegation from the music industry headed by John G. Paine, general manager of the American Society of Composers, Authors and Publishers, will attend the two-day session, starting today (Wednesday), which Secretary of State Cordell Hull has called in connection with Inter-American relations in the field of music. The meeting will be held in the Whitehall Pavilion, Library of Congress, and will all deal with the exchange of culture between North and South American nations.

Stated to preside are Benjamin M. Cherrington, chief of cultural relations division of the state department, Lawrence Duggan, the department's division chief on American republics and Dr. Harold L. Davis, chief of the music division, Library of Congress.

MILTON KRASNY'S TREK

Changes Town and Bit To Aid Sick Wife

Cleveland, Oct. 17.
Milton W. Krasny, pret of musicians' local here for the last four years, is retiring from the union and the music business to move to California when his term expires Dec. 31. He was slated to run for re-election without opposition, but he withdrew when family doctor advised him to take his ill wife to the West Coast. Intends to enter credit department of a Los Angeles department store.

Formerly conductor of RKO Palace's pit orchestra, Krasny became youngest union head in country when elected to post at age of 26. He suggested series of pop concerts at civic auditorium during past summer and staged a "Weekend Nite" last year to raise money for free park concerts.

Smack! Smack! Smack!

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(WHY COULDN'T IT LAST)

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Music by AUSTEN CROOM-JOHNSON

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Privy Council 'Monte Carlo' Decision An Important Copyright Interpretation

Decision of the Judicial Committee of the Privy Council, the highest of the British highest court, in favor of the Century-Fox on the infringement suit over 'The Man Who Broke the Bank at Monte Carlo' regarded by copyright specialists in America as upholding an old legal concept, the high tribunal termed the claim that the film's use of the song title constituted a literary infringement as 'too insubstantial' and held that on the basis of such reasoning a work of statutory title 'Adam' could be guilty of infringement.

Shapiro, Bernstein & Co. started the action against the producers in Canada in behalf of Francis, Day & Hunter and was also instrumental in having an unfavorable finding of the Canadian Court of Appeals taken to the Privy Council. The publishers have ordered by the Council to pay the costs of appeal.

The pubs behind their claim of damages on three occasions, namely rights, (2) literary infringement and (3) the picture having been made up of the same of the song title. The Council ruled that the initial charge had substance neither in fact or law. Copyrighted owners had failed to publish on each copy of the song the notice required by the Copyright Act of 1885 and because it was unknown to intimate that the mere use of the title meant that the song had been played in the picture.

On the passing-off issue the high court stated that it was hard to believe that anybody who wrote or saw the film thought that he was going to hear the song. Also that the two songs were distinct and that it was impossible of comparison to any reasonable degree.

R. J. POWERS UPPED AS ASCAP EXECUTIVE

Richard J. Powers has been appointed to the newly created post of field administrator of the American Society of Composers, Authors and Publishers. The assignment gives him authority over the office operations of ASCAP branches. For the past 18 months he has been in charge of a field crew which had specialized in increasing licenses and standardizing rates for similar licenses throughout the country.

In a letter to branch offices advising them of Powers' appointment John G. Paine, ASCAP general manager, last week credited him with bringing in the Society's license list by \$5,000 within that period and also amounting to some \$300,000 in revenue. Powers came with ASCAP six years ago. He started doing special work before he came to New York, and after establishing a branch in Porto Rico. Powers is putting out a new road crew which will include Paine's son, Dick Frohlich, and Louis Frohlich, ASCAP's general counsel, Louis Frohlich.

Donaldson East

Walter Donaldson arrived in New York from the Coast on Tuesday for several proposals, which include the writing of several new songs. Donaldson also arranged for the production of his 'Fit to Be Tied,' which number he wrote for the Kay Kyser picture, 'That's Right,' which is now in production. Film is being completed by RKO and release date is Nov. 24.

KEN SISSON IN BUFF

Ken Sisson will replace Ernie Waller as conductor of Shea's Buffalo orchestra beginning Oct. 20. Sisson, known chiefly as arranger, recently conductor of the orchestra at the Stanley, Jersey City.

Courtesy Pays

Two band leaders were opening the same night in respective New York spots. One leader called up music publishers and informed them that they better be on hand, or else. The other bantist merely sent around a note, 'requesting your pleasure.'

Couple publishers did some phoning of their own, and within an hour the publisher of these calls was an agreement among the majority of publishers to pass up the 'or else' leader and to attend en masse the other fellow's opening.

ARTIST - P.B. COASTING DISCS

Recording artists contemplate an alliance with music publishers in pressing demands for the right to license coin-operated machines and other commercial uses of phonograph records. An exploratory move in this direction took place Monday (16) when two band-leader offices of the National Association of Performing Artists met with three publishers at the office of the Music Publishers Protective Association. The meeting had been suggested by the leaders for the purpose of determining whether the pubs as copyright owners would be interested in acting also in the interpretive artists' behalf and splitting the license fees with them.

What made the gathering unusual was that neither representative of the industry was a lawyer. NAPA's delegation consisted of Fred Waring and Meyer Davis, while the publishers present were Lester Sanley, Louis Bernstein and Waring's Johnny O'Connor.

The preliminary conversation had to do with the practicability of a publishers' issuing licenses in behalf of the interpretive artists as well as themselves. Also what would be the proportionate shares of the income the machines would generate that could be set up for this two-way representation.

The American Federation of Musicians several weeks ago warned its members that the assignment by a publisher to a manufacturer to make a phonograph record to the manufacturer would be considered cause for automatic dismissal from the union.

Luncheon Finally Given

Supreme court justice Charles E. Hughes, in New York yesterday (Tuesday) signed an order granting Jimmy Luncheon permission to perform at the luncheon and recitation society of Decca Records, Inc., in connection with a \$500 fund for the colored maestro against the disk company.

Luncheon had previously been denied permission to examine Decca's books, on what had been a general assumption, the court held with the defendants that, since the plaintiff is now in the employ of a colored maestro, certain facts in the defendant's books did not belong to him. At that time the judge granted an examination before trial of Decca, so that Luncheon could obtain his pertinent information. When it was argued that all Luncheon sought were facts in connection with his present royalty action, Judge Noonan granted the request.

BROAD TALENT IN RADIO

Impressions Held of Performance Rights Society by Broadcasters Bespeaks Failure of ASCAP to Sell Its Story - Broadcasters Favor Taking Fight to Public

VITRIOLIC

(After spending the past several weeks touring through the Midwest and sooty calling on various radio stations, VARIETY's Ed Grunwald sends back this impression of the attitude the broadcasters have toward ASCAP and conversely the conclusion that some part of the peeve could have been avoided; and that it is partly personalized; and a direct result of a failure by ASCAP to practice a judicious policy of hand-shaking, until today.—Ed.)

By EDGAR A. GRUNWALD
Oklahoma City, Oct. 17
Anybody who drops in as a caller from New York City and wants to talk things over with radio station owners and managers through the hinterland should never give up the subject of ASCAP. Because almost directly the broadcaster will start going up like heated air and will be good two hours or longer coming down or cooling off sufficiently to permit more rational conversation on other subjects to be resumed.

The broadcasters are not angry at Gene Buck and E. Mills. They are near apoplexy. They may occasionally cuss out the musician's union, the Federal Communications Commission, the network they're affiliated with, and the soundies that run the competitive station, but all this is bush-league pitching compared to the steam being the squawk on ASCAP.

Legislum Alone

This may or may not interest the song publishing-performance right personnel back in New York. The latter have their own ideas of the songwriters' rights and the publishers, and of what they, the leaders of ASCAP, believe to be proper and sound strategy. This is not the place to comment on the merits of the basic issues. This is a report on how the broadcasters feel.

(Continued on page 40)

Montana ASCAP-Baiters Seek FCC Encouragement; Would Label Some Stations 'Conspirators'

Open Ears

Robbins Music combine has set up a weekly song reviewing board to eliminate haphazard listening to new tunes. One day a week is set aside for the excess of the three companies, Robbins, Feist, and Miller to sit at luncheon and listen to various tunes offered during that period.

Board is composed of Jack Robbins, Abe Olman, Murray Baker, and Leo Talent of Robbins; Harry Link, Bernie Prager, Ben Gilbert and Chuck Rinker, of Feist; and Ned Murrey and Herbie Rees of Miller.

New track was taken last week in Ed Grunwald's fight on the copyright pool. After being frustrated in a rank attack on the American Society of Composers, Authors, & Publishers, the Montana operator asked the Federal Communications Commission to do something about his music problem. In a long, out-pouring letter to the FCC from the prosecutor of Missoula County the Comish was told that Gene Buck et al. are fugitives from justice and the radio regulators should swing into action. (Judicial review would have jurisdiction over Tin Pan Alley remains a mystery).

Copies of the letter were sent to the chair and Senator Burton K. Wheeler, close friend of Grunwald and one of the solons trying to goad the Justice Department into reviving the antitrust attack on ASCAP.

Copper country lawyer remarked that these types of antitrust licensing group on extortion charges, adding his opinion that they are perpetrating a 'gigantic fraud' on the radio industry and the American people. The outfit has money enough to stand trial, he added, and ought to be forced to defend itself before continuing to collect from the broadcasting industry.

Hearings ought to be held before the FCC reviews the license of any station that does business with ASCAP, was suggested by the Comish should treat stations which do have licenses as co-conspirators.

Copy of prosecuting attorney's letter is now being studied by commission legal department before the fact that reply will be readied within a few days. Official reaction to charges of alleged extortion and other alleged 'criminal' acts on part of reply, is being withheld until Comish can ready its answer. No indication, however, that Missoula's demand for setting down of all NBC-CBS renewal applications for hearing will be taken seriously by regulators.

Attorney involved is Edward T. Dussault.

RADIO NOVELTY 6 IN WINNEPEG HOTEL

Winnipeg, Oct. 17
CJRB's Sunny Boy, Harry Murray, were the first group to start the fall season off by opening at the Hotel. This marks a decided change of policy for this or any other hotel in town as major hotels always stuck to straight dance music. Sunny Boys are a novelty group made up of Sunny, Duke and six, with Jean Wales in for vocals.

Other spots are sticking to ordinary dance music with Irving Berlin and a new and larger crew for the 'super dancers' at the Royal Alexandra Hotel. Claude Turner is returning to the Fort Garry CNEW management. Rex Ferguson and crew will continue to hold out at the Cave Cabaret for the balance of the season.

One or two others spots have not yet set policy.

Ellington Got \$1,530

Lincoln, Oct. 17
Selling a door-to-door sale valued at many times the name band, Duke Ellington, at the Turpin Casino (7), drew 444 persons to the show. The first 100 advance tickets were sold at 83c and \$1.10 per person, and the total take was \$1,530 on the night, a fine showing.

Gray Gordon orchestra, in the group between \$1,000 and \$1,500, also good in its class.

Warners Wholly Withdraw From Retail End of Music Business

Warner Bros. has withdrawn completely from the retail end of the music business, with the sale last week of its sheet counter interests as represented by the Music Sales Corp. The buy-out was part of a Paul Gewitz, who operates the Colgate Music Shop on upper Broadway and is associated with Wyn Brookhouse in the conducting of the Paulbrook music counters in syndicate stores.

Music Sales concentrated its counter operations along the west coast. At one time this representative of the music business had more than 200 chain and department stores. The sale to Gewitz covered around 60 counters in New York City.

With MBE out of the way the WB music interests are now wholly in the hands of the retail end of the music business and the subsidiary contained in Music Publishers Holding Corp. are Harman, Inc., M. Witmark & Sons; Remick Music Corp., and New World Music Corp. B. Harman, Inc., was sold to Max Dreyfus a couple years ago.

Columbia Pushes Bonuses Fleets to Phon Disk Sales

Columbia Phonograph Company is pushing sales of a flock of special emeralds, known as 'Mr. and Mrs. K.' and 'The Dealer's Choice,' throughout the country and attempt to purchase records.

If the dealer pushes 'Columbia's' product, Mr. and Mrs. K. will be a bonus of \$1 or \$2 with him as a gesture of appreciation.

Toscy at AFM Benefit

Arturo Toscanini is understood to have agreed to baton the 15-piece symphony orchestra to perform at the benefit for medical fund of the New York local, American Federation of Musicians, at Madison Square Garden, Nov. 27.

In addition to the symphony, more than 25 name bands have been lined up to play at the mammoth shindig.

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

Following is a totalization of the combined plugs of current tunes on NBC (WJAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Oct. 9-15). Total represents approximate performance on the two major networks from 8 a.m. to 1 a.m. Symbol * denotes film song, † triple, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Mr. Traver	Shapiro	37
What's New	Wilmark	37
Day Is Out	Bennett	35
Song of the Border	Shapiro	35
Are You Haven't Any Fun?	Crawford	30
Morning, †Bless In Arms	Shapiro	29
Man with the Mandolin	Santley	26
Let's Get Lost	Shapiro	24
Oh, You Crazy Moon	Wilmark	24
Over the Rainbow	Feist	24
It's Hundred to One	Shapiro	24
Little Man Who Wasn't There	Robbins	22
Nightingale Serenade	Berlin	22
My Last Goodbye	Berlin	22
An Apple for the Teacher	Santley	20
Lilacs in the Rain	Robbins	20
Blue Orchids	Famous	19
Yo Fly a Kite	*Star Maker	19
Lamp Is Low	Robbins	19
Melancholy Mood	Harms	19
Comes Love	†You! Boy	18
Goodnight My Beautiful	Scandale	16
South American Way	†Streets of Paris	16
To You	Paramount	15
Baby Me	BC	14
El Rancho Grande	Marks	14
It's Easy to Be Everyone But Me	Wilmark	14
Melancholy Lullabye	Paramount	14
Scatterbrain	BVC	14
Yo Vistu Gaily Star	Green	14
A Man and His Dream	*Star Maker	13
Bless You	Santley	13
Cinderella, Stay in My Arms	Shapiro	13
Jumpin' Jive	Marks	13
I Must Have One More Kiss	Santley	13
In an Eighteenth Century Drawing Room	Ciclic	12
Stop Kicking My Heart Around	Shapiro	12
For Tonight	Remick	11
I Did It Now What Time	†Too Many Girls	11
All in Favor Say Aye	Chappell	10
At Least You Could Say Hello	Feist	10
Begin the Beguine	Harms	10
Many Dreams Ago	Harms	10
Moon Love	Famous	10

Inside Stuff—Music

Shapiro, Bernstein & Co. has renewed its contract with the Peter Maurice Music Co., London publisher, for the American and Canadian rights to the latter's works. The extension, which is for another year, also covers Peter Maurice's two subside, Worldwide Music Co. and Melomelodies Co. In the first year of the agreement the American plugs obtain such hits as 'Penny Serenade,' 'Cinderella, Stay in My Arms' and 'South of the Border.'

Shapiro-Bernstein last week also acquired all the rights to 'In the Mood' by Joe Garland, from the Lewis Music Co. Buy had been influenced by the circumstance that a recording of the tune by Glenn Miller had become No. 1 seller on the Blue Bird (Victor Co.) list.

Publishers appeals board of the American Society of Composers, Authors and Publishers last week overruled the action of the availability committee in slashing the ratings of Broadway Music Corp. and Words & Music, Inc., and restored to the two firms the ratings they had at the beginning of this year. Broadway had been dropped from 600 to 540 points and W&M from 200 to 225 points.

The appeals group has not as yet handed down a decision in the protest of the Southern Music Co., whose current rating is 540 points.

Raymond Scott begins cutting records soon for Columbia Records with the big band he's currently grooming with daily tryouts on CBS stationers. It's composed of four sax, five brass split three and two, and four rhythm, and has the Quintet within.

Scott has been quietly reading the large band on CBS for past several months. He's on about a dozen sustaining programs per week with it, and succeeded in keeping it under cover until several weeks ago.

Charles Henderson, songwriter-arranger, has written an extensive 370-page volume on 'How to Sing for Money' which George Palmer Putnam is publishing in Hollywood (\$3.95) and which rates more than its title implies. It's a show-wise treatise that takes in almost every branch of the amusement industry. Charles Palmer, who collaborated, is a facile ghost, having captured Henderson's experience with bands, film studios, etc., in graphic fashion.

Society of European Stage Authors and Composers discovered after the ASCAP music festival was over that a number in SESAC's repertoire, 'Sunrise Serenade,' had been used at least three times during the jazz band shows. At the concert series, Jewel Music Co. publishes the tune and rates as one of the few pop music firms not allied with ASCAP. In all other of the concerts ASCAP had checked the programs to make sure that the numbers to be played were within the ASCAP catalog.

Bregman, Vocco & Conn, Inc., will publish the score of 'Swingin' the Dream,' the Erick Charrell production which is slated to open at the Center theatre, N. Y., in about four weeks. Eddie DeLange and Jimmy Van Heusen are doing the music of this modernization of 'Midsummer Night's Dream,' whose cast will include Benny Goodman.

Rival Cafe Has Two, So

Nick's Adds Third Band

Since the Cafe Society, in Greenwich Village, New York, put in two swing band groups in addition to other talent, Nick's opposition club in same nabe, is arranging to up to three bands. Society opened last night (Tuesday) with Joe Marsala and Joe Sullivan's hot units of six or seven pieces. Nick's has Bud Freeman's Summa Cum Laude's and Zutty Singleton's trio and arranging to add Muggsy Spanier's small after finishing a Chicago nitery date. Spanier had been set for the Look-out, Cincinnati, but was stymied by a musician's union rule.

Billie Holiday, who recently left the Society to go to Chicago's Off-Beat Club, returns with Marsala and Sullivan.

TOO HOT TO HANDLE

Reisman Taking Bows on Memphis Hotel Fire

Memphis, Oct. 17.

Fire Prevention Week here opened with a blaze that threatened the Pop body blowway. South's swankiest hotel rendezvous, on the eve of its fall opening.

Flames broke out in trash chute Sunday (15) afternoon. Extinguished before damage sufficient to interfere with hotel operation. Monday night, although air conditioning system on blink for 48 hours. Loss estimated at about \$2,000.

Leo Reisman, whose orchestra is playing first Dixie engagement, claimed blaze occasioned by his torrid drawing power. Hotel management is waiting to see.

Social Security Up To Band Leader Under New Ruling; A. F. M. Fought It

Managers, lawyers and announcers connected with dance bands are scrutinizing the latest ruling handed down by the U. S. treasury department on the question of liability for the payment of social security taxes. In this decision, whose file number of SST 375, the department's Board of Tax Appeals reverses itself and holds that the band leader who contracts for the engagement is responsible for the remittance of such

taxes. The finding would readily apply to name bands, since these are permanent organizations and the leader invariably engages his own men.

Case which resulted in the decision had been brought to the board by the Dayton-Biltmore hotel, Dayton, O., with the co-operation of the American Hotel Association, while Joaquin Hill was the leader named. American Federation of Musicians has fought against this interpretation

since the inception of the social security act. The international last month went so far as to draw up and distribute among band bookers a contract form which specified that the person or corporation engaging the band assume liability for the payment of social security and unemployment taxes.

Several days after the forms had gone out the AFM's executive board issued a letter suspending the form's effectiveness until further notice.

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Midwest Out of Step With East On

Vaude; Current Season Looks N.G.

Chicago, Oct. 17. Midwest vaude is stumbling off on its worst vaudeville season in history. Each year has found some cause for optimism and the hope for increased vaude activity, but the current season, is dismal in its get-away and the prospect is pretty bleak. This is particularly strange in view of the considerable spurt of vaude time around the east.

Outside of the loop in Chicago there is practically no solid vaudeville time, and the loop, which has had four solid money houses, indicates that it will cut down to three. The RKO Palace is seriously floundering on dropping vaude and going into a straight film policy with double features. Bix at this house has been away off.

Rest of the midwest is n.g., the houses either playing cut-rate shows or operating on a seasonal basis. In regular, Toledo, which had been a regular week stand, now is playing only occasional shows, is not giving such a good money week for variety talent.

Rest of the time is weekend stuff, Detroit, gives no indication of going back to vaude. Lyric, Indianapolis, is getting most of its season out of New York, as is the Colonial, Detroit.

Minnesota in Minneapolis has been playing \$1500 budget shows, though there is a likelihood that this budget will be raised. Riverdale, Milwaukee, is not giving such a good money week for variety talent.

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DUALS WILL REPLACE VAUDE AT CHI PALACE

The first first-run vaude in the RKO Palace in Chicago will be the RKO Palace. If current executive discussions materialize, RKO chiefs are seriously considering sending the midwest flagship into a first-run dual policy. Stagehand musicians are on week-to-week basis and, should the shift be made, it is figured that vaude will be cut and twin bills by Nov. 3.

Willows Under Hammer; Once Pitt's Top Nitty

Pittsburgh, Oct. 17. Willows, at one time Pittsburgh's awkward roadhouse, will be sold at auction next week by receivers for the defunct Pittsburgh banks. Show built more than a decade ago by Tony Conforti and A. Tucci, was in its early days was one of the biggest money-makers in nitty history here.

Tucci died some time ago and Conforti, who now owns the property, was hit by the same fate. Conforti, who later lost the property when he couldn't meet the mortgage. For last several seasons, spot has been run by varying degrees of success by local syndicates under percentage of gross rental plan. Questioning over the recent revealed that none of the syndicates past or present had any body else actively connected at the moment with cable, plans to put in a bid for the Willows.

N. O. Spot Reopening

New Orleans, Oct. 17. The swank Tulane Room of the Jung hotel, which has been dark for the past six months, will reopen Nov. 2.

Vincent Lopez' orch will be the first band in the spot.

Abbott-Costello in Triple, Radio, Legit, Nite Club

Abbott and Costello, a fixture on Kate Smith's radio program and in Streets of Paris, Shubert musical at the Broadway, N. Y., will appear in the Versailles starting Oct. 23. Nitty date is for two weeks, teapile by the William Morris office.

Last night appearance by Abbott and Costello was at Billy Rose's Casa Manana around eight months ago. At that time, however, they were working only the Kate Smith program.

Adelaide Moffett is co-contraction on that date, succeeding Gertrude Nielsen, who debuts tomorrow (Thurs.).

CANTOR MEETS LOEW'S TOP B.O. SCALE

Reported Eddie Cantor may be admitted scale higher at the Metropolitan, Brooklyn, when he opens there next month. Cantor's deal gives him 50% of the gross from the first dollar. The request may have gone in already.

During week days, the Met gets 25c to 5 p.m., and 50c to closing. On Saturdays, the Met gets 25c to 5 p.m., and 50c to closing. On Sundays, the Met gets 25c to 1 p.m., 40c to 5 p.m., and 75c to closing.

Sundays scale at present is 25c to 1 p.m., and 50c to closing. With Cantor it may be only 40c to 2 p.m. and 75c from then on.

Dante Returns to U.S. After 12 Years; Spent 10G to Leave Europe

Dante, musician, who arrived back in this country Saturday (14) with troupe of 30 people, was playing at On Scala, Berlin, when war broke out. He went to Stockholm, Sweden, where he waited for three weeks before he was able to gather his baggage and sail on the S.S. Gunhild.

Baggage, consisting of 150 pieces was temporarily interned in Berlin, and by the time he was able to regain possession it had cost him over \$3,000. Says trip home for himself and troupe, with everything included, cost him about \$500.

Dante had been abroad for nearly 12 years, having been practically every city on the Continent.

Name Bands Mulled For Tivoli, Brooklyn

A name band policy similar to the one in effect at the Strand, Brooklyn, is being mulled for the Tivoli, Brooklyn. This house was once a leading indie vaudeville, but has played a regular policy of stage shows for around three years.

If and when the contemplated band policy goes into effect, Alec Hanlon, recently returned from a tour of Australia, will be in charge of the house. It seats around 2,200 and is in the downtown sector of Brooklyn.

Gauchos Join Brown

Seven American Gauchos, including the Joe E. Brown team, are now in the Coliseum, Dayton.

Max Mishman negotiated the deal.

Quick Grief

New Orleans, Oct. 17. Frances Anello, 'Miss New Orleans of 1935', is already having professional troubles. Her father, Joseph P. Anello, has fled suit in First City court to collect a judgment of \$50 for her two-week booking at the Chez Paree.

Anello claims his daughter had a contract with Joseph 'Jean' LaFite, operator of the spot, but the latter's court to collect a judgment of \$50 for her two-week booking at the Chez Paree.

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HARLEM HOUSE MULLS OFAY BANDS

Apollo theatre, in Harlem, New York, heretofore using colored bands and talent almost exclusively, is mulling the booking of white name bands. Charlie Barnett crew is tentatively set at the house for the week of Oct. 23.

There has been a white band in the spot for almost five years, and although enough it was Barnett's crew the last time.

Reason for running in white bands, which is almost a certainty, is the threat enough good colored crews to give the theatre strong b.o. magnets each week. Number of b.o. Negro acts can be counted by the fingers of one hand. Theatre occasionally uses a white vaude act.

Cleve's Civic Aud B'd Overrules Pic Exhibs On Jitterbug Contest

Cleveland, Oct. 17. Annual row between film exhibitors and civic leaders over the Jitterbug contest at Public Hall, S. M. Fox, of Kansas City, head utterer in the International Jitterbug Asn., had contract nearly signed by Buckman for 18 days when exhibitors grabbed the pen indignantly.

Contest was in direct competition with commercial theatres, protested J. M. Ulmer, top pic for pic houses. It was in direct competition with out-of-town promoters to pull every shagging lure away from pictures.

After hearing the heated debate for a week, the city board of control arbitrated by ordering the rental contract, but chopping the outbidding down to 11 days. City is to get 17% percent of receipts, with guaranteed minimum of \$2,000. Owners of town's movie arenas also squawked about Buckman's leasing the auditorium to Leo Mayntner, head of Chicago-Led's Park's rink. Apparently they yelled enough influence, for hall will be turned into a pop-price roller rink between other events as an experiment, filling its winter sold for the first time since it was built.

SYR. DAILIES TALK UP VAUDE REVIVAL

Syracuse, Oct. 17. Eddie Cantor and troupe's terrific click in one-day (10) stand here revived talk of vaudeville.

All press commentators said after his visit that time was apparently ripe for stage performances here, but as yet no theatre has taken any official steps in that direction.

'The Era', London Weekly, Folds After 102 Years

The Era, 102-year-old London theatrical weekly, has quit publication. It was at one time an influential journal.

A. B. Ledger, for years proprietor of the paper, died in New York leaving over \$2,000,000. Of recent years it had been owned by the Ottens.

Stagehands' Extra-Man Rule On Electrical Instruments May Reach A-Musicians' Working Agreement

Replica of Hollywood's Beachcomber on B'way

Broadway is to have a new night spot, the Beachcomber, a replica of that in Hollywood. It will be spotted on the second floor of the Winter Garden building, same quarters that were used for cabarets with various names, including that of the Stratford and Rendezvous.

Atmosphere will be Tahitian and a native menu will be featured. What is claimed to be the top Congo band has been engaged by Monte Prosser who will be the general manager. Nat Karson is designing the room and costumes for a November opening. The address is of the syndicate backing the new venture.

VAUDE OUTLOOK BRIGHT ROUND NEW ENGLAND

Boston, Oct. 17.

Prospects of the best vaude season in five years in the New England scene is bright, according to leading talent bookers here. Current season opened slightly stronger than last season closed, although the bookers claim the warm weather has delayed developments considerably.

In this city vaude is at almost exactly the same volume as last season, but the expansion thus far has been in the suburban houses. There are five acts on a split week, and these stands are using girl lines with the five and six act.

In the hinterland a few houses have already opened the fall season with talent, whereas last year they remained straight films until late in the season. In other instances some theatres are using more acts or running vaude more days. Club bookings are also up a bit this far, and organization bookings are shaping up very well.

No bookers contends that the current increase is sensational, but the consensus is that the signs point to a comparatively good year just as soon as the cold weather erases the heat of summer that has retarded most all show biz here this fall.

Richards Takes Over Sherman Unit Booking; Costlier Talent Plans

Max Richards on Monday (16) took over the booking of Harry Sherman's Mutual vaude unit, replacing Joe Feinberg, booker of the Circuit. Behind the switch is Sherman's idea to spot a better grade of talent, especially for the first time since it was built.

Richards, who for five years was casting director of the musical Mentone Shorts, is doing the booking in his own office. He has once a leading vaude house in Chicago and also bought the shows for the Circuit. Richards, during that time, Sherman's Mutual vaude unit, replacing Joe Feinberg, booker of the Circuit. Behind the switch is Sherman's idea to spot a better grade of talent, especially for the first time since it was built.

With the expiration of its deal with Harry Sherman for Mutual vaude unit, the Comford theatres are cutting vaude time down to only two nights playing three days each week. They are Wilkes-Barre and Scranton Pa.

Five other Pennay towns—Stroudsburg, Hazleton, Endicott, Honesdale and Carbondale—played Sherman's unit one day weekly, but now go to straight films.

Wilkes-Barre and Scranton will be booked by Joe Feinberg over at the Circuit. The pact did it was indicated he'll spot more expensive shows than the Mutual acts, which range from \$65 to \$100 in cost.

Long-standing working agreement between the International Alliance of Theatrical Stage Employees and the American Federation of Musicians is being blown up, setting off another intra-union war, if the IA insists on enforcing an old electrician must hire an extra electrician when stage bands contain any instrument requiring an electrical connection.

Edict, which has long been on the IA books, was given its first workout in what the New York tooters who are the IA management are admitting it considers a strictly underhand manner. Del Courtney, agent who is appearing at Loew's State last week, was the butt of the IA drive there.

It is intended by the AFM that an IA rep came to Courtney just a few hours before he was set to open the Sherman engagement and he demanded he sign an agreement to hire an electrician at \$100 a week because the band uses a Hammond organ.

Rattled by the proximity of curtain time, Courtney at last time date, Courtney inked the agreement handed him. He then notified the AFM that he was signing the agreement, flared up. He was not only angry, the blackjack he felt was being put upon the man, taking upon the union any liability for his not fulfilling the signed agreement.

Mediacal Angle. Rosenberg declared he'd be glad to see more electricians hired, but his salary came out of the pockets of musicians. If additional hands are needed, he said, it was the business of the union for their employment with the house. In any case, the stagehands' organized the AFM instead of going straight to the AFM leader, Rosenberg feels.

As the battle now stands, a three-way affair between the two unions and the State, with the latter in the middle, trading as the eggs to avoid offending either labor organization and finding itself stuck or picketed. On the other hand, it's not anxious to pay the \$100 in this case or in the case of future bands employing such a large number of electricians, as Novachers, electric guitarists or vibraphones. As virtually all parties are in the line of trading as the eggs to avoid offending either labor organization and finding itself stuck or picketed. On the other hand, it's not anxious to pay the \$100 in this case or in the case of future bands employing such a large number of electricians, as Novachers, electric guitarists or vibraphones. As virtually all parties are in the line of trading as the eggs to avoid offending either labor organization and finding itself stuck or picketed. 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Time. (13). Gold.

Equity Council Split On Agency Problem; Continuing Investigation

Sharp differences of opinion over the casting agency problem have arisen among Equity's counselors, with present indications that, if a majority of commission is to be raised on a par with that for radio, pictures and night club engagements, it will take some time to come to an agreement. Committee which was assigned to the matter made its report to the council, but the decision was inconclusive and it was resolved that further investigation be made.

Principal point at issue is whether to concede some form of higher fee to the casters, or to attempt a more general enforcement of the existing rules which fix the rate of 5% for the average stage engagement. Agents say they cannot operate on that basis and proponents who seek to hike the rate frankly say the rule is unenforceable. Some actors insist that they do not pay additional commission, while others refuse to accept such claims as gospel and declare those who do not split the agent 10% are discriminators. Trend of opinion appears to favor establishing graduated commissions along the lines of actors' royalties. The more salary an actor receives for the actor by the agent the higher the commission would be, with the limit at 10%. Known that if the committee favors such a system, it will be firmly opposed by some of the association's officers, who may sway the deciding vote.

Up to Members

If the present licensing system is brought up to date as intended by that segment of the council, which believes it out-moded, or if the commissions are lifted, final action will be up to the membership. Should the council determine not to change the system, the matter is certain to be pressed at the next quarterly meeting, for those favoring a change are insistent that the setup is obsolete. Pointed out that if the council approves a boost, it could not be formally put into effect without a majority vote of the members, other than an internal battle in the association would likely be provoked.

Those against reviving the agency rules are of the opinion that the average casters is able to secure enough from engagements to amply compensate them, rather than to be paid less than 10% to fully compensate them. Argued, too, that there are comparatively few stage jobs to be taken over to the other entertainment fields. Odd angle of the matter is that the agents are not sparking the campaign for the increase, unless they are working under cover. Active players themselves are known to favor the change, saying they believe that many members are paying more than 5%.

Equity no longer will issue a "personal representative" permit, which has a management provision and which allows the agent to collect 10% commission for the run of the play. In return, however, the agent must guarantee the actor for 30 weeks work per season, or pay him salary for that period.

'Nother Kinsey

Canton, O., Oct. 17. Bette Graf, third generation of the Kinsey family, famous in radio for her circles for more than a half century, made her debut in leading roles with her mother, Mrs. Madge Kinsey Players, which opened an indefinite run at the Grand Opera House here Oct. 17. Miss Graf is the granddaughter of Katherine Kinsey, of the original Kinsey troupe, who graduated from high school last spring.

COAST TO SEE N.Y. STAGE HITS

Los Angeles, Oct. 17. Peter Ermatinger, manager of the Biltmore theatre here, announces strong lineup of legit starting first week in December. Opening Dec. 4 for two weeks, Alfred Lunt and Lynn Farnham present *The Taming of the Shrew*.

Opening Christmas day for two weeks will be *T. Married an Angel*, featuring Bette Graf, Madge Kinsey, Karen van Ryne and Kathy Arnat.

Bored to open Jan. 15 are Katharine Cornell and Francis Lederer in *No Time for Comedy*, followed by Raymond Massey in *The Lincoln in Illinois*. Then possibly *Tullulah Bankhead in The Little Foxes*, supported by Patricia Kennedy and Frank Conroy, and after that *The Philadelphia Story*, starring Katharine Hepburn.

Gertrude Lawrence plans a Coast trip as soon as she concludes her current engagement in *Sikkyar*.

Half-Mast Equity Flag For William Mohr, 45

Equity's flag was placed at half mast Friday (13) when its staff member, William Mohr, 45, died suddenly at his home in suburban New York as the result of a blood clot in his heart. He was Equity's bonding secretary, handling all the cash and sureties guaranteeing salaries of players and return transportation. Though he was in serious illness, although he partially collapsed in the Equity building several days previous to his death.

Mohr was an attorney, but only occasionally acted in that capacity around Equity, which has a separate legal department. He was reticent and quiet spoken, being popular among his associates. The bonding department will be turned over to Charles Mania, whose duties include checking up on casting agents.

Opera Co.'s Premiere

Philadelphia, Oct. 17. The new musical opera, *La Scala Opera Co.* opens its season Nov. 2 at the Academy of Music here. *Madame Butterfly*, featuring James Melton, is the initialer.

Shows in Rehearsal

'Madame Will You Walk'—Playwrights.
'Swingin' the Dream'—(Erik Midland, Night of Duncan)—(Mike Churchill, Don Rodney).
The Outward Room—Sidney Kingsley.
'Life With Father'—Oscar Serlin.
Meetings at Seven—Dwight Deere Wiman.
Danbury Was a Lady—B. G. De Silva.
'Tower of Light'—Group Theatre.
'Sea Dogs'—Clarence Taylor.
'Pastoral'—Boutill and Sommes.
'Key Largo'—Playwrights.
'The Possessed'—Chicklov Theatre.
Summer Night—Louis E. Genderson.
'Farm of Three Echoes'—Hopkins, Payne-Jennings.
'The War for May'—Max Gordon.
'Nice Goin'—Laurence S. Gordon.
'Abie Lincoln in Illinois' (number one, road)—Playwrights.

Court Restrains Stagehands in Cleve. Picketing

Cleveland, Oct. 17. Stagehands' three-year fight against Frederic McManis's playhouse received a solar-punchback Saturday for the purpose of forcing the union to make a temporary court order prohibiting union pickets or 'unfair pickets'.

Order was asked by institution's trustees, who said that parade of sidewalk pickets for the last two weeks was hurting business. Injunction suit was filed two days after picketing, when community entrance was mysteriously stench-bombed. Reward of \$2,500 for any information to arrest was also being stood.

Union, which demanded that the picket should have at least one pro gripper, has denied any responsibility for stench-bombing, or for dynamite bomb which damaged house two years ago. Day after the smelter was thrown, stagehands' meeting offered a \$10,000 reward of \$1,000, agreed to limit pickets to three and proposed arbitration of the Cleve Board of Trade. Sidio, pres. of theatre, turned down offers made by John B. Fitzgerald, who had offered a \$10,000 reward to a business agent, saying he would let court settle it.

Rice to Head Dramatists; Elmer Davis, Authors

Elmer Rice has been nominated for the presidency of the Dramatists Guild and will be elected at the annual meeting Nov. 7. He will succeed Robert E. Sherwood. Elmer Davis is the prospective president of the Authors' League having likewise been nominated last year. The election will be held Nov. 7. The election will be held Nov. 7. The election will be held Nov. 7.

Irving Elman has completed *Three Kisses*, which Frieda Fishbein is agenting. He also has two previous works going the rounds, *'Swing Something Simple'* and *'Burro Alley'*, adapted from Edwin Criss's novel.

Ben Slinkovitch, Rockefeller fellowship winner, has written *'Shadow of the City'*.

Betty Smith, Rockefeller fellowship winner, has authored *'Job Day in Illinois'*.

William Kerr has completed *'Without a Melodrama'*. Frieda Fishbein has it.

Elizabeth Cooper and Whitford Brown have written *'Old Faithful'*. The Joe Cunniffmans (Joseph A. and Esther M.) have collaborated on *'Try Anything'*. Try George Abbott will get first look at it. Cunniffman is a former cartoonist, turned Hollywood actor.

Inside Stuff—Legit

Although he said he would not review shows this season, Walter Winchell was lured to Broadway by *'The Man Who Came to Dinner'*, which he lauded as Music Box's 14th. Music columnist and sometime critic now intends to cover at least some of the season's premieres, including one or two more of the current week's premieres. Winchell said in his resignation to the Critics Circle, with the comment that he would not see enough shows to pass judgment when the reviewers make their annual selection of the best play. Instead, he intends making a selection by himself.

Critics have refused to admit Robert Rice, reviewer for the Morning Telegraph, to the Circle on the ground that his father, Elmer, is a playwright. Whitney Bolton, formerly with the publication, was a member. He is now on the Coast.

Characters in Samson Raphaelson's *'Skylark'*, which John Golden produced at the Morosco, N. Y., last Wednesday (11) are not wholly fictional, being taken from people engaged in the advertising agency field. Author was similarly engaged before he entered the literary, but did not care for that location.

'Skylark', as a story, ran serially in the Saturday Evening Post last spring, Raphaelson dramatizing it after acceptance by the publication. There are some necessary deletions from the original story of the neglected wife. In the book she walks out and takes a job in Brooklyn. Stage version is played in one set, so that part of the yarn is skipped.

For the first time in 12 years, last Wednesday (11) the premiere audience. It has been Golden's custom to be out-of-town on the opening nights of his plays, using long distance to find out the audience reaction from his general manager, Dixie French.

The Christian Science Monitor last week increased its coverage of Broadway stage and film news, adding an extra man to the New York staff for the purpose. John W. Johnson (11) with the *'Skylark'* was transferred to the Broadway beat, where he'll cover selected legit and picture openings and news. Reviewing was previously done on assignment.

Newark (N. J.) News also hyped its show business coverage last week, adding Rowland Field to the staff to do legit reviews and a daily theatre news column. He began last Sunday (11) with the *'Skylark'* at the Morosco. Field formerly was dramatic critic for the Brooklyn Times and has since been a press agent, associated with Nat Dorfman. He'll temporarily continue the latter connection.

George (Lefty) Miller appeared before Equity's council Tuesday (17) seeking a concession on Sunday pay for one such performance at Brighton Beach, where he conducted on a stock basis until recently. It appears that he cancelled two night performances because of the Jewish New Year and then played both matinee and night shows because of the Jewish New Year. Miller had been picked to play *'The Skylark'* at the Morosco. The council's tenth salary was paid. Showman contended that because of the omitted night performances, he should not be called on to pay extra for the Sunday matinee. Equity decided such is the requirement. Miller conducted the house in association with Leslie J. Spiller, but the latter withdrew after some backer trouble. House is now presenting *'Vidalia'* shows over the final rehearsal, because of a previous dispute between Miller and Elaine Burris was also decided against the manager.

Alleging he was homesick for Broadway, Charlie Washburn walked out of the Ford, who for the Lunts' after coming St. Louis and is back at the International Casino. Sam Weiler, who was agenting *'Tonight We Dance'* in Chicago, took over Washburn's assignment with *'The Taming of the Shrew'*. Then it was decided to hold *'Tonight'* in Chi and Weiler's job went to Forrest Crosman.

Washburn was ahead of the Lunts' tour last season and when they departed he went on going the season to the Coast. Instead, he returned to New York during the fall, the p.a. just couldn't take two seasons out of town in a row. He is waiting around for a call to handle a Broadway attraction, but admits the phone hasn't rung yet.

Unusual stunt was used during pre-premiere preparations of *'Margin for Error'* at the Elmer Davis play which Aldrich & Myers opened at the McCarter theatre, Princeton, N. J., Saturday (14). Play is a one-act, but instead of the scenery being placed in a New York house for final rehearsal, it was taken to the opening in Princeton.

Figured that by so doing a saving was made, since the usual double hauling was not required. However, the cast rehearsed in Princeton for several days under Elmer Davis' supervision. While another item was clipped, that being the cost of a New York crew, there was a charge of \$50 daily by the house management during the rehearsal period there.

Midwest drama critics will journey to Indianapolis Oct. 30 for opening of the Playwrights' *'Key Largo'* at the English there for a three-day stand. After Indianapolis show plays three days each in Columbus, Cleveland and Buffalo, and then goes to Boston for a fortnight before New York.

Richard Ford, who has been in Chicago field in advance of *'Tonight We Dance'*, has been in the line of *'Largo'* will spend weeks in three weeks ahead of Katherine Cornell's show, which opens in Chicago at the Harris Nov. 6.

William A. Brady made a brief visit to Hollywood for the purpose of securing a share for an untitled play he plans for presentation at the Elmer Davis play which Aldrich & Myers opened at the McCarter theatre, Princeton, N. J., Saturday (14). Play is a one-act, but instead of the scenery being placed in a New York house for final rehearsal, it was taken to the opening in Princeton.

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Geraldine Garrick, who has been writing for radio, has completed a melodrama entitled *'Ringside for Heaven'*. John Henry Lewis former light heavyweight boxing champ is slated for the lead, scenes being in a Negro fighter's training camp. Bernard Macfadden is mentioned as interested in the backing.

Bide Dudley has resumed the radio reviewing of Broadway first nights at midnight, now broadcasting over WJOL. Lucius Beebe, the art critic for WOR, made his debut Monday (16), when he commented on the premiere of *'The Man Who Came to Dinner'*, Music Box.

K. C. AD'S NEW MGR.

Kansas City, Oct. 17. Eugene Zachman resigned as president of the K. C. Ad Club, and was elected as city manager here to take over the post of manager of the city auditorium. Previously a \$5,000 per year job by city ordinance, Zachman was changed to permit a \$7,500 yearly fee to Zachman, as he steps down from his \$12,000 post. He was succeeded by George Goldman, who held post for some years and resigned last spring. Zachman will hold Jimmy Cagney as manager of the Music Hall, which houses road companies and similar productions.

Mgt. LOU CLAYTON

Theatre Arts

November 1939

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DANCE MUSIC

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THE MAN WHO CAME TO DINNER

With Color Column Drawings
By Marion East

THEATRE ARTS

35 Cents a Copy . . . \$3.50 a Year (12 Issues)

40 East 49th St., N. Y.

Mr. and Mrs. Buster Shave, daughter, in Ogdensburg, N. Y., Oct. 9. Father, normal-sized, is with midgets Olive and George in vaudeville. Mr. and Mrs. Charles Glett, daughter, Patricia, in New York Oct. 1. Father is v.p. in charge of operations at Eastern Service Studios, Atlantic City.

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BUT I ALWAYS
REMOVE THEM WITH
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SOAP LATHER
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JOB OF CLEANSING

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56 PAGES

THEATRE DAYS OFF

Tendency of Javes to Sit Through 2 and 3 Shows Murdering Comics

Current practice of youngsters sitting down front through several successive stage shows is putting vaude comedians on the spot. It isn't objectionable to bands, singers, dance teams, etc., but performers depend on dialing for laughs and their best lines vociferously anticipated by the juve holdovers out front, which completely stymies the act. From indications, it's a growing trend.

As an instance, Jack Haley, doing a personal at the Flatbush, Brooklyn, last week, walked onstage for the Saturday afternoon (21) performance and started a joke. After getting through the first line, he was drowned out by the kids in the first few rows, shouting the second line in unison. He abandoned that gag and, amid frequent heckling, shortened his act to only a fraction of its normal running time.

According to Haley, who has been making a personal tour with Mary Carlisle for some weeks, the tendency of young audiences to yell at the actors is a recent development in vaudeville. He attributes it to the practice of certain bandleaders to ask for requests from those in the front rows. Many bandleaders encourage the kids to cut up, Haley says. The theory apparently is that it adds excitement and is good publicity for the band, such as shagging in the aisles and other jargon.

As a result, audiences are taking more and more liberties with stage acts. It's a tendency that, if not curbed, may ultimately drive comedians out of business.

(Continued on page 53)

N. Y. Fair Finals To \$15,000,000 Gross Receipts at the Gate

Doors will close on the world's largest and most costly show next Tuesday (31), when the first year of the N. Y. World's Fair will end. Final week's Mardi Gras will climax Sunday (28) with a special Gershwin Memorial program.

New York's biggest show is expected to gross \$15,000,000, final figure depending on how close paid attendance in last 10 days comes to the \$2,000,000 expectancy. This total does not include coin for rentals, concessions and other fees for official admissions to the grounds.

Special coupon days, advance sales at cut-rates and party admittance fees make a complete breakdown a lengthy task. Admission ranged from 40c to the much time of children's tickets and party rates brought the average admission price down to 20c to 30c. Actual operating cost is figured as in excess of \$22,000,000.

When plans are sounded next week Grover Whalen, president of the Fair, who figured so actively before (Continued on page 12)

Loves 'Morons'

With an eye toward cashing in on recent unfavorable publicity aimed at jitterbugs and Arlie Shaw, there was generous distribution of small cards at Shaw's Pennsylvania Hotel, N. Y., opening Thursday (19). Cards read: 'We love jitterbugs' and were signed by Larry Clinton and the Roseland Band.

Clinton opened a two-week stand the same evening at the Roseland.

ZUKOR ESTATE AS A REALTY DEVELOPMENT

Sid Grauman is in New York, from the Coast, promoting a deal for the purchase of the Adolph Zukor estate at New City, N. Y., up the Hudson. Grauman plan, if closing a deal, is to cut up the large estate into a family home development.

Free and clear of any mortgages, Zukor is asking \$1,000,000 for the estate, including all buildings and the 18-hole golf course, one of the best maintained in the east. It cost \$225,000 to build.

During the past two years the golf course has been open to the public. Zukor has operated that himself, but the restaurant was leased out as a concession, on a percentage split with Zukor. This contract was terminated on 30 days' notice, however.

EX-MAYOR OF L.A. SUES WARNERS FOR MILLION

Hollywood, Oct. 24. Frank L. Shaw, former mayor of Los Angeles, filed suit for \$1,000,000 against the Warner Bros. in superior court over the production of "The Man Who Dared."

Picture, ex-hiszonner declares, is a fictionalized version of the Harry Raymond kidnapping case in the film. He charges, the mayor is suing the ordering police aides to plant a bomb.

B-WAYS DANCETERIA

Combination name band ballroom and cafeteria is set to open in Times Square, N. Y., in a couple of weeks, called a "danceteria." Ship's orchestra is the debut attraction. No admission charge to hop to the name crews, but a minimum check of 50c per person for food and drink. In cafeteria style—serve yourself.

NEWSCASTERS IN STAR COIN CLASS

European War and What Preceded It Boomed the Market Price on Newscasters—Some Comparatively Obscure Year or Two Ago

EVENTS 'EXPLAINED'

The European war and the dramatic series of crises that led up to it: not only greatly enhanced the radio sales value of news, as such, but made it possible for individual radio news commentators to achieve personal salaries comparable to and sometimes greater than, the stipends of established entertainers of stellar rank. Variety herewith lists the known or estimated salaries of leaders among the men and women who deal in news and the significance thereof. The list immediately underscores the fact that many of those getting four figures a week are persons who were but little known to the radio trade or the world at large a year or two back. All of the money does not necessarily come from sponsorship, however.

Weekly income of recent network (Continued on page 54)

Holler Down Films, Femmes Demand Bingo

Rochester, N. Y., Oct. 24. Albert Fencynsky, Jr., tried special evenings with bingo as draw in Arnet, matinee house in residential neighborhood. Got a good crowd, mostly women, and started to run off the films. Presently women started to yell, "Turn off the films. We came to play bingo."

Fencynsky had to turn on the house lights and promise that the following week films would be cut down to news and shorts, and only run off while the audience gathered.

Managers say they'd like to see bingo banned, but they can't do anything about it while it runs in halls and clubs.

TELEVISION'S 1ST GIVEAWAY

First "gift offer" over television, was made last Saturday (21) in New York. It was a miniature airplane kit for the kids. NBC reports 45 letters came in.

Capra's 'Mr. Smith' Goes to Washington And Solons, Seemingly, Can't Take It

Add Goldwynisms

They tell of the time that David Niven, working on "Raffles" for Sam Goldwyn, was threatened with being mobilized into the British Army, whereupon the producer told Niven: "Please cable the British War Ministry to shoot 'two weeks around you until you finish this picture.'"

While there was generous praise for the realism, graphic reproduction of the Senate chamber, and observation for parliamentary procedure, the Ciceros can't be ribbed or heckled. Even conservative and easy-going members, who have been deemed 'safe' by film wirepullers, joined in resenting what is regarded as a serious smirch on senatorial character.

The film's "Senator Paine" appeared to be too close to the average law-maker and the virtue-will-triumph touch hasn't smoothed the late members who insist that the picture reflects on the dignity and integrity of the Senate. In private conversations, numerous solons used sizzling adjectives to voice their indignation. The feature is "infamous," "irresponsible," "disgusting," "outrageous."

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Only public denouncing done in Congress was by Senator Alben W. Barkley (see box herewith). Scathing sarcasm was aimed at Capra by one local columnist who appeared to be parroting Capitol Hill. "Fidel" (20) Washington Post Harlan Miller took the slant that a good picture of (Continued on page 54)

Screen Actors, Writers and Directors Guilds are banding together to resist as one unit any percentage salary cuts contemplated by producers.

SAG has adopted a resolution instructing members to decline pay cuts on the ground "we have" and not prove need for cuts.

Writers Guild reports no general move is apparent to slash salaries but is prepared to act in unison with other talent groups. Actors were told to hold their ground until definite data is available on war's effect on production costs and revenue. Also reminded of proxy Ralph Morgan's recent willingness to meet in conference with producers, which hasn't been called, because "possibly there haven't been any facts."

REPORT FRENCH NEWS TO PROPAGANDIZE U. S.

Paris, Oct. 24. Reported here that four representative Frenchmen, well known in America, will undertake to propagandize France in the U. S.

Men being considered by the French government, according to the report, are Charles Boyer, Maurice Chevalier, Georges Carpentier and Jean Borotra, former tennis champ.

CAMPUS JAZZIST

Syracuse, Oct. 24. Bobby Parks will enroll in Syracuse U. when his band starts a stand at the Syracuse Hotel here Nov. 1. Plans taking 'journalism' course.

It's partly a stunt and partly because Parks is seriously interested in newspaper work. He's 22 and a former Cornell student.

Washington, Oct. 24. Sour notes from the cloakrooms last week jarred the chorus of applause for Frank Capra's latest, and caused industry observers to wonder if releasing "Mr. Smith Goes to Washington" at the present time, may not turn out to have been a grave political blunder. Industry goodwill has been unmistakably injured by Columbia's newest attempt to burlesque the lawmakers.

While there was generous praise for the realism, graphic reproduction of the Senate chamber, and observation for parliamentary procedure, the Ciceros can't be ribbed or heckled. Even conservative and easy-going members, who have been deemed 'safe' by film wirepullers, joined in resenting what is regarded as a serious smirch on senatorial character.

The film's "Senator Paine" appeared to be too close to the average law-maker and the virtue-will-triumph touch hasn't smoothed the late members who insist that the picture reflects on the dignity and integrity of the Senate. In private conversations, numerous solons used sizzling adjectives to voice their indignation. The feature is "infamous," "irresponsible," "disgusting," "outrageous."

Only public denouncing done in Congress was by Senator Alben W. Barkley (see box herewith). Scathing sarcasm was aimed at Capra by one local columnist who appeared to be parroting Capitol Hill. "Fidel" (20) Washington Post Harlan Miller took the slant that a good picture of (Continued on page 54)

Blackouts Brighten Dorothy's Clubs a Lot; Lend New 'Informality'

London, Oct. 24. Blackouts, which have ruined London theatre business, are proving a goldmine to the private clubs. Smart crowds unable to find other entertainment are flocking to their clubs, and since they don't want to fumble their way home through the unlighted streets, play and drink until dawn. Half a dozen of the most fashionable spots are mobbed to the doors nightly.

With all business at a snailpace, London has let down its hair in an unprecedented way. It has become as informal as Hollywood in informality. Even at night women as well as men may go in wearing slacks and sweaters. A few die-hards write letters to the Times about it, but they are drastically changed conditions are accepted as part of the war's fantastic upheavement.

Shutdown in the theatre is being used by managers to drive down actors' salaries. It is estimated that receiving only a fraction of the former level. That is particularly true (Continued on page 53)

Industry's Most Vital Problem

Right Now: Maintain Undisturbed High Quality Film Prod.—MPTOA

By JOHN C. FLINN

White Sulphur Springs, Oct. 24. Film industry's most vital problem, the maintenance of high quality of screen entertainment, which is said to be threatened by income shortages from European markets because of the war, is of utmost concern to American theatre operators and the public. Board of Directors of Motion Picture Theatre Owners of America, as result of discussions held here during the past two days, will select a special fact-finding committee to ascertain an accurate forecast of European markets and recommend practical measures, if necessary, to insure against a lessening of quality at theatres.

Theatremen heretofore, at gatherings of this nature, have devoted themselves chiefly to fact discussions bearing on distributor-exhibitor relations. Current meeting has taken a lively turn with board members outspoken on subjects of public relations, as well as intra-industry matters. Every section of the country is represented. Discussions at the closed sessions have produced the fact that theatre operators are alarmed as result of the widely publicized Hollywood production cutback. They are less concerned with the probable effects of distributors' bookkeeping accounts of their film rental deals for the current season, as they are with the public's attitude toward the picture economies are reflected in pictures bereft of strong boxoffice and showmanly qualities.

If the report of the fact-finders on some subsequent date justifies the recommendation to exhibitors generally that quality of entertainment can be maintained at present high level only through more liberal exhibition policies involving longer runs, the directors are said to be ready to stand behind such a suggestion.

Meanwhile, leaders here point out that forthcoming releases will continue to compare with the drawing files of some of the early season releases, which are being heartily received by the public.

An immediate suggestion will be sent to distributors in the interest of cooperation that exchanges make films available for bookings that will synchronize with the national advertising which is conducted by distributors. Thousands of dollars are said to be lost at boxoffices when releases that are not timed with local dates are closed down before they can first runs, and entirely (Continued on page 43)

War Cuts Another Film Dividend; Columbia Slashes Its Divvy 50%

Another picture company reduced its dividend disbursements last week, Columbia Pictures distributors voting to slash the preferred divvy in half. The move made the quarterly payment of \$100,000 instead of \$200,000, which was necessary if the usual \$2.75 dividend rate is maintained on the convertible preferred stock. Fox executives passed up any payment on the common at the last dividend meeting.

Columbia took the action of reducing the preferred distribution in view of the dire European market conditions. Statement accompanying notice of divvy slash said that the status of conditions in Europe continues, it may adversely affect motion picture earnings.

Preferred dividend distribution will be Nov. 15 to stock on record Nov. 1. Company has made no cash distribution on the common for more than a year although continuing distribution of stock shares as divvy on the junior shares.

Hoss Insurance

Hollywood, Oct. 24. Ingelwood race track, surrounded by oil wells, is going into competition with the Rockefeller and other petroleum biggies. Hollywood Turf Club is forming the Hollywood Oil Co., selling shares at \$10 to members in proportion to the number of shares they hold in the club. In case they strike oil, members of the combined corporation will share in both hoss and oil profits.

Jed Harris-Lew Milestone's UA Pic-Play Dicker

Hollywood, Oct. 24. Lew Milestone and Jed Harris are dickering with United Artists for a new picture, one involving legit and film versions of the same script. Harris would like the legit shows on Broadway, while Milestone would like making the pictures here. United Artists would furnish the backing and about \$100,000. Deal is reported hinging on the acceptance of a new agreement to cover the financing of Broadway legit, but it's also partly dependent on Milestone and Harris obtaining the terms they want from UA. Pair will plant to New York this week to huddle with UA execs as well as to study the new legit-film financing agreement at first hand.

If such a deal jells, it would become effective almost at once. Harris and Milestone are reported to have several scripts lined up already, but the terms they want from UA. Pair further production details are said to be still vague.

Paging Jed Harris

Jed Harris is being sought to direct 'Young Man with a Horn,' the Dorothy Baker yarn which Vinton Freedley and Eddie Blatt are readying. Harris is currently on the Coast, but is expected east within a week and will probably accept the assignment if his Coast activities permit. However, he's understood to have a legit-film production deal in the works, which may prevent. Guithe McClintock has been tentatively set to stage the show, had other plans that came first.

Burress Meredith will star as the Bix Beiderbecke character, with Louis Armstrong mentioned to do the offstage horn playing. Margaret Sullivan is also a cast possibility. Albert Johnson will do the sets.

GOLDWYN MULLS 3-MO. PROD. RECESS JAN. 1

Hollywood, Oct. 24. A production shutdown for three months from Jan. 15 is being studied by Sam Goldwyn. All his pictures for UA would be completed by that time, and only the \$100,000 salary payroll to his scripts ready for reopening.

Nick Schenck East

Hollywood, Oct. 24. Nicholas M. Schenck trained back to New York after 10 days at the studio. Discussions with studio execs concerned largely future production on the Metro lot.

U. S. EXHIBIT MUST BE RE-AMERICANIZED

Murray Silverstone Expounds Theory That War Economics Must Call For Drastic Overhauling of Production Unless Exhibits Cooperate Unusually

EVERYBODY'S PROBLEM

By ABEL GREEN

Murray Silverstone, director of worldwide operations for United Artists, with a practical knowledge of every civilized nation's film standards, is convinced that war in Europe and the war abroad is anything, the UA executive argues, is more the headache of the American exhibitor as it is the headache of the American producer-distributor. This theory is advanced in line with the premise that the American film business, from every aspect, must shoulder its share of the world's problems, just as the war were over here.

The reasoning for this is essentially that if the exhibitor doesn't extend playing time, greater box office yield, increased showmanship and general cooperation, he may find himself faced with (1) a minimization of film product, or (2) perhaps the end of the film business.

The producer-distributor, depending on whether you're a theatre-less United Artists, or one of the majors with theatre affiliates, can well out its productions down, and produce a profit. But the theatres can't. If the theatres need film, they must order it. If the chains affiliated with producer-distributors don't supply a flow of film product threatened with dwindling, they may see to it that they (the majors) drain their own product to the fullest, and the independent theatre owner will be in a spot.

There must be a day of reckoning says Silverstone, and the black (or white) figures determine the film business' future. Around Jan. 1, 1940, will be that calculation period. The year's totals will be made, and if not sufficient, commensurate with investment, Hollywood and the distributors in the east must realize their investments accordingly. If exhibitor income dwindles, it means proportionate cutback in production accordingly. But if this curtailment should interpret itself in a lesser rather than greater production, it is against the exhibitor's welfare. For that reason, Silverstone argues, the exhibitor must look ahead and collaborate fully with the distribut to insure no marked dwindling at the box.

Cooperation

Cooperation between theatres and distributors is essential, in a word. The exhibitor's job is to be working out by Harry Gold, eastern sales head for UA, with the exhibitor's head, in connection with 'The Real Glory' head. Loew's will accord quality production prestige by retaining its playdates to longer periods; in other words, a week and a half, or other preferred booking days.

Quality product doesn't reach the exhibitor, Silverstone feels, because of haphazard booking. Instead of the indie film stock currently playing a quality film two days, the UA exec feels three days' booking is a waste of time and effort in merchandising—and then going out to sell the film, and seeing to it that the neighbors know it's a good film.

The film executive has always felt that good product doesn't do the selling. It is circulation that it deserves.

Silverstone is in accord with Joe (Continued on page 12)

Ex-Showman Joe Kennedy Does Straight for American Film Biz on British Quota and Coin

Scared by Actors

During a performance of the Joe Kennedy-Curtis stage show at the Flatbush, Brooklyn, last week a woman patron led her howling moppet up to manager George Brandt and demanded a refund. Asked for a reason, she explained that her pride-and-joy had been frightened by the live actors.

Repeal of Arms Embargo Seen As Boom to Film Biz

With grosses holding their own, though not seeming to forge ahead as much generally as has been expected for October, theatre operators are an early rebel of the arms embargo. They are not immediately satisfied of a boom. However, no known influence is being brought to bear by the industry in this connection.

The gross charts within the past few weeks show that while business has not stopped ahead in most stories, there has been marked improvement in zones where steel manufacturing and other heavy industries have increased production. This is notably true of the Chicago theatre district, northern Indiana, Pennsylvania, around Wheeling, W. Va., and in the Birmingham district. Although another major story, Detroit, that of Chrysler, was pulled, grosses there are stated to be okay. They began making up on the other manufacturing activity following declaration of war and the Chrysler situation is not yet causing too much worry.

Chain sources also declare that October business in various localities has been steady, including in spots where sunshine rather than rain may have been a deterring factor. In some situations weekend business that has formerly suffered is now picking up.

Products from 1939-40 is called better than average by operators, and it is believed that had quality not prevailed, grosses might have slackened. They have maintained their position. The tendency during September, with war then on, was that the exhibitor's normal expectations for that time of year. August had been considerably better than for the same month in 1938.

PATHE-DUPONT STOCK DECISION DUE SOON

Result of pending negotiations between Pathe Films and DuPont over the DuPont Film Mfg. stock the former owns will be known within the next two weeks. Pathe Films officials are on having a succinct answer on the offer they have made looking towards outright sale of 35% of DuPont Film stock currently held by Pathe. Offer to sell was made about a month ago, it being under consideration by DuPont execs since then.

Pathe wants to dispose of these shares at a cash price. The stock divvy can be declared to stockholders, with subsequent establishment of Pathe Laboratories as the main corporation. Likely too, that Pathe Films would be dissolved existing as a nominal holding company.

London, Oct. 24. Ex-showman Joseph P. Kennedy, American ambassador here, is reported to have come to the defense of U. S. film distributors in their attempt to convince the British government of the impracticability in continuing operation of the Quota Act. Parliament is presently weighing the problem. Ambassador Kennedy is also said to have come to the aid of the distributors in the threatened embargo on export of American film rental coin to the U. S.

Discussions in the House of Lords has centered around what would happen to the home industry should the Quota act be declared inoperative during wartime. If the quota should be lifted, American companies that may go to the government to a specified number of films in England. This along with the natural production letdown that has accompanied the conflict, has put the industry on the spot.

It's considered significant that such American company production representatives in London as Ben Goetz, Sam Sax and others have boarded up their offices and broken up their units. Herbert Wilcox and Leslie Laughton both are missing from the British scene at the present moment, too, it being reported here that productions they planned originally for England now are being turned out in Hollywood. Oliver Messel has also boarded (Continued on page 20)

KENT ON A LIGHT SKED AT THE 20TH-FOX H.O.

S. R. Kent is spending around two hours at the 20th-Fox office, mornings, the balance of the day resting at his home. He's been making up on the Coast on business huddles with Darryl Zanuck and others. Joseph M. Schenck is also reported to have conferred considerably with Kent on company matters. He returns west this week.

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INDEX	
Advance Production Chart	46-47
Billy	48-49
Burlesque	42
Chatter	54
Dance Bands	37-39
Legals	52
Film Booking Chart	22
Film Reviews	11
House Reviews	44-45
International News	12-13
Inside-Music	39
Inside-Pictures	39
Legals	48-49
Literati	53
Musical	37-39
New Acts	42
Night Clubs	40-43
Outdoors	55
Pictures	2-23
Radio	42
Radio Reviews	38
Sports	47
Unit Stars	42
Vaudeville	40-43

U.S. Treasury Dept. Analysis of '36-7 Amus. Corp. Incomes; Reports For 1938 Reveal 15% Dip in Profits

Washington, Oct. 24. Narrowing spread between industry's revenues and expenses, with continuing rise in the tax burden, has shown that the Treasury Department's analysis of corporation income returns for the year 1938 showed a 15% drop in profits, although the decline in gross revenues was only 5%.

Effect of the interruption in New Deal recovery was particularly severe on the motion picture business as a whole, although the number of money-making enterprises was cut materially. Out of 4,390 returns, only 2,200 showed taxable income.

The drop in gross revenues of both exhibition and production branches was \$1,586,000—from \$859,800,000 in 1938 to \$858,214,000—with exhibitors showing a rise in their part of the haul. Naturally the producers and exhibitors who reported a year-end profit, although numerically fewer, accounted for the bulk of the gross, totaling \$38,132,000, which was a drop of but 3%, from \$39,400,000.

Companies which couldn't squeeze out a profit increased by 26, but even so the showing was somewhat less than in the previous year. Aggregate deficit of the 1,640 losing producers and exhibitors was \$80,000,000, or \$50.60 a share. Aggregate deficit of the 1,640 losing producers and exhibitors was \$80,000,000, or \$50.60 a share. Aggregate deficit of the 1,640 losing producers and exhibitors was \$80,000,000, or \$50.60 a share.

Considering both the money-making and the red-in-the-neck, the most significant fact brought out by analysis of the returns is the terrific shift in distribution of revenues. Production's share of the total haul fell markedly. In 1936, the over-all profit of \$859,800,000 was \$338,789,000 to production and \$338,132,000 to exhibition. The divvy in 1937 of the \$818,318,000 haul was \$238,447,000 to production and \$578,871,000 to exhibition.

On this volume of business, production's share slid from 37.3% in 1936 to 29.2% in 1937. Among the corporations that completed the year with a profit, producers accounted for 20.7% of the revenue but with a 23.2% share in the preceding year.

The slump in revenue and profits, plus the decline in the number of successful enterprises, didn't worry Uncle Sam. His payout of \$9,075,000 was \$100,000 faster than the collections for 1938. Payments by producers fell \$1,111,000, to \$1,539,000, but the levy from exhibition of \$7,543,000 was up \$1,271,000. Straight income tax payments of theatresmen jumped \$788,000 to a curtail total rose \$332,000, and excess profits tax figure mounted \$155,000.

Improvement in the exhibition field was marked, even though there were 15 fewer theatre companies reporting net income. The gross for the money-making exhibitors was up \$47,624,000 and their net jumped \$17,624,000. Among those which wound up in a hole, the gross fell only \$7,688,000, less than 10%.

On the basis of the Treasury's fiscal explanation is detailed in accompanying table.

AGENTS-ACTORS WILL PROBABLY SIGN NOV. 30

Hollywood, Oct. 24. Artists Managers Guild will spend another week studying the proposed licensing agreement by the Screen Actors Guild before ratifying. M. C. Levee, AMG presy, told members at a meeting Monday night (23) that the delay may result in arbitrary action by the SAG in putting in licensing into force.

He said the major advantages in signing at this time are a guarantee of payment against reduction in the 10% agency commission and protection of contracts with minors.

Levee will take the matter over at the licensing document and are expected to meet on the dotted line next Monday (30).

MORAL: DON'T SUE

Gallon Does, on Coast, Gets Nicked for \$1,500

Los Angeles, Oct. 24. Suit for \$151,880, filed against T. L. Tully, owner of the Coast, by M. A. Gallon, stage producer, who charged wrongful eviction, was overruled by Judge J. H. Thurmond Clarke in superior court.

Instead, Gallon was ordered to pay Tully \$1,500 for three weeks rent.

RKO's 6-Mo. Net Loss, \$68,070; Same Period '38 Totaled \$480,176

Irving Trust Co., RKO's trustee, has filed a six-month report in N. Y. federal court showing a net loss for the company of \$68,070 after all charges, but before provision for a dividend of \$1.50 a share on the 42,549 shares of 7% cumulative convertible preferred stock of Keith-Albee-Orpheum. The period of time covered was from Jan. 1, 1939-July 1, 1939.

This compares with a net loss of \$480,176 for the same period in 1938. Theatre administration for the same period totaled \$1,301,360, film rentals and sales were \$1,301,360, and rent and salaries were \$1,301,360. On the expense side, film service cost \$3,185,850, and artists' salaries and production expenses totaled \$2,677,078. Salaries and wages were \$2,774,078, and the cost of film sales and service was \$1,301,360. Total expenses and general expenses totaled \$2,713,164 and other operating expenses and depreciation were \$1,301,360.

Cash on hand as of July 1 was \$455,428, of which \$177,822 has been set aside for administration and court expenses.

The theatre operating company had a net profit of \$1,301,360 after an accrual of charges, including the accrual of interest of \$117,185. This compares with a net loss of \$480,176 in 1938 after interest of \$113,388.

RKO Radio Pictures showed a net loss of \$56,668 after an accrual of \$38,691 in interest, against a loss of \$1,135,522 in 1938.

Pathe News, Inc., has a net profit of \$47,881 compared with a net of \$117,784 in 1938.

RKO's bigger loss has been reduced another \$1,045,713 making a total since January, 1933, of \$1,074,723 in indebtedness reduction.

The report closes with the statement that grosses in Europe have dropped considerably as result of the war, and in view of the situation Irving Trust will make reductions in interest to all subsidiaries and the parent company.

NEW BUILDINGS FOR U WHEN COIN LOOSENS

Hollywood, Oct. 24. Plans for new six-story office building, two more sound stages and new cutting and set storage buildings were approved by Universal execs. Construction starts as soon as the current financial tension eases.

Plans for the new 17 lot or so, 30 to 40, as against 20 a few weeks ago. Excess explained that the studio has enough completed scripts to last until the end of November.

Jeannette to Concoctize

Hollywood, Oct. 24. Jeannette MacDonald goes concertizing for three months opening Feb. 10 in Dallas.

Expected to watch up "Lover Come Back to Me" at Met by late January.

PENNER'S GLAMOUR

Hollywood, Oct. 24. Joe Penner, the next at RKO is "Glamour Boy No. 2."

Penner will produce and Les Goodwins direct.

LITTLE FILM TRADING According to the SEC Report for Month of August

Washington, Oct. 24. Little trading on the stock market by film company insiders during August, according to latest Securities & Exchange Commission report. Slightest operation reported was acquisition, through conversion, of 2,500 shares in Trans Lux Corp., common stock.

E. D. Daine, of New York, He then shifted by means of a gift 2,000 of the bonds, leaving him with 500 which swelled his pocket to 3,000 shares.

Abraham Schneider, of New York, reported he picked up 100 Columbia Pictures voting trust certificates, giving him 304 of the stock.

Belated report revealed Sam E. Morris, of New York, unloaded \$15,000 worth of Warner Bros. debentures back in April. Peddled four batches, wiping out his stake in the middle. He still holds 3,000 shares of common.

John J. McCaffrey, of New York, revealed the H. D. Barstow Co. acquired, in which he has an interest, 60 shares of Keith-Albee-Orpheum preferred, which represented the extent of his holdings when he went on the board.

August U.S. Taxes Indicate a Marked Upbeat at the B. O.

Washington, Oct. 24. Film business boom in midsummer carried the Treasury's monthly tax receipts up close to pre-recession levels last month, with a whopping increase in the first half of the August indicated by the collections for September.

Sign of following boxoffice grosses was the Government's haul of \$1,832,256 from the 10% nick income on patrons' expenditures for entertainment. This figure was nearly \$250,000, more than the previous best total for 1938, and topped all but the two months of 1938. Lifted the running score to \$14,068,198 for nine months, which is a scant \$5,000 more than the aggregate for the same period of last year, although \$400,000 behind the trend.

That the improvement in entertainment trade during hot weather was a sign of a bigger trend, indicated by the jump of \$338,788 over the tax payments in August. This is the biggest monthly increase since last fall, and exceeds the best prior stanza change in 1935 by over \$100,000.

Compared with 1938, business is far ahead. The September payments were \$100,000 bigger than the same month of 1938. This is the fourth time this year that the collections are risen and indicate a serious improvement. Increase over the prior year was topped only by May and January.

PAINTERS STALLING A STRIKE CALL NOW

Hollywood, Oct. 24. Membership of the Motion Picture Painters Local 644 has been called to strike call if necessary to enforce its demand for a 15% wage hike.

Union leaders have been active for several days, as Herbert Sorrell, big rep of the painters, is expected to force producers in an effort to forestall any tieup.

Studio Contracts

Hollywood, Oct. 24. Metro signed Arthur Rousenstein as music coach.

Paramount's Weidner's opinion picked up by Metro.

Paramount hoisted Betty McLaughlin's player option.

Paramount picked up its player option on Robert Delmar.

George Gibson renewed as art director at Metro.

Paramount signed James Seay, actor, and returned him Michael Rann.

Hal Roach took up John Hubbard's actor's option.

Dore Schary inked new writer part with Metro.

Paramount exercised its player option on Betty Moran.

Crestlight Hale drew a new acting tieup at Warners.

Corporations With Taxable Income

PRODUCTION					
Year	Number	Gross	Normal Tax	Excess Profits Tax	Total
1937...	81	\$123,603,000	\$13,864,000	\$12,807,000	\$1,599,000
1938...	101	\$174,585,000	29,726,000	2,074,000	558,000
Change	+20	+50,982,000	+15,862,000	+740,000	-1,040,000
1937...	2,172	472,536,000	53,120,000	6,188,000	1,057,000
1938...	2,197	424,812,000	47,483,000	5,402,000	1,250,000
Change	+25	-47,724,000	5,363,000	766,000	332,000

Comparison of Profits and Losses

Following are the grosses of the corporations making a profit and those winning up in the red for the last two years, for which statistics are available:

Exhibitors and Producers With Net Income	
1937	\$598,139,000
1938	599,497,000
Change	\$1,358,000
Exhibitors and Producers Without Net Income	
1937	\$222,179,000
1938	260,000,000
Change	+37,821,000

Corporations without taxable income:	
PRODUCTION	
Year	Number
1937	129
1938	129
Change	0
EXHIBITION	
1937	1,707
1938	1,685
Change	-22

Orlob's Eastern-Made Indie Through RKO; Skirball, Garmes at Astoria

Deal has been virtually set by Harold Orlob with RKO, it is understood, for release of "Lust in Luella," a musical, which he will produce at the Foxwood estate in Manhattan. Terms have been agreed upon with the final pact awaiting the release from the Coast to George J. Schaefer, RKO pres, next week.

Conflict in shooting schedules seemed to be the main trouble in Manhattan. Both Orlob and Jack Skirball, both of whose features set for production at the Lincoln Studio, Astoria, L. B. Both are expected in November from the Coast next week, and both will apparently be ready to go to work about Nov. 15. Skirball was originally slated to start first and probably will take precedence, although numerous delays have shoved him back into Garmes' time.

Garmes, who will release through RKO, seems destined the starting line of one of the eastern producers. Cast for his pic, "And So Goodbye," was virtually completed, including Jean Parker, Charles Winninger and Binnie Barnes.

Skirball is said to have signed his two leads for "Angela Is 22," but no announcement has been made. "Loretta Young, who was talked of originally, now seems cold. With a 36-day shooting schedule, Skirball is being kept started in production, but it is possible to avoid running into the Christmas holidays.

More eastern production seems imminent with Al Christie, former Educational shorts producer, almost set to make a picture through the program release. Distributor would have no part in the production, although it might be started in production on hand.

Financing has been in the hands of Christie and partially through Eastern Service Studios, where he would work.

Garmes moves East Hollywood, Oct. 24. Lee Garmes and his production company are expected to return from Chicago (Thursday) to o. o. the annual Carnegie Tech dramatic offering.

Will be the first to be returned from Chicago, where he placed two Northwestern students in a college play which he had written.

November for another look-see at final signatizing.

WILLIS CAMPUS SCOUTING At Warren Will, RKO talent trailer, he'll be in Pittsburgh (Thursday) to o. o. the annual Carnegie Tech dramatic offering.

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New Script Quest Points to Pix Biz Going the South American Way

Standing orders to establish a hawk watch for material with special appeal to the Latin-American market have been issued to their story departments. Actually all movie producers during the past few weeks. Story editors have had no success in finding what they want.

Despite reports from some foreign execs that the South American market has virtually reached the saturation point for U. S. pix, the industry is determined to make every effort to increase income there. It is felt that with the S. A. countries finding ready markets abroad for their raw materials, as a result of the boom will ensue that should react favorably to the U. S. film industry.

What is apparently a major difficulty in the path of story buyers seeking fare for sub-equatorial palates is that they don't know exactly what they are looking for. There is a feeling that stories which employ Latin American locale are preferable, but many other considerations also enter in. Not the least of these is the fact that stories, must also have strong appeal for the U. S. domestic population as, in any case, the bulk of the income derives from this continent.

Story eds, as a result of this new search, are delving into the vast storehouse of Latin-American social attitudes. They are also holding long, heated talks with members of foreign departments, since staffs who have spent long periods in South America and are familiar with native tastes.

Great failing of U. S. pix in the past—which has been completely remedied now—is the unimpressive characterization of Latin-Americans as stereotypes. It wasn't an idea deserving curvy favors with neighbors on the south. An influential trick in putting a stop to such characterizations, even before the present war exigency, was a humorous short made in Mexico in which all the good people were swarthy Spanish-speakers, while all the villains were fair Americans.

Ask Argentine Concessions

Washington, Oct. 24. Concessions for the film industry under the proposed U.S.-Argentina reciprocal agreement were asked last week by Harry Levine, RKO and MPDPA bigwig, of the interdepartmental committee on reciprocity and international commerce.

With several other motion picture executives, Levine asked the Administration to dicker with the Latin-American country for an easing of restrictions against the film. He pointed out that the industry is up against a difficult duties proposition in trading with the Argentine, suggested that films should be recognized as essential articles of commerce to relieve them of luxury taxes.

Argentine duties have increased 60% since 1930, Levine told the committee. Even when the agreement was under consideration, Argentina imposed a tax of 5% on revenues from Argentine exhibitors to American distributors, and now is toying with the idea of a surtax of approximately 20%. He said. Present law requires that at least 90% of gross returns must remain in the country, due to exchange control and taxes, Levine complained.

Industry has no objection to non-discriminatory taxes, he declared, but feels that taxes on gross production with no consideration for negative cost is a bad trick. Would be satisfied with concessions such as those granted all industries under the French Government, he declared.

David Lewis, Loew's representative in the Argentine, Franklin S. Katz, of 20th Century-Fox, Joseph Rothel, Metro, also appeared before the committee.

FOAMY COMPETISH SINGERS EXTRAS

Foamy Competish

Los Angeles, Oct. 24. Local exhibs are in a dither over competition in Main street cocktail dens where 10 mm. pictures are being shown free. Rum spots, seating from 30 to 100, offering silent cinema entertainment and glass of beer for a nickel. Theatre operators complain that the drink-drama idea is contrary to Hoyle, and are threatening to hire a lawyer.

Corinne Griffith Loses \$23,275 Tax Plea Under California Laws

Washington, Oct. 24. Refusal of the U. S. Supreme Court to review the loss of tax refunding from Hollywood figures and the Internal Revenue Bureau leaves Corinne Griffith, now wife of George Marshall, local spots promoter and landowner, out \$23,275 because of intricate questions resulting from California's community property law.

The highest court Monday (23) declined to review a decision by the Court of Claims denying Mrs. Marshall's refund of her tax payment for 1932 even though the principle established by the Internal Revenue Bureau under the community property law of California's community property law.

Question arose when the Revenue Bureau challenged returns filed by the former silent screen actress and her one-time husband, Walter Morris, Hollywood producer. While hitherto, they signed a pact that each would pay the full tax on his own earnings rather than pool the income. Accordingly, Mrs. Marshall paid over \$55,442 on her 1930 taxes of \$285,821, with Morris paying but \$6,794 on his \$55,442.

Government commissioners questioned the propriety of such an arrangement, insisting the total earnings of each member of the pair should have been split 50-50. Then Mrs. Marshall would have owed only half of the amount she actually paid. Morris was ordered to kick in with an additional \$23,300. She tried unsuccessfully to collect the difference, but was rebuffed by legal complexities.

ZUKOR'S MEXICO CITY POWWOW ON NOV. 25

Adolph Zukor, special foreign relations representative for Paramount, goes on his first trip outside the country, to Tucson, Arizona, to visit his daughter, Mildred, probably spending Thanksgiving there. He does not plan to visit any other Latin-American country except Cuba. Zukor plans to depart for New York by early December.

Before going to Mexico, Zukor will visit Tucson, Arizona, to visit his daughter, Mildred, probably spending Thanksgiving there. He does not plan to visit any other Latin-American country except Cuba. Zukor plans to depart for New York by early December.

Finishing English-Made 'French Tears' on Coast

Hollywood, Oct. 24. Paramount's 'French Without Tears' has been rushed here for editing. Picture had just finished shooting in London when war was declared.

Former G-Men Put on Trail to Run Down Charges of Favoritism — F e m m e in Race for SWG Presidency — Disney Gets Guild Shop Demand

IA'S INDIE MOVE

Hollywood, Oct. 24. A squad of former G-men, headed by Edwin N. Atherton, has been hired by the Screen Actors Guild to investigate reports of job payoffs to actors. Inquiry deals particularly with activities of extras, and whether they have been required to 'kick back' to employees of Central Casting Corp. and studio casting directors in order to get work. The investigation, however, also will look into details of calls for players in higher brackets.

Ralph Morgan, proxy of the SAG, and Larry Steers, chairman of the SAG Council, have stated the following appeal for aid in clearing up the situation: 'The Screen Actors Guild is attempting to clear up, definitely, the long current and persistent rumors of payoffs, favoritism and other irregularities in Central Casting's distribution of work. Film extras have made general complaints that 'favorites' are getting the best of the work. There is no basis for these charges. The Guild will insist on a charge hearing, wherever the guilt is clear. There is no basis for these charges. Central Casting and its staff are entitled to have ugly rumors set at rest.

Through the services of an outstanding investigating agency, the Guild for some time has been conducting a secret investigation of the manner in which extra work is distributed. The investigation is being conducted by the Screen Actors Guild alone and is not sponsored, in any part, by any other agency. The secret phase of the investigation has been completed. Now we ask that all extra who claim to have specific information on casting bring that information to the Guild. In all cases where the identity of extra will be confidential.

'A report on this information will be made by the Guild as soon as all possible avenues of inquiry have been exhausted.'

Bargainer Move Out

Cinema Players, Inc. has withdrawn the petition group filed with the National Labor Relations Board in an effort to grab bargaining rights for extras away from the SAG. Atlee Tuttle, CP secretary, in withdrawing the petition criticized the NLRB for 'stalling' action on the requests. Tuttle's letter to Washington, D. C., is being sent to the NLRB regional director.

'I have been authorized to reply to the NLRB on Oct. 19, 1939, from my William Powverance, field examiner, addressed to Cinema Players, Inc. For your enlightenment, I am now to call your attention, that these replies were filed nearly a year ago, and that the NLRB region has been told that we have made repeated efforts to further this matter, through the officers of Cinema Players, as well as through our attorney, but all such efforts have met only regional indifference. We feel that the adjunction of labor relations of serious character.

'It can hardly be expected of us to look with calmness and favor upon a situation so prejudicial to our interests. We feel that we have no choice but to call your attention to the fact that we have had time to make a complete reevaluation of the 21st regional case, and we feel that we should be able to meet the wishes of your field (Continued on page 38)

More Copies Sold, More Metro Has to Pay for 'Escape' Rights

That'll Scare 'Em

Hollywood, Oct. 24. Universal is stirring up another creepy cycle, with 'The Invisible Man Returns' currently in production and two more chills in preparation, to be followed by a high-voltage shocker, 'Electric Man.'

Next to go is 'Friday the 13th,' co-starring Boris Karloff and Bela Lugosi, to be followed by a high-voltage shocker, 'Electric Man.'

Mary Carlisle Wants More Stage Experience Before Doing Broadway Legit

Mary Carlisle, currently doing a personal tour with Jack Haley, is slated to make a picture with Jay E. Brown, probably starting in January. Robert Sparks will produce for Columbia, but she will be more or less a seque to the film's actress made with Brown several months ago, also produced by Sparks.

The Shuberts were after Miss Carlisle for some time, but she wanted to do a Broadway legit appearance until she's had more experience. Her first Broadway legit was in 'Haley-Carlisle' unit is currently at the Flatbush, Brooklyn, and opens tomorrow (Thursday) at the Windsor. Then goes with Jack Teagarden's orchestra for at least five more weeks tour. Plans thereafter are indefinite.

BUCK JONES APPEALS 'LONE RANGER' SUIT

San Francisco, Oct. 24. The \$250,000 damage action brought by Buck Jones, cowboy actor, against Republic Pictures was appealed last week to the U. S. Circuit Court from Los Angeles district court, where Jones' plea was denied.

Jones seeks the sum and an injunction against further showing of Republic's serial, 'The Lone Ranger,' on the contention that the name 'Silver,' which he has used for his horse for 15 years, had been lifted for the film and that the anonymous actor portraying the Lone Ranger used clothes, mannerisms and style of riding similar to those of Jones.

Benchley's Selznick Shorts, East and West

New movie in which David O. Selznick, Selznick International, and Benchley will be co-partners, to produce shorts featuring Benchley in the future, has been set up through United Artists. It's a unit apart from Selznick-International's shorts, but will be part of the new setup, plan is to make three of them in the east and three in the west.

Benchley's unexpected departure from Metro carries with it some inside stuff on his terms. Benchley, who has been in the picture business, as well as in the shorts, at no additional cost. Despite numerous reminders from Benchley, he was available for features, M-G used him in but the one capacity, as a result of which the cost of the shorts proved too high for profit.

It was Metro's intention, therefore, to let his option drop and draw up a new contract on which he would have received a flat sum for each short, these to be filmed in the east so the cost of production would be lower yet. Whereupon the Selznicks stepped in.

Price paid by Metro last week for film rights to the novel, 'Escape,' may eventually total up to the second highest sum ever laid out by a producer for a book. Deal is on a sliding scale. Metro won't actually know what the story will cost until approximately a year after the film is in release. It is believed to be the first deal of its type in the industry.

Schedule is \$35,000 and \$2,000 additional for each 10,000 copies sold above those that went to the Book of the Month Club. Maximum price, however, is \$70,000, with a time limit of 18 months set for the book sale to push the scale up to that figure.

Approximately 175,000 copies have been sold since publication about four weeks ago, of which 135,000 volume, by 10th Month Club. On the 40,000 additional, Metro is thus already obligated to pay \$43,000 for the book sale. The deal is a tremendous price. 'Gone With the Wind' brought only \$25,000, while the top price ever paid for a book was \$72,500 for 'Grapes of Wrath.'

Siding scale deal is an unusual gamble by both sides. Metro, of course, wishes to see the book go as high as possible, while, on the other hand, the book writer wants the cost will be. Big book sale aid the picture exploitation.

Mix Dramatization

Although Broadway producers were bickering for legit rights to the film, and are now after Metro, Van Vanc, is admittedly a pseudonym, for a writer who is keeping anonymous for fear of retaliation in Germany.

Trend of producers to follow literary tastes of the public is seen by film editors in the fact that picture rights have been purchased on six of the first 19 books on the current best seller list.

Picture-makers currently owned by picture companies are 'Grapes of Wrath,' by John Steinbeck, 20th-Fox; 'The Sign of the Cross,' by Vardis Fisher, 20th-Fox; 'Captain Horatio Hornblower,' by C. S. Forester, Warner; 'Tree of Liberty,' by Elizabeth Fisher, Paramount; 'Rebecca,' by Daphne du Maurier, Selznick-International; and now 'Escape.' All the books, except the last, were purchased by Metro. 'Escape' is, in fact, the only important one since, as a result of which the cost of the shorts proved too high for profit.

DeMille to Make Epic Sweep of the Southwest

METRO SETS HUXLEY TO SCRIPTING 'PRIDE'

Hollywood, Oct. 24. 'Pride and Prejudice' of the Metro shelf several times, is off again, slated for filming early in 1940. Metro has been working on the script for some time.

Meanwhile, 'I Take This Woman,' a picture of a woman's fight back on the shelf after a salary dispute.

DeMille to Make Epic Sweep of the Southwest

Hollywood, Oct. 24. Cecil B. DeMille's plans call for another outdoor feature, 'The Sun of the South,' a picture of a woman's fight back on the shelf after a salary dispute. 'Northwest Mounted Police' at Paramount.

Metro Has Inside Track on Kath Hepburn and Her 'Philadelphia Story'

Metro is now reported having the inside track for the screen rights to 'Philadelphia Story,' in which Katharine Hepburn is currently in her 31st week at the Shubert, N. Y. Price is understood to be small, relatively, but the hunch is that the studio wants to tie the actress to a term contract. She's holding out for a one-picture deal.

Miss Hepburn, who was in for a share of the original production with the Theatre Guild and Philip Barry, a sliding scale and percentage basis, prior to the Broadway premiere. It was the first deal of its kind and is understood to be likely to turn the actress upwards of \$100,000.

She's been reported asking a straight \$125,000 for the picture rights, or offering to transfer them on the same terms as the original buy. In any case, she would insist on playing the leading part she created in the stage version. The new Paramount, Samuel Goldwyn and RKO have been dickering for the show, but Metro lately stepped in with a particularly attractive offer, said to be in the neighborhood of \$150,000. In addition to the sliding price, Miss Hepburn is said to favor the Metro production setup. However, she doesn't want a term contract, preferring to give a major portion of her time to legit.

She was bought up her RKO contract about a year ago. Since the actress purchased the 'Philadelphia' rights on a sliding scale and percentage arrangement, she can't dispose of them on as advantageous terms, as that might result in Barry and the Guild receiving less for their shares. There is a clause in the contract stipulating that such a deal may be made if the Dramatists Guild agrees. Now that she reaches an agreement with Metro, the Guild negotiator (Sidney Fleischer) must okay the terms.

TENPINS STRIKING MORE 'N' MORE EXHIBITS

Minneapolis, Oct. 24.

It used to be that when a show-house aged and started to close, the wise ones would just about its inevitable fate as a garbage. That era will have to be revamped. Now the new talk in this territory, at least, is of turning theaters into bowling alleys.

Exhibitors have watched the increasing popularity of that game with growing concern. Recently, and a few already have ventured to cross over into the bowling business. Don Buckley, owner of two Redwood Falls, Minn., theatres, was one of the first to launch a bowling emporium. He even went so far as to make an alley his real business and put up his theatres for sale.

Lovell Smoot, Little Falls, Minn., just dedicated a cluster of alleys, though retaining his two houses in the town.

Stockwell Scores Point In Suit vs. Disney-RCA

The appellate division of the N. Y. supreme court Friday (20) reversed a decision of Justice Philip McKee made May 11, and allowed Harry Stockwell to examine Walt Disney Productions Ltd. and the RCA Mfg. Co. before trial.

Suit seeks \$100,000 damages, claiming breach of a contract whereby Stockwell, who produced 'The Prince of the Peace' in 'Snow White,' was not to have his recordings used for any other purpose than the picture. It is claimed that RCA dubbed the singer's voice from the film, and made records from the master obtained.

'Passage' Goes Through

Hollywood, Oct. 24.

'Northwest Passage,' Metro's high-budget outdoor picture, goes on as without added scenes. Original script called for a final fade in England, but studio executives decided to let it end in America.

Decision was made after sneak preview in San Diego.

Simple Twist of Script

Hollywood, Oct. 24.

Unable to get Lorena Young for the title role in 'Angels in the Flesh,' head of Knickerbocker Productions, is having the script revised to build up the male lead. It will be his second production for Columbia release, to be made east.

Astor, Bijou, Morosco Theatres; 20th-Fox Claim Realty Over-Assessed

The N. Y. City Tax Commission, annulling charges of the Astor-Bijou-Morosco Theatre Realty Corp. which charged that for the years 1933-34 it was over assessed \$400,000 for the three theatres, declared that the plaintiff had not established a cause of action, and sought the return of the \$400,000. The N. Y. supreme court Monday (23) The amounts charged for 1934 were \$200,000, \$345,000 and \$175,000, and in 1935 \$270,000, \$370,000 and \$190,000 for the Astor, Bijou and Morosco theatres, respectively.

The owner of the theatres claimed it should have been \$350,000, \$200,000 and \$125,000 for 1934, and \$400,000, \$200,000 and \$175,000 in 1935. 'Totals on both years for the theatres are \$450,000 as the Tax Commission declared, and \$415,000 as the theatres sought.'

The 20th Century-Fox Film Corp. filed a writ of certiorari in N. Y. supreme court Monday (23) against William Stanley Fisher, Robert T. Delany, Joseph M. Levine, Joseph Lilly, William Wirt Miller, Adam E. Weisand and Dominic J. Trotta, as members of the Board of Tax Commissioners of N. Y. City, claiming exemption is due to the theatres. The \$215,000 had been charged them for real estate in N. Y.

The city claimant owns three pieces of property at 452 West 54th street, 830-48 10th avenue, and 434 West 56th street. The first was assessed at \$330,000, the second at \$315,000 and the third at \$445,000 for 1935. Fox claims the amounts should be \$275,000, \$700,000 and \$400,000. Justice Julius Miller ordered the commission to defend their estimate on Dec. 4.

TORTILLA FLATS' ON EDINGTON'S U SLATE

Hollywood, Oct. 24.

Second Harry Edington production for Universal will be 'Tortilla Flats,' based on the novel by John Steinbeck.

Edington is editing his first picture, 'Green Hell,' for Christiana release.

Indie Wins Out Over Schines in Columbus

Columbus, Oct. 24.

Long fight between E. W. Long, indie operator in Miami, and the Schine circuit, has ended in victory for the independent. Long has defeated the Memorial for several years, but a bitter controversy resulted when he attempted to renew his lease.

Circuit upheld his bid, announcing they would close house. However, Long won the fight, but getting back a renewal with options, despite fact that his yearly bid was \$150 less than Schine's.

Rep. Back in Saddle

Hollywood, Oct. 24.

After a week without a picture before the cameras, Gene Autry went back into production, tomorrow (Wed.) with a Gene Autry starer, 'Below the Border.'

Autry reported yesterday (Mon.) after a p. tour.

Martin's Star Ascends

Hollywood, Oct. 24.

Tony Martin's first starer, 'Passage to India,' got the gun at Columbia, with Rita Hayworth in the top female spot.

Joseph Stampfer directs.

Yeah Man

Executive of one of the film companies which has a theatre in the town where his daughter is going to school sent her a season's pass to the house.

She wrote back that pictures are much more enjoyable than school and she doesn't have to pay for them.

2d Year of Wage-Hour Law Starts, and Still Doesn't Affect Films

Second year of the national wage-hour law went into effect yesterday (Tuesday) bringing in 300-per-hour minimum and 42-hour maximum work week, but the film business will be no more affected than it was during the first year of operation—negligibly.

While the bill in the minimum wage from 25c to 30c and reduction in working week from 14 hours to 42 will be felt by many in the industry, the picture industry is more or less exempt because of previous legislation. The film theatre establishments and service business, not entirely unlike beauty parlors and cleaning services.

Wage-hour law also is applicable only to businesses coming under the interstate commerce interpretation, with the film trade thus far rated as missing the regulations because deemed a service industry, even in the matter of film exchanges.

TRYING TO EASE WAR STUFF PAST CENSORS

W. P. Montague, Paramount newsreel assignment editor, hurriedly hoped the Yankee Clipper paper for Europe the first of this week and expects to be on a special war assignment by today (Wed.). Montague hopes to loosen the censorial stranglehold on the newsreel industry, Western Front and start footage moving to this country.

Montague is in agreement with Paul News and rated as one of the most capable editors on story coverage. His decision in France to go to war was not revealed by Paramount but much time will be spent in dealing with officials in both countries.

'Frankie and Johnny' Suit at Bat in St. Louis

St. Louis, Oct. 24.

Frankie Baker, 63, colored, of Portland, Ore., is coming here soon to add her testimony to depositions taken in her suit to stop the showing of Republic Pictures' 'Frankie and Johnny' in St. Louis. Chester Erskine, director; Jack Kirkland, author; Helen Morgan, Chester Morris and (the late) Lilian Tashman, who participated in Rep's 'Frankie and Johnny.' Miss Baker's suit alleges that the picture's character and invaded her privacy.

Her suit states she is the 'Frankie' of the song and picture and that it is illegal, grew out of a fatal shooting by her here 18 years ago, and that she had a right to know that the song was popular in the 1880's.

WB-Indies in Philly Accord, Chain Deferring Dualism or Time Being

'Stars' Light Up Again

Hollywood, Oct. 24.

'The Light of Western Stars,' Harry Sherman's most ambitious production yet, is sent before the censor at General Service for Paramount release.

Gray's story was made as a silent in 1918. New version stars Victor Jory.

Jury in John P. Nick's Extortion Trial Causes Mistrial; Set for Nov. 6

St. Louis, Oct. 24.

John P. Nick, deposed head of IATSE, Local No. 143, who went to bat last week on an extortion indictment growing out of the alleged payoff of \$10,000 by local theatre owners during a wage increase parley several years ago was a witness when Circuit Judge Robert L. Aaronson declared a mistrial after the case had been on trial for three days.

The blowup came when the judge learned that juror and Robert Thomson, discussed the case with Clarence Groelcke, co-owner and manager of IATSE's North St. Louis clubhouse the night before. The jury had been permitted to go to their homes each night, but at each adjournment had been admonished not to discuss the case with anyone.

Groelcke, a state witness, told the court that Cox entered his theatre and began discussing the case and offering his opinion that the state hadn't offered much evidence thus far. He reported the facts to the court the following a. m., Wednesday. Judge Aaronson then ordered a new trial against Nick, who obtained a severance from State Representative Edward J. Brady in exchange for being charged, were Fred Wehrenberg, owner of a chain of bars and president of MPPAA of Eastern Missouri and Southern Illinois; Clarence Kaimann, co-owner of a string of North St. Louis clubs; Louis Landau, former theatre operator; Louis Anselmi, of Anselmi Bros. Circuit of Theatres; Ben Pauller and Thomas James, indie operators; and John P. Nick, president of Local No. 143, who led the fight to oust Nick and Clyde A. Weston from control last spring.

The cumulative testimony of the witnesses was that Brady acted as intermediary in offering to stop the wage increase move for projectionists in 1938 and he collected the \$10,000. Judge Aaronson instructed that Brady first offered to have the old age pact renewed for the payment of \$6,000 but this was subsequently hiked to \$7,500 and then \$10,000.

When Judge Aaronson halted proceedings, Signmund Bass, Nick's attorney, filed this new plea, and the case was restarted but, on the plea of Circuit Attorney Franklin P. Murphy, who had a motion to quash, the cause was reset for Nov. 6.

Philadelphia, Oct. 24.

Warner Bros. announced plan of instituting a dual policy in nabes is somewhat up in the air following a huddle here last week between Grawers, WB sales manager, local chain biggies and officials of Allied Independent Theatre Owners. Only three houses operating by WB in this area are showing double-feature. All of them are out of town. They are the Princess, Camden, N. J.; Clementon, Clementon, N. J., and the Strand, Reading. For the rest, WB officials said the situation would remain status quo. They indicated they would adopt a policy of 'watchful waiting.'

Although neither side would talk for the record concerning the huddle's meeting, it was learned that the indie were assured of better breaks in clearance by Seize it, that the indie was understood to be in the line of understanding was arrived at, so that neither the chain nor the indie exhibitors would be able to mount a costly campaign of double-features at present to try to draw big business from the chain and the WB distributing office.

Opinion along Film Row was that Warner's announcement that it contemplated playing duals in nabes constituted a club to keep indie in line and stop them from getting too rambunctious in their demands for the chain and the WB distributing office.

'As soon as an indie started getting tough, Warner could slap double-features in the face of the indie in the neighborhood and take away what little business the little guy has left,' one exhibitor observed.

Ted Schlanger, WB zone chief, would make no comment on the situation other than to say: 'We have to deal with the situation as it is. Due to certain developments in the past week we have decided to hold up for the time being any plans to institute double-features in our neighborhood houses.'

Schlanger vehemently denied that any such plan was being considered by the company and to call all Capitol or any other central-city house as had been previously reported.

Col. Would Consolidate 5 Stockholders' Suits

Hollywood, Oct. 24.

Application will be made by Columbia Pictures, Inc., to N. Y. supreme court today (Wed.) to consolidate five stockholder actions against the company and to call all proceedings into this is done. Suits were filed by Betty Davis, Benedetto La Presti, Samuel Shapiro, Sadie and Jennie Britton. They are directed against Jack and Harry Chon, Col. Pictures, Inc., and to call all suits, Jack Kerner, Abe Schneider, Attilio H. Giannini, Charles Conzelmann, Charles Kerner, Sam Bricklin, Abe Montague and Columbia Pictures Corp.

Action is the usual minority stockholder suit, charging mismanagement, unauthorized bonuses and losses to the stockholders. An account is sought.

GTP-Erpi Settle

Extensive litigation which covered a period of about seven years and included patent suits, was settled in suits between General Talking Pictures Corp. and Electrical Research Products, Inc. The settlement was made yesterday (Tue.) by R. K. S. Smith, Esq., of New York City. General Talking Pictures Corp. announced that no damage would be paid, but that the settlement was by way of a settlement of the expenses of the litigation, which were \$10,000.

ERPI obtained rights under patents controlled by General Talking Pictures in the recording and reproduction of sound for motion pictures.

Laurel, Hardy Repeater

Hollywood, Oct. 24.

Second Oliver Hardy-Star Laurel four-reel, following their recent 'Flying Discs,' went before the cameras yesterday (Mon.) at the Hal Roach studio.

Gordon Douglas directs the picture, still untitled.

Inside Stuff—Pictures

Table of royalty payments that would be charged for the motion picture rights of plays under the proposed agreement between the Dramatists Guild and the Writers Guild is set out in the new bill. The bill is set out in Vantage. Statement that shows operating at \$15,000 or less a week would call for a straight 10% royalty regardless of the gross, and that shows operating at more than \$15,000 a week would call for a 10% royalty regardless of the gross, should have stipulated that those figures would apply only out of town. For the Broadway engagement, payments would be based on a sliding scale of operating costs, the amount of the gross and the number of weeks the show has run, as stated in the table.

Jack Rose has ended a 14-year association with the late Carl Laemmle as confidential secretary and personal aide. He was constantly at the side of the film pioneer and accompanied him on trips abroad. Under terms of Laemmle's will Rose is kept in the picture.

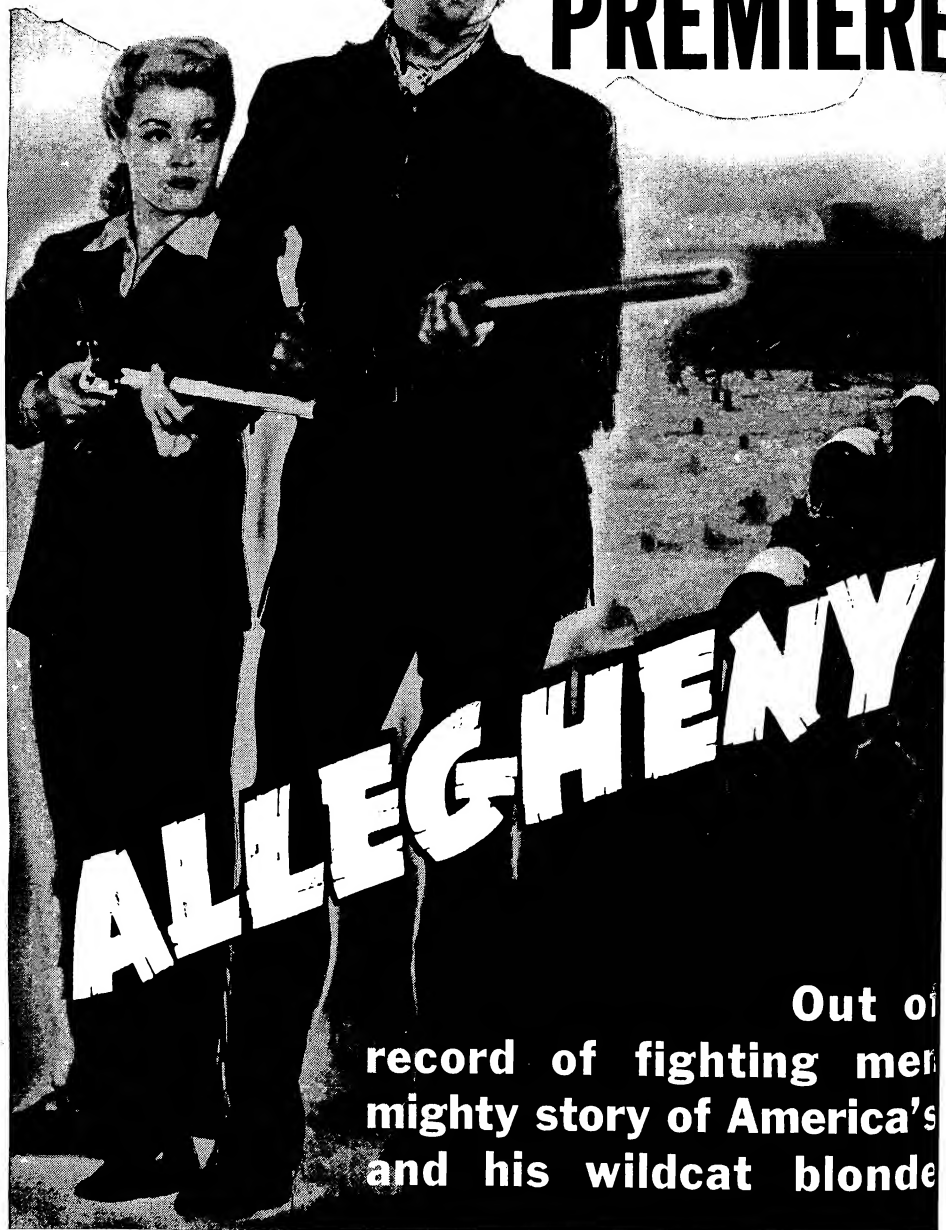
Bids by film companies for screen rights to 'The Man Who Came to Dinner' are being mixed by Moss Hart and George S. Kaufman. The authors, including one, highest to date, from Joe Schenck for \$125,000 for 20th-Fox production.

Reports news that Howard Hughes is planning to return to picture production this season, possibly releasing again through United Artists.

RKO is considering releases of Astaire-Rogers musicals if public indicates a demand for light productions, due to the war jitter.

'Death Champion' (Par) and 'Call
Marines' (Rep). Being held for a
five-day run and slated for fair
\$4,500. Last week, 'Jamaica
(Par) and 'Touchdown' (Par), he
\$12,000 in nine-day run.

PITTSBURGH PREMIERE



ALLEGHENY

Out of
record of fighting men
mighty story of America's
and his wildcat blonde

RGH WINS THE BIG

! NOV. 3 the date! . . . Penn Theatre the place! . . . First showing of RKO RADIO's heroic drama of Pennsylvania's pioneer days—the flashing highlight of monster celebration staged by Allegheny Centennial Committee!..Backed by one of the biggest ballyhoos on record through newspapers, service clubs, civic organizations Everybody within a hundred miles coming to the big doings! **BE THERE** in spirit with the towering giant of all thrill shows—and get ready yourself for the new **BIG ONE FROM RKO!**

UPRISING

starting

CLAIRE TREVOR
JOHN WAYNE

with **GEORGE SANDERS • BRIAN DONLEVY • WILFRID LAWSON**
ROBERT BARRAT • JOHN F. HAMILTON
MORONI OLSEN • EDDIE QUILLAN

Produced by P. J. Wolfson. Directed by William A. Seiter.
PANDRO S. BERMAN in charge of production. Screen
Play by P. J. Wolfson.



the golden
roars this
First Rebel
in buckskin!

**UNPRECEDENTED
AMT. OF BLDG.**

Unprecedented new theatre building continues in eastern and central Ohio, with a score of new houses scheduled to open before the first of the year. Despite the lateness of the season there is under way throughout the territory extensive modernization. In some communities exhibitors are showing concern over the number of new theatres, claiming they are already overated. There are plans under way for additional houses in the spring, some in communities where houses have

Metro Pix Now in Production

"BROADWAY MELODY OF 1946," musical; produced by Jack Cummings; directed by Norman Taurog; no writing credits released; photographed by Robert Allen; C. A. Fox, Pres. Released; Geographical: New York City; Morris.

"A CALL ON THE PRESIDENT," drama; produced, Edgar Selwyn; all-star cast; no writing credits released; photographed by George Murphy; C. A. Fox, Pres. Released; Geographical: New York City; Morris. Cast: Ann Sothern, William Gargan, Marcia Hunt, Walter Brennan, George Murphy, Robert Montgomery, Robert Taylor, Robert Strauss.

"NICK CARTER," mystery; produced by Lucien Hubbard; directed, Jacques Tourneur; no writing credits released; photographed by Charles Rosher; C. A. Fox, Pres. Released; Geographical: New York City; Morris. Cast: Henry Hull, Sterling Holloway.

"THE NIGHT OF THE HUNTER," drama; produced, Victor Saville; director, Charles Laughton; no writing credits released; photographed by Ray June; Cast: Robert Montgomery, Edward Arnold, Reginald Owen.

"THE NIGHT OF THE WITCH," horror; produced by Joseph Mankiewicz; directed, Frank Borzage; no writing credits released; photographed by Robert Allen; C. A. Fox, Pres. Released; Geographical: New York City; Morris. Cast: Edward Broemberg, Albert Van Deker, Sara Haden.

A. G. Constant interests, Steuben-ville, opening new Park, North Canon, first house for the town. George Ellis, identified with the circuit in East Liverpool for several years, will

Skirball rushing construction of new cinema in downtown Massillon. Steel town already has two theatres. House expected completed soon after first of year. Same circuit operators have new house under construction in Bryan, O., seating over 500.

Ted Pekras, Columbus, planning new 800-seater for Hilltop suburb in that city.

George and John Rappold, who have the Innis, constructing 600-seater in Columbus, on the south-side

A new 700-seater opened at Fairfield, O., by John Robertson.

Horace Wersel soon to start on a new theatre in the village of New Solon.

T. Neal Hubbard, Maysville, Ky., leased the new 400-seat Kentucky being built at Vanceburg, and scheduled for completion around Nov. 1. New hours seem to open in the

Paul Pontius operator of the Sylvan, Sylvania, O., planning 300-seater soon to get under way at Woodsville, O.

Monogram

Pictures in the cutting room:
'DANGER FLIGHT,' formerly titled **'SCOUTS OF THE AIR,'** drama; produced by Paul Malvern; directed by Howard Bretherton; screen play by Byron Morgan and Edwin C. Parsons, based on Hal Forrest's *'Talkin' Tommy'* cartoon strip. Cast: John Trent, Milburn Stone, Marjorie Reynolds, Dennis Moore, Tony Baker, Joe Bernard, Edwin Parker, Harry Harvey, Jr., Julius Tannen.

tern, produced by Robert Tansey; director, Bert Emmett; photography by Bert Longenecker. Cleveland, Glenn Strange, Jean Joyce.

ter; produced by T. R. Williams; directed by
by C. B. Williams, based on the story. 'Des
Curran and Williams; photography by Harry

Bill, Charles Quigley, Bernadene Hayes, Edward
Elliot, Frank Sheridan.

* western with music; produced by Ed Finney; play and story, Victor Adamson, Edmond Kelso; photographed by Marcel A. LePicard. Cast: Tex Ritter,

...vans, Nolan Willis, Steve Clark, Tom London, Kenneth Duncan, Frank LaRue, Chick Hannan, ...r, produced by Phil Krasne; director, Ralph

Jack Stengler. Cast: James Newill, Louise Hackett, Warren Hull.

Paramount

Paramount (1939-40)					
	Number of Promised	Number of Completed	New Shooting	New Balance to Be Placed Cutting Before Rooms Camera	Stories In Preparation
Studios	\$0	9	3	14	24
Harry Sherman...	\$	3	1	3	1
	—	—	—	—	—

Totals	58	12	4	17
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Pictures now in the cutting rooms or awaiting release are: **'ALL WOMEN HAVE SECRETS,'** formerly titled **'CAMPUS WIVES,'** drama; associate producer, Edward L. Lowe; director, Kurt Neumann; screen play by Agatha Christie; story by Agatha Christie and E. J. Munson; story by Theodore Stark; associate producer, Allen J. Allen; Virginia Dale, Peter Hayes, Betty Moran, John Arledge, Joyce Matthews, Audrey Haynard, Wanda McKay, Kitty Kelly, Janet Waldo, Lawrence Grossmith, Una O'Connor, George Meeker, Dick Elliott, Lambert Rogers, Phyllis Adair, Fay Cotton, Barbara Denny, Gwen Kenyon, Marjorie Bell.

'THE CAT AND THE CANARY' (1939-40 release), mystery-comedy; produced by Arthur Hornblow, Jr.; directed by Elliott Nugent; screen play by Walter DeLeon and Lynn Starling; based on play by John Willard; photographed by Charles Lang. Cast: Bob Hope, Paulette Goddard, John Beal, Douglas Montgomery, Gale Sondergaard, Nydia Westman, George Zucco.

'THE LLANO KID'; formerly titled **'DOUBLE DYED DECEIVER,'** western; produced by Harry Sherman; directed by Dan Venturini; screen play by Wanda Tuckock; based on the O. Henry story; photographed by Russell Harlan. Cast: Tito Guizar, Emma Dunn, Alan Mowbray, Gale Sondergaard.

"HAPPY ENDING," formerly titled **"HEAVEN ON A SHOESTRING** drama; produced by George Arthur; directed by Lewis Milestone no writing credits released; photographed by Leo Tover. Cast: Pat O'Brien, Olympe Bradna, Roland Young, George E. Stone, Frank Sully

Russ Powell, Doodles Weaver, D'Arcy Corrigan, Reginald Gardiner, Wyndham Standing, Charles Miller, Pat O'Malley, Frank Shannon, Ronnie Rondell, Russell Collier, Joe Gilbert, Frank Melton, Hal Belfer, Ken Terrell, Gene Clark, Jimmy Fawcett, George Suzanne, Murray Alper, Terry Shero

'THE LIGHT THAT FAILED,' drama; produced and directed by William A. Wellman; second unit director, Joe Youngerman; no writing credits released; photographed by Theodor Spaukuhl; second unit photographer, Guy Bennett. Cast: Ronald Colman, Walter Huston, Muriel Angelus, Ida Lupino, Dudley Digges, Ernest Cossart, Charles Irwin.

Clyde Cook, Jamie Aubrey, Charles Bennett, David Thursoy, Colin Kennedy, Ambra Danbridge, Perry Lawson, Robert Perry, Carl Voss, Ted Deputy, Joe Colling, Clive Morgan, Major Sam Harris, Benjamin Watson, Francis McDonald, John Spacey, Connie Leon, Fay Helm, Halliwell Hobbes, Gerald Rogers, Leslie Franci, Harold Entwistle, Barry Downing, Bob Stevenson, Clara M. Blore, Harry Cording, Gerald Hamer, Colin Tapley.

General Manager's office production; directed by Paul Sloane; screen play by Paul H. Sloane; photographed by Henry Sharp. Cast: Chief Thundercloud, Preston Foster, Ralph Morgan, Andy Devine, William Henry, Harry Tom

pleton, Ellen Drew, Pierre Watkin, Jack Chapin, Richard Denning, James Glines, Frank Cordell, Cecil Kellogg, Carl Sepulveda, Tom Coats, Ted Wells, Lee Shumway.

'DR. CYCLOPS' (Technicolor), meller; produced by Dale Van Every; directed by Ernest B. Schoedsack; original screen play by Tom Kilpatrick
(Continued on page 18)

Pitt's Newsreeler
Pittsburgh, Oct. 24.

Pittsburgh, which failed to support two newsreel theatre ventures five years ago, will get another crack at one next week when Harris Amusement Co. converts its small-seat Palace into a cartoon-news-short house again. Palace tried it once in 1934 but it was no soap. Harrises, however, figure that with war stuff so popular in the current reels, chances

Diamond street, where Palace is located, is almost entirely a street thoroughfare with a lot of drop-in trade and figured a natural location for the experiment. House since its original try has been the Harris' sole downtown subsequent run spot, playing twin bills at 15c top. Price

New Trylon
Forest Hills, N. Y., Oct. 24.
The Trylon is the name selected

The design is the name selected for the new house on Queens Boulevard, nearing completion, here. Theatre has the World's Fair's trylon and perisphere in its 'own back-

Little Rock's 1,000-Seater
Dallas, Oct. 24.

New house at Little Rock, Ark. being planned here by Little Rock Amus Co., will seat 1,000.

Los Angeles, Oct. 24.
Principal Theatres will build 600-seater in Tracy, Cal., its second house.

Southside Theatres opened new Alto, 900-seater, with first run policy. Kenneth Bushey manager. James Brinton, manager of United Artists. Indulwood assigned to man-

Artists, Inglewood, assigned to manage new Academy, slated to open in two weeks. Dave Martin succeeds Brinton at UA.

Settles' New Nabe
Louisville, Oct. 24.
Settles Bros. of Indianapolis add
ing to their properties in this area

having leased new house being erected in St. Mathews, Ky., suburb of Louisville. Located in new shopping center, will have capacity of 1,100. While the shopping

(Continued on page 43)

For Bookers ... Not Book Readers!



Those of you who go in for literature will know that Lloyd C. Douglas wrote *Magnificent Obsession*, "*White Banners*" and "*Green Light*" three best selling books which were made into three best selling pictures and you'll know that "**Disputed Passage**" is the grandest of all Lloyd C. Douglas' masterpieces

With Frank Borzage directing Dorothy Lamour in a new and exciting role you'll understand why five key cities report Paramount has another smash hit! **Detroit:** Outgrosses "*Midnight*," "*Star Maker*," "*Honeymoon in Bali*" and "*Beau Geste*." **Indianapolis:** Outgrosses "*Honeymoon in Bali*." **Louisville:** Hitting new-boxoffice highs. **Memphis:** Outgrosses "*Star Maker*." **New Orleans:** Outgrosses "*Star Maker*."



"DISPUTED PASSAGE" with Dorothy Lamour
Akim Tamiroff • John Howard • Judith Barrett • William Collier, Sr. • Billy Cook

Produced and Directed by Frank Borzage • Screen Play by Anthony Veiller and Sheridan Gibby • Based on the Novel by Lloyd C. Douglas • A Paramount Picture

Extended Runs

Charlie Williams sold his 'From Page Lady' to Sherwill Productions. Producers Pictures acquired 'One of the Finest,' by Thomas V.

'THE CISCO KID AND THE LADY,' formerly titled **'THE ADVENTURER,'** western; produced by John Stone; directed by Herbert I. Leeds; no writing credits released; photographed by Barney



M-G-M's GOT WHAT THE WORLD WANTS! LAUGHS!



"THE WOMEN"

(Norma Shearer, Joan Crawford, Rosalind Russell)

"BABES IN ARMS"

(Mickey Rooney, Judy Garland)

MARX BROS. "AT THE CIRCUS"

(Groucho, Chico and Harpo)

"NINOTCHKA"

(Greta Garbo, Melvyn Douglas)

"ANOTHER THIN MAN"

(William Powell, Myrna Loy)



HAPPINESS IN EVERY BOX-OFFICE!



HISTORY REPEATED

PLUS-X, Super-XX, and Background-X have established themselves firmly as the favorite raw films of the industry. In doing so they have repeated the history of Eastman films of other days. And they have done it through the same means: unmatched photographic quality, completely trustworthy uniformity. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, Fort Lee, Chicago, Hollywood.)

EASTMAN
PLUS-X **SUPER-XX**
for general studio use *for all difficult shots*
BACKGROUND-X
for backgrounds and general exterior work

PEOP R TWO COSY SHS NOT E EEE F RETRE FROM F STARS

So Declare Hard-Boiled Talent Buyers Who Report Hollywood Salaries Pegged About Where They Were Last Year—Audience-Getters

Talent buyers for agencies report that there has been no letdown in salaries for film stars this season and that there is anything but an indication of a swing-away from big money shows. It is their opinion that the day of the big, expensive name combination is still a reality. Advertisers will go on unfurling shows ranging in the five figures so long as such combinations can produce commensurate audiences and sales.

The advertising business, they point out, thinks like any other business in terms of value received for money paid, but because the underlying idea, the production or some other element or multiplicity of elements were properly used, the same big names will continue to exert the one big advantage every advertiser seeks, if he can afford it, and that's the ready-made following.

So long as these artists can command audiences that result in value for value there can be no leveling-off of prices, say these talent buyers. The general average salary for stars culled from picture ranks is, they say, just about the same (up to \$4,000 for toplighters) as it was last season. The agency men figure that even though the demand for the services is as great as the screen celebs have got to the point of realizing their comparative value in radio and on the air, their quotations, as they used to, on what some other star has been able to get. Although the failure of one or two big, expensive name combination shows has had its sobering effect in this direction.

MAP INFRINGEMENT SUIT AGAINST WBXN

Hagstrom Co., Inc., filed suit in the N. Y. federal court Friday (20), against the WBXN Broadcasting Co., Inc., and Herbert L. Wilson, doing business as the Allied Research Laboratories, for alleged infringement of the plaintiffs' map. The map is known as 'Hagstrom's Sales and Traffic Map 50 Mile Radius from N. Y.' The map of the broadcasting circuit is called 'WBXN Coverage Map.'

An injunction, accounting of profits, and \$250 damages for each infringing copy sold is being sought. (About a year ago a large map company threatened suit against nearly 200 radio stations for using copyrighted maps commercially.)

MacQuarrie's New Show

Hollywood, Oct. 24. Haven MacQuarrie whose 'Do You Want to Be an Actor?' achieved net work recognition some years ago has another program, 'Mr. and Mrs. America.' It debuts on his alma mater station, KFWB, at 8 p.m. Married couples come up for clashes with emcee MacQuarrie and win cash prizes.

Don Phillips' Mischap

St. Louis, Oct. 24. Don Phillips, gabber at KMOX and former pet of St. Louis Chaplains, is in St. Louis at the Hospital here recovering from concussion of the brain, internal injuries and severe cuts and bruises suffered last week while on a hunting trip near Winston, Mo., 310 miles from St. Louis.

Phillips was riding on the fender of his car, driven by a relative, when it was thrown off a road and a cocked shotgun he was holding did not explode.

Cesar Searchlight being booked for lectures on 'Propaganda, Radio and the War.'

Allergic

St. John, N. B., Oct. 24. The seriousness of radio in these parts may be summed up by the quiet serious decision of Dan Morrison, owner of the Union Lunch, to declare a 15-minute silence, the only time during the day the restaurant radio is shut off. The silence is to escape Rino's Sister. Says the cafe man: 'This is a man's restaurant. We listened to "Big Sister" while it was fun to kid it. Then it started to annoy the customers.'

PETRILLO DEFERS ON SPIELERS TO AFRA

Chicago, Oct. 24. American Federation of Radio Artists and James C. Petrillo, president of the Chicago local of the American Federation of Musicians, last week reached an agreement covering announcers at the local CBS outlet, and settling a feud of several months' standing. Accord was reached in New York.

According to the deal the Petrillo contract with the station, transferred to AFRA and the musicians' union is relieved of all responsibility under it; AFRA agrees to abide by the agreement in regard to sustaining shows only, but reserves the right to withdraw certain commercial shows; in regard to commercial programs, the station agrees to abide by whatever decision is reached by AFRA and the agencies in their pending negotiations; all men covered in the deal are to be transferred from the AFM to AFRA and their initiation fees are to be turned over to AFRA.

Deal covers staff announcers at WBMM, but does not include producers or sound effects men.

WHAS' 27c SHOW

Minibilly Give-Out Every Saturday In 5:40-6:00 A.M.

Louisville, Oct. 24. Kentucky Play Party, WHAS staff night, hillybilly imboree, transferred to the station's Theater Saturday (21), where a two-hour show will be presented weekly, of which 45 minutes will be aired under sponsorship of Drug Trades Products (Benson & Dalrymple). Commercial spots handily by Randy Blake, set in the spot by the agency.

Study Brock, WHAS staff speaker, will be the show. Dudley Moore, WHAS continuity and production man, will be the host.

Whereas previous WHAS shows have been cuffed, with patrons writing for letters during the show, the roundup is sealed at 27 and 44 figures. House seats 2,400.

NBC Answers CBS Claim That It Entertains Greater

Number of Ducat-Holders

Columbia's claim (as stated in a letter to Vassure from Herbert Bayne Swope, Jr., last week) to having had a 'York plant' has been met by many persons in attendance at its broadcasts this year than any other network's estimate that the studio's stage audience numbered 2,000,000 of off of 1939 sounded as one of those off-the-line counts, since there was no show by towns.

NBC, miffed by the CBS claim, started tabulating its own figures and the final count showed that its broadcasts during the first nine and a half months of this year had been witnessed by 2,082,200, and this doesn't take in the cash tourists

Another 'Democracy' Show

Washington, Oct. 24. Another Federally-sponsored educational broadcast debate next week following further plaintiffs for the Office of Education's long 'Americans All—Immigrants All' series, presented via CBS. The Federal Security Agency and NBC will launch the newest, 'Gallant American Women,' with assistance of the Works Progress Administration, numerous women's organizations.

Series will be presented at 2 p.m. EST every Sunday on the Blue web. Programs are dramatizations of part played by women leaders in political and social history. Sponsors include General Federation of Women's Clubs, National League of Women Voters, American Association of University Women, and other similar outfits.

Initiations for Americans All presented last week to Sterling Fisher, CBS educational director, and John W. Studebaker, U. S. Commissioner of Education by the American League Auxiliary. Series was praised for 'endeavor to present a cross-section of community life.'

GEN'L FOODS BUYS AFRA

General Foods is buying a quarter-hour strip on the NBC blue nights (11-11:15), with the show to be set weekly during the coming week. Account's aim obligation on the blue will be to generate to a haulour, Monday to Friday, inclusive.

RHEINGOLD'S PROGRAM FLAVORED FOR N. Y.

Rheingold Beer (Leibmann Brewery) plans to go on WEAF, N. Y., around the first of the year with a half-hour variety show. Ideas will be to give the weekly stanza a distinctly New York flavor. Lord & Thomas is the agency.

Account's previous step toward radio ended in a payoff. It had contracted for a daily transcribed version of Brock Carter on WMGM, N. Y., but before the deal could go into force the brewery became leery of the deal's controversial and ended the contract with the station.

Benchley Still Not Set

Matter of Old Gold exercising its option on Robert Benchley is still up in the air. Meanwhile the William Morris agency has submitted Al Johnson and the name of Eddie Camel, who was last on Camel, has come up for a future.

Benchley's present contract expires with the Nov. 14 broadcast.

Studio Audience Size Dispute

NBC Answers CBS Claim That It Entertains Greater

Number of Ducat-Holders

whose rubbernecking includes look-in on a sustaining broadcast. Of Oct. 15 the tourist tally around the New York plant has been 700, while for Hollywood it was 75,900.

A breakdown of program attendance by the towns in which it operates its own studios follows:

Study New York 229,000
Hollywood 75,900
Chicago 248,500
Philadelphia 224,000
Boston 100,000
Washington 92,000
New York 229,000
Cleveland 82,700
Chicago 248,500
Philadelphia 224,000
San Francisco 45,900
Total 2,082,200

Network Premieres

SATURDAY, OCT. 28

WILLIAM R. WARNER (Sloan's Liniment). WJZ-NBC, 8:30 to 9 p.m. 'Youth Vs. Age' with Cat Tinney, guests. Warlock & Legler, Producer, Preston H. Pumphrey. Originates from New York. Hook-up, 104 stations.

SUNDAY, OCT. 29

LUTHERAN LAYMEN'S LEAGUE. WOR-MUTUAL, 1:30 to 2 p.m. and 4:30 to 5 p.m. 'Lutheran Hour' with Dr. Walter E. Maier. Kelly, Stuhlman & Zahndt. Originates from St. Louis, Hookup, 29 stations.

MONDAY, OCTOBER 30

CALIFORNIA FRUIT GROWERS EXCHANGE, INC. (Sunkist oranges and lemons). WABC-CBS, 6:15 to 8:30 p.m., Mon, Wed, Fri. Hieda Zippor, film charts. Lord & Thomas. Originates from Hollywood, Hookup, 29 stations.

TUESDAY, OCTOBER 31

LA ROSA & SONS. (Parlor and Spaghetti). WOR-Mutual, 8 to 8:30 p.m. 'La Rosa Concerts,' with Alfredo Antonini, conducting, guests. Originates from New York.

WEDNESDAY, NOV. 1

CHESEBROUGH MFG. CO. (Vaseline preparations). WABC-CBS, 10 to 10:30 p.m. 'Dr. Christian,' with Jean Hersch, Rosemary DeCamp, McCann-Erickson, Producer, Dorothy Barstow. Originates from Hollywood, Hookup, 61 stations.

NBC Denies Any Deal With WIP, Philadelphia

Cutting Off WFIL

NBC officials last week denied the report current in New York broadcast circles that the network is dickering with WIP to replace WFIL as the blue link in Philadelphia. If such an approach, it was said, might have been made by some subordinate in the station relations department, it was said, even if so, had been made without the connivance or authority of the web's top administration.

Samuel R. Rosenbaum, WFIL prez, is chairman of the Independent Radio Network Affiliates and has at times rated as a stormy petrel among the blue affiliates.

WOR Spaghetti Opera

Finding Names Scarce

La Rosa Spaghetti Co., which has bankrolled a program of opera personalities and music on WOR-Mutual for several seasons, is experiencing trouble along with the New York Metropolitan Opera in obtaining talent for its new program, which starts Tuesday (31). None of last year's names are obtainable, and many of this year have been set for the airings along with Alfredo Antonini's orchestra.

Helio Regas opera soprano, new to the Met, where she'll debut this season, has the Nov. 7 debut. Della Chiesa has the soprano. Miss Reggiani has been singing in South America. Tito Schipa is down for Nov. 28. He's currently in San Francisco.

REVAMP WAGF STAFF

Reiter-Spades Gets Sales Rep Appointment in Atlanta

Atlanta, Oct. 24. Reorganization at WAGA, NBC blue outlet and little brother of Atlanta Journal's 50 kw. WSB, with comette Jess Swiggood's activities mainly in the promotion of radio matters and up Paul Overby, formerly of production, into asst. mgmt. of the station, and the reorganization of NBC blue outlet has been changed to Reiter-Spades, from Edward Petry.

Art Gilman, yesterday's famed 'whispering pianist' of radio and records, has taken over emceeing of station's 'Yawn Patrol' name being changed to 'Sunrise Serenade,' doing a 15-minute, early evening, early evening spots per week for Briarcliff Radio.

J. H. Jack Macy and Joe Robin added to sales staff and Joe Hill, who had been emceeing of the station's 'Yawn Patrol' name being changed to 'Sunrise Serenade,' doing a 15-minute, early evening, early evening spots per week for Briarcliff Radio.

Miller Talks to A.N.A.

Washington, Oct. 24. Importance of research in connection with radio advertising is being discussed at the Association of National Advertisers meeting at White Sulphur Springs next week by Neville Miller, president of NAB. Broadcasters' spokesman oracles Thursday (28).

John J. Gittlin, of WOV, has been elected to the board of Omaha Valley Broadcasters' Association. ASCAP attorney for Nebraska, also is a member.

BROCKINGTON FORESEEN

Montréal, Oct. 24. Resignation of J. Brockington as chairman of the Board of Governors of the Canadian Broadcasting Corp., effective Oct. 31, occurred last week. Reports that he would resign to devote himself exclusively to his practice in western provinces has been current in radio circles for past six months. Successor to Brockington has not yet been announced and question has arisen whether the move is bringing about a non-aggression pact between the government and private stations.

During the Brockington regime the field of high-power broadcasting and networks was reserved exclusively to the CBC. The Corporation discontinued licensing new licenses to private stations in this period and denied increases in power to more than 1,000 watts. Brockington paved the way towards the construction of the government chain of five high power stations across Canada. In some cases the CBC took American network affiliations away from independent stations.

Development which roused most bitter controversy in Dominion was the decision to refuse sale of network time to commercial organizations or to individuals for the broadcast of political speeches. Controversially the former head of the CBC proclaimed the rights of radio stations to discuss controversial questions relating to current domestic and international affairs. He approved use of government stations for airing of political questions, advocating that time be set aside even for the broadcast of political speeches.

Another highlight during the Brockington regime was the unexpected announcement of radio permits in the province of Quebec to the CBC regulation which was aimed at the independent stations. The permits, Musicians, authors and actors joined in fray which resulted in beer program, remitting of political materials are limited to bare announcement of name of sponsor.

Three-year terms of two other governors of the CBC, Rene Morin and Nellie McClung, also expire this month. One of the most controversial comes up for reappointment every year, but indications are that present government will continue.

Under the War Measures Act censorship regulations and other restrictions have been imposed on radio as well as on private broadcasters. The governors of the CBC will, however, continue to be concerned with broadcasting developments and radio policy subject to decisions of the Federal Government or the Board of Censorship.

Ryuny's 'Turp' Adapted

Damon Runyan's 'Joe Turp' may be a radio script show. It's now being dramatized by the network.

Tentative cast idea is to have William Gargan, Ann Southern and Block and Sully. Runyan's 'Turp' is a radio show that Runyan has been syndicating regularly.

Screen Actors Guild Steps In, May Control Bacher Ballhoov Idea

Hollywood, Oct. 24. Screen Actors' Guild and the American Federation of Radio Actors have approved the first broadcast Nov. 3 of Bill Bacher's "Movie Night," which will make a study of subsequent programs as it effects the free airing by film players. SAG and AFRA leaders protested when the "Movie Night" set called for gratis appearances of Claude Colbert and Henry Fonda in a dramatization of their picture, "Drums Along Mohawk," on the Kate Smith program. The Radio-Fox studio which is footing all bills agreed to pay the players AFRA scale. Expense for the half-hour show is said to approximate \$12,000, the studio paying line charges on Kate Smith's daytime program for two spots on core here.

If the series gets an all-around okay, understood SAG will demand the picture of the month to be broadcast on various commercial programs.

KWTVN DEMISE FAILS TO MOVE COURT

Washington, Oct. 24. Silencing of KWTVN, Watertown, N. D., for violation of FCC regulations has been upheld by the District of Columbia Court of Appeals. Recent decision said the record in the case thoroughly warrants refusal to renew the station's license.

The FCC was entirely correct in its procedure, the court said, and declined to give great weight to KWTVN's contention that gagging will drive the audience to other stations. While the matter of radio coverage should be taken into account, the judge said that "other considerations are important also, including the willingness and ability of the licensee to comply with the law and with the rules and regulations prescribed by the Commission."

Record shows that large amount of testimony jibes the finding that further operation of the station would not serve the public interest, the court held.

Petitions For Trial Date In Libel Suit vs. WMCA

T. Benson Hoy has applied to the N. Y. supreme court to set a date for the trial of his \$50,000 libel action against the Knickerbocker Broadcasting Co., Inc. and Kopper Gas & Oil Co. He wants to know when he may prepare to come on from California to appear.

The plaintiff, formerly in the U. S. naval reserve and presently an aviation pilot, claims that on August 18, 1938, he was libeled in a presentation dealing with his life over WMCA, in a ski entitled "Five Star Final."

The defendants admit the broadcast, but deny the plaintiff was held up to ridicule as a result of what was said.

NBC's L. A. Wax Works

Hollywood, Oct. 24. NBC has installed a transcription department with a new head in charge, Lloyd Egner comes from New York to help set the up in operation.

Network will do all the matter work at the studio.

Steering The Plugs

Chicago, Oct. 24. A midwest station reports its discovery of a new sales slant that takes advantage of the average regional advertiser's ignorance of the engineering vocabulary of radio. "Say," chirped a Main Street business man, "when are you fellows going to get a directional antenna? I understand that allows Station— to send programs in whatever direction its clients need most."

Lou Winston Action Versus Ebenstein Discontinued In N. Y.

Suit of Lou R. Winston against Radio Attractions, Inc., was discontinued in the N. Y. supreme court Wednesday (18) but not settled. Action, which was made a deal with the Atlas Radio Corp. in 1937, whereby he turned over the transcriptions to Atlas to exploit and avert the agreement could be cancelled on 60 days notice. Notice was given in August, 1938, and therefore the plaintiff asserts since October of 1938, the transcriptions belong to him.

However, an officer of Atlas, Herbert Ebenstein, formed Radio Attractions, for the purpose of exploiting the transcriptions, and refused to give them up. Hence the suit, which asked an injunction, return of the transcriptions, accounting of profits, and damages.

'UP TO BULOVA' SAYS PHILADELPHIA UNION

Philadelphia, Oct. 24. The Musicians Union yesterday indicated it would invoke the court decision in the Fred Waring case to prevent WFBN from using discs recorded by its members if the station tries to air its 12-hour music band. Men were reinstated last week after being "locked out" for six days pending the decision of Arde Bulova, station owner, on the future of the musicians. The union huddled with Bulova's representative in New York Thursday and declared it would stand pat and insist the station abide by its commitment for live music under the blanket pact between the American Federation of Musicians and the radio industry.

WFBN officials denied they were bound by either of the two agreements between the AFM and radio stations, but the union took issue with this interpretation.

The union representative to Bulova, Rex Riccardi, secretary of Local 77, said yesterday.

Gene and Glenn on WBZ

Boston, Oct. 24. Gene and Glenn are currently doing 16 broadcasts a week out of WBZ-WBZA over the New England schedule of the NBC blue network. Schedule became effective yesterday (Monday).

The duo is on a regular late afternoon ride (5:15-5:30) from Monday through Fridays, all quarters, going on the blue evening drive but Sunday and Wednesday and also a night half hour (12:30-1:00) on the NBC red net Mondays through Saturday.

Pierre Ranger, ex-newspaperman, appointed director of publicity for CKAC, Montreal, replacing Louis Melan.

J. Francois Laroche posted as news editor.

IBC PRODUCING TROOP PROGRAMS

French Ministry Controls Policy but Transcriptions Made in London and in English—Brief Commercial Credits Permitted

BOREDOM ANGLE

London, Oct. 24. A radio station "somewhere in France" will operate with English-language programs for the entertainment of British troops. Programs will be under the control of the French Ministry of Foreign Affairs, but will be produced in London by International Broadcasting Co., by former exclusive agents for English-language commercials on Radio Normandie, Juan-le-Pins and other continental stations.

British advertisers will be invited to contribute to the program of troop entertainment, but commercial mentions will be limited to name of sponsor and descriptive phrase of product. Boredom among the soldiers due to the slow pace of the war is a possible influence behind the decision.

War Tough Blow

IBC at the outbreak of the war immediately lost its entire business scattered when the French government took over all time on every active station for French war broadcasts. IBC none-the-less continued to keep its London staff together, although at half pay. It is fully equipped with studios and production facilities, to supply the new English program "Somewhere in France," which will run from 7 a. m. to 8 p. m.

Programs will be recorded on transcriptions in London and shipped to France. Nature of the entertainment is not set, but will be strong on light stuff.

(Richard Meyer and Frank Lamping, active since IBC, are both personally acquainted in United States radio circles.)

BBC GIVES TO CHEER TO ACTORS

London, Oct. 10. F. W. Ogilvie, BBC's director general, told a delegation of musicians and radio performers there is little probability of any alternative program at this time. Consideration of national security, he suggested, prevented it, meaning duplication of existing programs, but which looks to have been stymied by the Government.

Deputation, representing 25,000 broadcasters, was appealing for more music work for disengaged musicians, instrumentalists and performers. Ogilvie was supported by Sir Noel Ashmore, chief engineer, and B. Nichols, program controller, and undertook to raise the matter before the Board.

Sheldon to Allentown

Philadelphia, Oct. 24. Wally Sheldon, WCAU gambler, has resigned to become assistant program director of WSAJ, Allentown. Louis Fisher, formerly of WCAU, Camden, replaces him on the WCAU staff.

Those Nickle-In-Slot Machines Affect Sponsor Opinion On Tunes Played by Radio Bands

Military Sellout

Montreal, Oct. 24. "Lone Ranger" has lost its sponsor, a bakery, on CHNS, Halifax, due to war conditions. Bakery using transcription finds its entire output sold out to army and navy and can't use additional bit.

Hence all advertising cancelled.

Somebody at Last Finds Way to Exploit Rivalry Of St. Paul-Minneapolis

Minneapolis, Oct. 24. St. Paul is two up on Minneapolis in the "Quiz of the Twin Cities" which Bauer & Black stages Monday nights over WCCO. Identical questions are asked of one group of contestants spotted in the stations. Minneapolis studio and another group facing a mike in the same outfit, St. Paul studio. Accout last night (Monday) donated an extra special award of \$100 to community chest of the city serving the winning side. St. Paul won for the third time. Minneapolis has but one win to its credit. Each of the four contestants on either side gets \$2 plus a kit of B & B preparedness. Announcer Eddie Gallagher handles Minneapolis end, while Max Karle m.c.'s the St. Paul designation.

KNOWLES ENTRIKIN QUITS 'BIG SISTER'

Knowles Entrikin bows out this week as scripter of "Big Sister," daily serial on CBS, for Lever Bros. Marjorie Bartlett, who's been assisting him, will take over temporarily. Entrikin & Ryan, agency on the account, is considering several other ways to handle the assignment permanently, with the idea of getting a playwright or novelist—someone new to radio. Series was formerly authored by Lilian Laferly, but she dropped out about a year ago.

Entrikin is currently working on a new dramatic program idea and also has a legit play outline. He is the author of two shows produced on Broadway. Was recently nominated as eastern regional president of the Radio Writers Guild.

Ex-Salesman Suit to Trial

Supreme court justice laior Wasservogel in N. Y., Wednesday (18) set Nov. 1 as the date of trial of the \$17,017 suit of Frank J. Reed against the W.B.O. Broadcasting Co. Suit involves alleged misdeeds and wrongful discharge.

Reed says he was employed by W.B.O. from 1934, on the sale staff of the radio station. He was to receive 20% commission on every sale he brought in. It is alleged he was discharged in April, 1935, with \$7,017 in commissions due him.

ESSEX IN WINSTON-SALEM

Winston-Salem, N. C., Oct. 24. Harold Essex, formerly of the Chicago Times, has been named commercial manager of WSIS here. Essex is a military plane pilot, owned and operated by the Journal and Sentinel papers.

Essex brought in are Bob Bowers, added to the announcing staff, Ed Koopke, who comes in from La Crosse (Wis.), as continuity editor. Bob Van Camp, staff organizer, has been upped to post as musical director, replacing Elsie Tuttle.

Coin-operated phonograph record music is beginning to exert an important influence on radio programming. Agency producers of musical shows admit that they are being compelled more and more to give recognition to the tune preferences of the masses of nickel-droppers in the hinterlands, where the slot device is frequently more popular than the radio set.

Advertising agency producers will be sure to ignore the level of tastes evinced by the general run of coin-change fans, but since it is the sponsor that pays the bill they must give heed to the suggestions that reach the sponsor through dealers, field men, etc. And the field men, when they gather for district or home office meetings, have been saying that the music in the account's program is "over the heads" of many prospective consumers and the dealers they come in contact with, better the tunes and the suggestions that have come to appreciate it what they hear on coin-machines.

Ernest Kern, Sigmund Romberg and Franz Lehar may be, say the field boys, rich in musical sentiment, but it all doesn't square with what lots of the folks out on the sales routes readily pay their nickels for.

The program builders have known that tunes and the suggestions that the coin-change has been responsible for starting some song hits and that they should make these client meetings to impress them with the influential status of the medium. Some of the radio boys have already devised ways and means of checking on the relative popularity of tunes and the nickel-platters. They have established contacts with phonograph record, jobbers and coin-operated distributors to get a flow of making periodical inquiries as to what numbers are getting top play and to have the distributor make a parlor customers and also an occasional tipoff as to what gives indication of becoming a major click.

NAB PROBLEMS COME UP ON OCT. 2

Washington, Oct. 24. Study of copyright, code, and labor problems is slated for the next NAB directorate session, in Chicago Nov. 2, while Independent Radio Network Affiliates leadership huddles simultaneously in New York.

With Broadcast Music, Inc., set for unveiling soon, the board will get the NAB directorate session in Chicago Nov. 2, while Independent Radio Network Affiliates leadership huddles simultaneously in New York.

Reed of Broadcast Music, Inc., assembled in New York today (Tuesday) to rubber-stamp the papers for the NAB annual convention to be held in the SEC for requisite time and the government has certified that all pertinent information is available for prospective investors.

John Royal in Mexico

John F. Royal, NBC "program chief, left Saturday (21) for a vacation. He expects to be gone three weeks.

1939 ★ WILLIAM MORRIS AGENCY

ESTABLISHED 1896



<i>Sunday</i>	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>
1  BOB ZURKE Hotel Nicolet Minneapolis	2  BILLY ARTZT "Blondie", Mondays, CBS STUFF SMITH Cafe Society, New York	3  CARL RAVAZZA Sir Francis Drake Hotel San Francisco	4  DAVE BROEKM. Texaco Star Theatre, BILL ROBI Florentine Gardens,
8  TED FIO RITO Earle Theatre, Philadelphia Loew's State, New York	9  WILL BRADLEY Hotel Ritz-Carlton, Boston LOU KOSLOFF  "Sherlock Holmes", Mondays, WJZ-NBC	10  RAMON RAMOS Hotel Ambassador New York	11 BEN CU Rainbow Room with Milton Berle,
15  PANCHITO Versailles New York	16  DON BESTOR Paxton Hotel Omaha	17  JOE SULLIVAN JOE MARSALA  Cafe Society, New York	18 DEL COU Hotel Am New
22  FATS WALLER Southland Boston	23  ABE LYMAN Chez Paree Chicago	24  NEW FRIENDS OF RHYTHM SEPTET Victor Records	25 NOBLE Billy Rose's Diam Loew's State,
29  VINCENT TRAVERS Billy Rose's Aquacade New York World's Fair	30  FAIRCHILD & CARROLL Eddie Cantor Theatre Tour	31  EDDIE DeLANGE "Swingin' the Dream" Score for Erik Charell	W

OCTOBER ORCHESTRA CALENDAR ★ 1939

<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
 RAY NOBLE Beverly-Wilshire Hotel, Beverly Hills with Burns and Allen Wednesdays, CBS	5  VINCENT LOPEZ Coronado Hotel St. Louis	6  JOSEPH RINES with Milton Berle, WEA-F-NBC Hotel Book-Cadillac, Detroit	7  MEREDITH WILLSON "Good News", Thursdays, WEA-F-NBC
 RAN WILDE Cosmopolitan Hotel, Denver	12  DUKE ELLINGTON Coronado Hotel St. Louis	13  PINKY TOMLIN one-nighters	14  GLEN GRAY and the CASA LOMA orchestra Palace Hotel, San Francisco
 ARCHIE BLEYER Earl Carroll Theatre Restaurant Hollywood	19  JACK HARRIS London Casino (in spite of blackouts!)	20  TEDDY POWELL with Milton Berle WEA-F-NBC	21  TED FIRTH with Milton Berle, WEA-F-NBC Hotel Book-Cadillac, Detroit
 DUKE ELLINGTON Coronado Hotel St. Louis	26  TED FIRTH with Milton Berle, WEA-F-NBC Hotel Book-Cadillac, Detroit	27  TED FIRTH with Milton Berle, WEA-F-NBC Hotel Book-Cadillac, Detroit	28  TED FIRTH with Milton Berle, WEA-F-NBC Hotel Book-Cadillac, Detroit

ESTABLISHED 1919



WILLIAM MORRIS AGENCY INC.

NEW YORK ★ LONDON ★ CHICAGO ★ HOLLYWOOD

IF CODE FLOPS, INDUSTRY FEARS BAD IMPRESSION WILL BRING IN 'CONTROL'

Patient Policy By Miller In Face of Plenty of Back-Fire Inside and Outside Industry—Elliott Roosevelt Gives the Defy Direct

Washington, Oct. 24. Crucial period in the National Association of Broadcasters code seems to have arrived with Elliott Roosevelt's announced intention of pulling his Texas stations out of the trade body in preference to submitting to the curbs as far as his own stations are concerned. There is a feeling that the President's son may precipitate a test of strength which will have a profound effect on the whole industry. If the broadcasters aren't able to handle their own problems, the logical result will be greatly intensified FCC control and possible Congressional action.

Sentiment in official and political quarters is mixed, with many FCC individuals chuckling satisfactorily at the headaches and writhing at N.A.B. headquarters. Friends of Father Coughlin and Doctor Townsend in Congress are getting encouragement from other members who take the slant that the pact's ban on discussion of controversial issues, on purchased time is a serious invasion of free speech. While industry leaders feel the free-speech issue is exaggerated (Continued on page 30)

Heredity

Syracuse, Oct. 24.

Al Parker (Pappas) turned in his resignation as staff announcer at WSYR a fortnight ago, after four years. He is returning to Albany, home town, to take charge of newest in his father's string of restaurants. "You can't keep us Greeks out of the restaurant business," was his farewell.

NAZIS ADVERTISE ITS DX TO MEXICO

Mexico City, Oct. 24.

German air propaganda in Mexico has taken a subtle turn. Without comment, Teutonic interests are giving complete information in newspaper advertisements about the 27 short wave stations in Germany. Power of each station and times of broadcast in Mexico are listed. First time such advertising has ever been done in Mexico.

London Calling

Evelyn Kaye and Jack Buchanan among celebs recruited by BBC for wartime "Songs from the Show" series; plan is to have a distinguished guest artist each week.

BBC now broadcasting propaganda in 13 languages—French, German, Italian, Polish, Czech, Spanish, Portuguese, Rumanian, Serbo-Croat (for Yugoslavia), Magyar (for Hungary), Greek, Arabic and Afrikaans (for Boers in South Africa).

Elsie and Doris Waters, announced as recruits to BBC wartime variety school, were unable to do mike appearances due to picking up music hall engagements at Newcastle-on-Tyne.

Hitler's rise to power to be told in six BBC dramatic programs, which will be doped out from strictly factual material.

Leslie Bailey planning to revive "Scrapbook" radio series, and has joined BBC variety outfit for this purpose, but his collaborator Charles Brewer has gone into the Royal Air Force.

BBC has suspended all new appointments to its permanent staff; many offers of temporary help have been received from U. K. listeners, and some enrollments may be made from this source.

Max Kester and James Dyrenforth have re-written "Alice in Wonderland" as a political allegory of today, which BBC is putting on the air. Item has been re-styled "Adolf in Blunderland," with Hitler in the name role supported by Goering as the "Duchess" from Lewis Carroll's classic.

Harry Pepper and Ronald Waldman, of BBC variety department, have a new feature, "My Favorite Song," material for which is being compiled by approaches to celebrities of all grades for whom which has most impressed itself on their minds.

Perpetual Corporation Set Up By N.A.B. With Miller, Klauber, Damm

Albany, Oct. 25. Broadcast Music, Inc., has been chartered by the Secretary of State at Albany, with an authorized capital stock of \$100,000, \$1 par value. Directors, none of whom is listed in incorporated underers a shareholder, are: Neville Miller, Edward Klauber, Walter J. Damm (WTMJ, Milwaukee). Klauber and Damm are members of NAB's copyright committee.

WTIC NEW SETUP WIDENING ITS AREA

Hartford, Oct. 24.

When WTIC puts into use its new 483-foot Blackbox directional vertical radiator antennas soon it expects to reach an additional 300,000 700,000 listeners over and above its regular air patrons. Station is conducting a survey of the effectiveness of the new antennas. So are engineers from Jansky & Bailey, Washington survey engineers. The surveys are independent.

WTIC survey is under direction of Prof. Wyrant J. Williams, consulting engineer for the station, and J. Clayton Randall, plant manager. Both surveys are expected to show the efficiency of the new set-up as well as determine whether it lives up to FCC specifications.

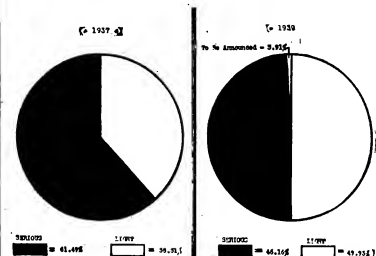
Installation of the new antenna system is expected to increase the efficiency of the station's signal, especially in the primary area. Displaces a set of 200-foot antennas now in use. Surveys are expected to be completed in about two weeks. Station's transmitters and antennas are located on Avon Mountain, nearby.

Canada Balances Its Sked

Winnipeg, Oct. 24.

Assuming the Utopia of all program directors would be an equal division of serious and light programs, then, regarded from the viewpoint of cold hard figures, the Canadian Broadcasting Corp. is practically in a Utopia of its own making at the present time. These facts became apparent when the current weekly schedule of the CBC was broken down (out of sheer curiosity) by VARIETY's local reporter for the purpose of comparison with a similar breakdown made by this paper in the summer of 1937.

Among other things that became apparent with this breakdown was the fact that the government-owned network has made real strides in the past two years. (The CBC was established by Act of the Canadian Parliament November 2, 1932, to succeed the Old Canadian Radio Broadcasting Commission originally set up in 1922.) That the network is now better balanced is quite possibly largely due to the decision of CBC officials (made late in 1937) to let in American programs of which about half are now



commercial. The American variety and serial script shows have done much to increase the lighter side of Canadian radio entertainment. These include the Chase & Sanborn hour, the Kraft Music Hall, the Maxwell House show, and others. Procter & Gamble as the largest contributor to daytime listening, in Canada as in the U. S., may not exactly contribute to 'lightness' in view of the domestic mysteries habitually exploited by P & G. During the past two years the Canadian web has increased its air time from a mere 37 hours per week to 115 hours weekly; it must be remembered, or an increase of 78 hours over a seven-day period. In 1937 the CBC was in operation from 7 p.m. to midnight (Sundays 5 to 12), while the current schedule shows the net going from 8:30 to 1 a.m. (Sundays 9 to 1).

One fact is noted: the utilizing of phonograph records on the network, a practice prohibited in the U. S., is okay in Canada (as in England from whence came Gladstone Murray, head man of CBC).

THE GREEKS SPELL IT

Ορθακοβότικ
but no matter how it's spelled
ORTHACOVSTIC
means... the truest
recorded sound you've ever heard!

YOU'VE never before heard such colorful, exciting reproduction! Developed by RCA and NBC engineers, after years of experience and research in every phase of sound transmission, recording and reproduction—the new Orthacoustic Transcriptions give you these unmatched advantages:

1. New high fidelity reproduction quality.
2. Elimination of distortion, particularly in high frequencies, no "ear ting."
3. A maximum signal-to-noise ratio, no "needle hiss."
4. Entirely natural reproduction of speech.
5. Greater tone fidelity in reproduction of music.

The New **RCA** **NBC**

ORTHACOVSTIC TRANSCRIPTIONS

ELECTRICAL TRANSCRIPTION SERVICE • NATIONAL BROADCASTING COMPANY

A Radio Corporation of America Service

RCA Bldg., Radio City, N. Y. • Merchandise Mart, Chicago • Sunset & Vine, Hollywood



UNLUCKY 13?

September 1939 was the 13th month of operation of the St. Louis Star-Times Radio Station, KXOK. We're not superstitious, however, because in September we received the largest volume of new advertising contracts of any month the station has been on the air. Advertisers who plan to use radio in St. Louis this fall and winter would do well to make their KXOK reservations now.

91,260 Telephone Calls

During the first twelve days of a brand new locally created program, KXOK received 91,260 measured telephone calls—details on request.

This enormous audience response is available for your advertising message to the rich St. Louis Area.

KXOK

Owned and operated by the St. Louis Star-Times, 1000 Watts—Full Time—1250 kc. Nationally represented by WEBB & COMPANY, New York, Detroit, San Francisco and Chicago.

FACTORY EMPLOYEE SERIES

MANUFACTURERS FOSTER TALENT

Hartford Employers Behind
Local Series of Programs
Pitting Home Amateur
Entertainers Against Each
Other—Wheeling Steel As
Example

UNIONS GRUMBLE

Hartford, Oct. 24.

A Hartford group of manufacturers will present a series of 10 special programs over WHTT, Hartford, starting Sunday, Nov. 19. The motive is employer-employee goodwill, and the inspiration for the series is thought to be various successful experiments in the "social defense" use of radio. Wheeling Steel's factory amateurs on Mutual, the B.B.D. & O. produced "March of Minnesota" and a similar trial balloon on WHTT last year for a local jeweler may all have been influences.

The manufacturers hope to see a "warming response" from their hired hands as the result of the programs which will be frankly pufferoo in nature and will include factory choirs and talent generally. However, labor leaders, always skeptical, see some subtle propaganda against unionism and in favor of open shop. So there may be some fireworks.

25,000 Employees
More than 25,000 persons are employed by the ten participating plants, producing articles ranging from airplanes and tools to typewriters and guns. All plants operate and all the workers live within the area of WHTT. And if the manufacturers' association can impress on most of these—through a spirit of friendly rivalry and competition between the different employee groups—that maybe they, the manufacturers, aren't such bad guys after all, they will have reaped much more than their investment, which is not large to start with, as cost of entire series to manufacturers. Including wire and time charges, is not expected to exceed \$1,000. All of the plants already have various employee groups of various types functioning. All have directors, either paid or voluntary. Therefore, expense of producing the varied types of shows is no burden.

Plants participating include Pratt & Whitney, Veeder-Root, Inc., New Departure Manufacturing Co., Fuller Brush, Royal Typewriter, Underwood-Elliott-Fisher Typewriter, C. H. Dexter & Sons, Colt's Patent Fire

Arms, Whitney Chain Manufacturing Co.

At the conclusion of the series of aircasts, a banquet is to be held for the different groups and at which time a trophy will be awarded to the winning group by the manufacturers' association, which will make the series an annual affair.

Entertainment to be given by the employee groups is varied. Range from choral club singing to specially prepared plays and variety shows.

Series was set for WHTT by Walter Nielson, salesman for the station. Nielson originated the germ of the idea last year. He will emcee all the shows. J. Bruce Morford, of the Veeder-Root Co., is chairman in charge of the series for the manufacturers' group.

BAULU SETS UP AS FRENCH COPY EXPERT

Montreal, Oct. 24.

Marcel Baulu has resigned as continuity chief and censor at CKAC to open specialized production service called Laboratoire de Redaction. He continues as news commentator for Richelieu Cheese and m.c. for Black Horse Ale and Grothe Tobacco French-language programs.

New outfit will handle French-language newspaper and magazine copy for RCA-Victor (Lord & Thomas) and Lever Bros. (J. Walter Thompson).

Can't Beat 'Em So Joins 'Em

General Foods, which several years ago stirred up a considerable ruction within the American Association of Advertising Agencies about the spreading use of stationbreak announcements, is contemplating adopting the same mode of plugging on a major scale. Before placing any campaigns along this line the account will make an exhaustive study of how other important advertisers have used the stationbreak device.

The stationbreak announcement has become so much in demand that few major stations have any spots available between their network programs.

The success chalked up by other large national buyers, Levers notably, apparently overwhelmed the reluctance of General Foods.

The CASE OF THE S.R.O. SIGN

More advertisers are buying more time on WLW currently than at any time in the history of THE NATION'S MOST "MERCHANDISE-ABLE" STATION

WLW

*Leads All
Radio
Stations
in Detroit*

1. In Listener Interest.
2. Advertising Preference.
3. In Community Service.

WLW
Owned and Operated by
The Detroit News
America's Pioneer Station
National Representatives
Geo. F. Hollingsworth Co.
New York, Chicago, San Francisco, Boston

BUREAU OF MISSING BUSINESS

Detroit, Oct. 24.

Prospecting the probable early return of General Motors divisions to outside shows, Pontiac factory officials are understood to be very interested in Mutual's new program, "Listen America," which hit the air Sunday evening (22) under aegis of Pontiac dealers in New York area and Detroit. Participating show, which highlights Pe. and Allen (Washington Merry-Go-Rounders), Erno Rapee's band and idylly Smith, has been signatured by dealers for 12 weeks.

After hearing a recording of show last week, Pontiac company execs are understood to have decided the program "hottest thing we've heard recently," and later expressed a desire to bankroll it over entire season work. Probably will let it ride as is until 13 weeks are up and then put show on Pontiac factory payroll.

Pontiac, until last two years one of most active GM divisions in radio's behalf, has enjoyed a 65% gain in auto sales during past model-year and has set up largest advertising budget in history for coming year. While most of budget has been tentatively set for newspapers, magazines, direct mail and spot radio, it would be a simple task to shift coin around in direction of radio show.

Other General Motors divisions which once took an active part in either affairs are Chevrolet, Oldsmobile and Buick, in addition to GM's institutional staff. As with most auto makers during past year, they've enjoyed a big boost in sales over the previous year, and appear ripe for re-entry into ozone. Fear of a sudden collapse in auto market,

which two years ago forced most of GM's divisions off the air, has been dissipated in the past nine months by the general tone of U. S. biz, now aided by a European scarcity of suitable time schedules on networks will probably mitigate against resumption of many auto-backed shows this season, unless something turns up as in the case of Pontiac, but all in all, it is a good sign that the groove for next year.

Some of the independent producers working Studebaker, Hudson and Nash, also should be in the market soon for a network show, already has re-entered the ozone field this season with an augmented outlay through Richard Himber's recorded 15-minute program, "Spotted throughout the country."

Chrysler and Ford, having reaped a bountiful harvest during the past year, and like the other auto makers expecting from 15% to 25% gain in auto sales during the coming season, figure to continue their present vet shows without interruption.

Sendoff accorded industry's 1940 models at National Auto Show in New York last week has caused plenty of wide smiles among motor moguls, who figure that sales gains in the U. S. domestic market will far offset any export losses to European countries. Then, too, there's a growing conviction that U. S. auto makers will pick up a good deal of additional biz in Latin and South America, formerly sequestered by nations now at war. Also there should be plenty of profitable sales even to belligerent countries, which need motorized units.

EAVESDROPPER CHAMP

KFEL into City Council, Courts, Dept and Governor's Suite

Denver, Oct. 24.

In favorable response to KFEL's request to be allowed to broadcast the meetings of the city council that body voted to allow the installation of the mikes in the council chamber. KFEL will go on with the council broadcast at 7:30 p.m. Mondays and stay with the council until it adjourns.

KFEL also maintains direct lines to the senate and house chambers and the governor's office in the state house, municipal auditorium, district criminal courts building and the union station, and for past several years has broadcast important sessions of the state legislature.

Station Ideas

New Wire for Biz Men

Charlotte, N. C. WBT has gone in for wired radio, not broadcasting but on a gratis basis. Its feeding luncheon clubs in the Chamber of Commerce building for five minutes, starting 1:10 p.m. Monday through Friday, with last-minute bulletins. Idea of the service is to keep these business and professional men posted on up-to-the-minute worldly developments during the breakfast news period and the evening broadcasts.

The club includes Rotary, Lions, Kiwanis and Civilian.

For Used Car Dealers

San Francisco. Five sponsors, none of whose names are mentioned on the air, are bankrolling "The Automobile Shopper" on KSAN here. Outstanding used car bargains are described by a commentator during a trip along "used car row" on each broadcast. Listeners who want to buy cars are then taken personally by the commentator to the dealer most likely to have the car the prospective buyer wants.

The five sponsors, of course, are all used car dealers.

News-Picture Posters

Greenville, Wis. To stimulate listener interest in its programs, WTAQ has placed 25 news-pictures in the program. The pictures are shown at points throughout Green Bay and nearby De Pere. These posters are shown at the end of each program with WTAQ program listings at the bottom. News-pictures are changed weekly, and the program copy on the photo is changed every two weeks.

These news-pictures and the attendant program listings have created much comment and interest in WTAQ programs.

WLW's Beard Growing Contest

Cincinnati. Whiskers stunt is being used by WLW's Boone County jamboree to rally interest of its regular listeners at Emery auditorium Oct. 21 for a series of Saturday night stage and air shows. Men of the beard are vying for a cash prize, offered by George Biggar, rural program director for the station.

Blurb announcements offer free admission for men with beards of a foot or longer.

Culture Gesture

Detroit. Cooperating with Detroit's Board of Education, WXYZ will extend to its Michigan web a series of fall and winter school kids' concerts played by Detroit Symph with Victor Kolar directing. Doctors of education in other cities, where Michigan web has outlets, will have programs broadcast directly in classrooms, as is done in Detroit.

Concerts will be presented every fourth Wednesday afternoon, with total of seven broadcasts set for school year.

Convention Bayliss

San Antonio. The local Chamber of Commerce has taken to the air in a series of 13 broadcasts over KMAC to sell this city as an ideal convention site. Extolling the virtues of a large number of conclaves and what it means to the city coffers as well as its stores, program presents a short talk by a member of the C. of C.

13 MONTH SILENCE

Engineers Walk Out In San Diego On Salary Demand

San Diego, Oct. 24.

KFSD, Blue-web outlet, was off the air for 13 minutes one day last week (20) when four technicians walked out in tiff over union demands. They were members of Electrical Union, Local 8569, AFL affiliate. Union reps said boys trotted after being denied \$37.50 a week temporary shutdown occurred at 10:45 a.m.

Station manager, Sam Lipsett, grabbed controls and ran the show singlehanded—he's an ex-tech himself.

KFSD is owned by Alfran Radio Corp., headed by Thomas Sharp.

Gene Deasler, new splicer at WMCB, Kansas City, as Gene Rhein leaves KMBC for WDT, Tuscola, Ill.

New York City Spot Biz Analysis

National Radio Records which has been in process of formation for a year is circulating within the broadcast advertising trade a detailed breakdown of spot broadcasting figures for New York City during July as contrasted with the network billings for the same month. Considered as a picture of advertising in general and the place and importance of the New York spot market the group figures are provocative. N. Charles Rorabach, formerly with Transamerican and other organizations, is compiling the new statistical service and has overcome most of the station and agency reluctance to tell all.

Report follows:

TOTAL ADVERTISING		NETWORK	NEW YORK	SPOT
RETAIN		\$5,939,215.00		\$759,000.00
Hotels and restaurants		2,302.00		1,778.00
Shops and stores		2,302.00		1,402.00
Department stores		2,302.00		2,778.00
Drug stores		2,302.00		1,778.00
Educational		2,302.00		2,302.00
Medical appliances and supplies		2,302.00		2,302.00
Furniture and household		2,302.00		2,302.00
Hotels and restaurants		2,302.00		2,302.00
Insurance		2,302.00		2,302.00
Miscellaneous		2,302.00		2,302.00
Professional		2,302.00		2,302.00
Real estate		2,302.00		2,302.00
Religious		2,302.00		2,302.00
Tobacco and beauty shops		2,302.00		2,302.00
Transportation		2,302.00		2,302.00
Automobiles		2,302.00		2,302.00
Beer		2,302.00		2,302.00
Amusements		2,302.00		2,302.00
Education		2,302.00		2,302.00
Clothing stores		2,302.00		2,302.00
Department stores		2,302.00		2,302.00
Drug stores		2,302.00		2,302.00
Educational		2,302.00		2,302.00
Medical appliances and supplies		2,302.00		2,302.00
Furniture and household		2,302.00		2,302.00
Hotels and restaurants		2,302.00		2,302.00
Insurance		2,302.00		2,302.00
Miscellaneous		2,302.00		2,302.00
Professional		2,302.00		2,302.00
Real estate		2,302.00		2,302.00
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Drug stores		2,302.00		2,302.00
Educational		2,302.00		2,302.00
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Furniture and household		2,302.00		2,302.00
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Miscellaneous		2,302.00		2,302.00
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Department stores		2,302.00		2,302.00
Drug stores		2,302.00		2,302.00
Educational		2,302.00		2,302.00
Medical appliances and supplies		2,302.00		2,302.00
Furniture and household		2,302.00		2,302.00
Hotels and restaurants		2,302.00		2,302.00
Insurance		2,302.00		2,302.00
Miscellaneous		2,302.00		2,302.00
Professional		2,302.00		2,302.00
Real estate		2,302.00		2,302.00
Religious		2,302.00		2,302.00
Tobacco and beauty shops		2,302.00		2,302.00
Transportation		2,302.00		2,302.00
Automobiles		2,302.00		2,302.00
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Drug stores		2,302.00		2,302.00
Educational		2,302.00		2,302.00
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Furniture and household		2,302.00		2,302.00
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Editorial!

Reprinted from Oct. 17, 1939, Issue of

THE CHICAGO DAILY NEWS

An Independent Newspaper
DAILY NEWS PLAZA, CHICAGO, ILLINOIS
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THE CHICAGO DAILY NEWS, INC.

FRANK KNOX
Editor and Publisher

RADIO AND THE SONGSTERS

Why are the radio interests so determined to deprive song writers and song publishers of reasonable recompense for the products of their creative talents and industry? In some half dozen states in recent years legislators have been prevailed upon to enact so-called "anti-monopoly" statutes against the American Society of Composers, Authors and Publishers, more familiarly known as ASCAP. ASCAP is an unincorporated, voluntary association of creative artists and publishers formed many years ago to safeguard the rights of its members under federal copyright laws.

Lately federal courts have granted interlocutory injunctions against anti-ASCAP statutes in Florida, Tennessee and Nebraska. A Michigan bill was vetoed by former Governor Frank Murphy. Though the lower federal courts saw fit, for some inexplicable reason, to deny such injunctions in Washington and Montana, the fight has been carried on, and the test of constitutionality is awaiting determination. There is small doubt that, when the issue is brought before the Supreme Court, the unconstitutionality not only of the harsher statutes but of less severe laws in many other states will be fully established. Nevertheless, broadcasters have not dropped their efforts in the legislatures. Three efforts to enact anti-ASCAP bills in our own state have been defeated since 1937.

Yet even among broadcasters there seems to be a dawning realization of the futility of an effort to nullify federal copyright laws through state legislatures. Perhaps this explains a movement begun by broadcasters at a recent convention in Chicago.

Enthusiastically backed by nearly every radio station in the country, this looks toward the establishment of a radio-controlled rival for ASCAP. Such an organization would eventually give radio power to deal dictatorially with a carefully controlled clique of publishers, composers and authors. Happily, this effort seems as surely foredoomed as all previous attempts to crush ASCAP. ASCAP has done more than merely safeguard the economic rights of its members. It has served to educate them to the nature and importance of those rights. The only manner in which the new organization might grow into a real rival for ASCAP would be through assuring its members greater security and more adequate recompense for their talents.



30 Rockefeller Plaza
New York City

JUDGE RUNS RADIO QUIZ IN THEATRE

Los Angeles, Oct. 24.

Quizzer with a reverse twist is being worked at Paramount theatre by Municipal Judge LeRoy Dawson presiding in the manner of a court session. Six participants are drawn from the audience, each given \$10. For each missed question the contestant is fined by the court. When half-hour show is over, the one with the most coin in his paw is declared winner and awarded all cash in the court's treasury. Program airs over KFI and is backed by a petrol outfit.

Powers Gouraud Sponsored
Philadelphia, Oct. 24.
Powers Gouraud, the "Old Night Owl" of WCAU, goes back on the air next week with a new banner, the newly reopened Arcadia Restaurant. Gouraud will air a man-about-town column six nights weekly from 11:30 to 11:40.

COL. LEMUEL Q.

STOOPNAGLE

Invites You to Listen
To His New
Quixie-Doodle Contest



"Please hear me first"

MUTUAL NETWORK

Fridays, 8-8:30 P.M. (E.S.T.)

On the air for MENNEN

SHOW OF THE WEEK

Live MBS Show

Available for Sponsorship

Exclusively on

KFEL DENVER

WBA

means business

in Baltimore

DON'T MISS

PAIMOLIVE'S

"HILLTOP NOISE"

STARRING:

BESS JOHNSON

By Adelaide Marston

Dedicated to the women of America.

The story of a woman who must

choose between love and the career

of raising other women's children.

WABC-CBS-1030-1045 A.M. E.S.T.

78 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc.

Management ED WOLF, RKO BUILDING, New York

F. C. C.'s WASHINGTON DOCKET

MAJOR DECISIONS

Model of Columbia: Plans of Lawrence J. Heller in connection with station at Washington, D.C., for a new transmitter to be used experimentally, received a final ruling. Heller must submit an order supporting an earlier finding of fact in the case. Requests for the cancellation of the order for experimental authorization to build a supercycle station will be used in conjunction with proposed broadcast station in the meantime.

MINOR DECISIONS

Washington, Oct. 17.
Arizona: KJWB, Globe, granted increase in power from 100 to 250 watts.

Georgia: WMAZ, Macon, granted extension of special temporary authority to operate unlimited with 1 kw until Nov. 15, in order to broadcast special program of the National International day of extreme local interest, both of local origin and from CBS.

Illinois: WDCB, Chicago, granted increase in power from 100 to 250 watts.

Indiana: WXYZ, New Albany, motion to dismiss application for extension permit denied; granted change in license to continue oral argument denied; granted change in license to continue oral argument denied.

Illinois: WDCB, Chicago, granted increase in power from 100 to 250 watts.

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NEW APPLICATIONS

Alabama: WJST, Decatur, make changes in transmitter and antenna. Station has 350 watts. Those hours of operation from 24 to unlimited and move also locally. WJST, Birmingham News Co., Birmingham.

Alabama: KSLD, Seale, boost night power from 100 to 250 watts.

Arkansas: KJWB, El Paso, increase power from 100 to 250 watts.

California: KPFL, Western State Broadcasting Co., Grand Junction, 100 watts. Station has 350 watts.

Connecticut: WPTJ, City Broadcasting Corp., New Haven, 100 watts. Station has 350 watts.

Delaware: WJST, Wilmington, change in equipment and power. Increase from 100 to 250 watts.

Florida: Palm Radio Co., Fort Myers, new station to be operated on 1210 kc with 250 watts. WDCB, Palm Beach, 100 watts.

Georgia: WMAZ, Macon, 1 kw. Patrick & Co., Athens, increase power from 100 to 250 watts.

Illinois: WJST, Joliet, 100 watts. Install new transmitter, 100 watts. Station has 350 watts.

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CROSLY SHIFTING SALES PERSONNEL

Cincinnati, Oct. 24.

Walter Callahan of the "Crosley's" business staff moves up this week to become manager of WLW's sales office in Chicago. Meanwhile Dewey Long, WSAI general manager, last week confirmed Archie Grindale as sales manager of the station.

Dick Garner and Meredith Runck were advanced to the WSAI sales force and William Oldham, a new comer in the Crosley organization, was made research director for WLW-WSAI.

Telemelec Files in N. Y.

Albany, N. Y., Oct. 24.
Telemelec, Inc., the wired radio outfit which is incorporated in Delaware, has advised the secretary of state that it now has an office in New York City. Walter W. Clark is listed as president of the company and the capital stock is 10,000 shares of no par value.

Now Available

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TED COTT'S

"So You Think

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A GREAT BET

FOR CLIENTS

BECAUSE—

Downtight entertaining.

Well placed humor.

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Off the air recordings available for auditions.

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WEEB

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Just as Niagara Falls is

the best attraction on

Station WEEB is Buffalo's

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who want maximum cover-

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have a record of successful

Radio Station Representatives

WEEB and its company

Important Clarifications Due

Right to Re-Hear Cases But On New Basis Has Been Challenged

Washington, Oct. 24. Review is promised by the Supreme Court of two legal questions about Federal Communications Commission authority which have been troubling all radio barristers and have caused considerable unhappiness throughout the trade. Empirical cases scheduled to be argued in December—arguments concerning the Commission's right to hear appeals and arguments in which late-comers are on an equality with early birds.

The appeals of Paul Heilmeyer and Potville Broadcasting Co., both seeking review of the Federal Communications Commission's decision in December to grant a license to the latter, are probably the most important. The Heilmeyer case involves the FCC's power to order the cancellation of a license on the ground that it was taken de novo, with the old transcript completely disregarded, and the Potville case presents the issue of re-argument. In each instance, the Commission wants to allow addressees to join the radio, although the D. C. court has said such handling is unfair and contrary to the intentions of Congress.

WTIC'S EXPERIMENTS

Info Frequency Modulation—Odinities of Television Noted

Hartford, Oct. 24. WTIC has been granted permission by the FCC to build equipment for experimental Frequency Modulated broadcasting. Will be housed at its transmitter at Avon and operated under call letters of WIXSO on 43.2 megacycles. Clayton Randall, plant manager, will be in charge of the 'fm' broadcasting. Plans are indefinite as to when station will start its experimental broadcasts in this field. Will broadcast for a set period each day. Type of programs not yet determined.

The station has also filed application with the FCC for a television transmitter with a power output of 1,000 watts capable of covering Hartford area and in an approximate radius of 25 miles. Costs, etc., not yet determined.

For some time WTIC has been experimenting with television reception at its transmitter plant. Results from NBC station in Empire State building have been described as 'very good.' Transmitter plant is located approximately 110 miles from

RCA-NBC Television

Wednesday, Oct. 25

8:30-9:30, Variety Hour, John Frederick, host; designer: Deaf Hour with Allen Prescott, Better Vision Institute.

Thursday, Oct. 26
2:30-3:30, Mobile unit pickup.
8:30-9:30, film, 'The Mutiny on the Elsinore.'

Friday, Oct. 27
2:30-3:30, film, 'Pilot X.'
8:30-9:30, 'The Fortune Hunter,' by Winchell Smith, with Gloria Blondell, Douglas Gilmore and Perry Kilbride.

Saturday, Oct. 28
2:30-3:30, 'America in the Air'—The progress of aviation.

9:00-10:00, Boxing matches, Ridgewood Grove Arena, Ridgewood.

Hockey Sponsored

Montreal, Oct. 24. Imperial Oil (MacLaren Agency) again sponsoring hockey broadcasts this season over Canadian Marconi station CFCF and selected private stations beginning Nov. 9.

Hockey series slated to run until March 4.

Empire State Bldg. Reason given for excellent reception at such a distance is that receiving point is at such a height that receiver is in a line with the sending point and that there is no horizon interference. Station is using a special rhombic antenna for receiving of television.

Vague Intimations Canadian Indies

May Seek Network and CBS Tie-In

NEW YORK CITY PAYS

Most of Cost of WJMC Tower Move Is Guaranteed

WJMC, N. Y., will file application with the FCC for permission to shift its transmitter from Flushing, L. I. to Kearney, N. Y. Pair of 300-foot towers are currently across Flushing Bay from the new North Beach airport and are deemed a hazard to the airport's traffic. N. Y. municipal government is paying the major share of the costs entailed in the transfer.

Pending approval the station will continue operation from its current site, eliminating one of the towers and reducing the height of the other.

A SILENT POLITICIAN

Hartford, Oct. 24. Bob Provan, announcer for WDRB, has been nominated by the Republican Party for alderman of the 10th ward. He will be unable to make a single campaign speech due to the fact he was hospitalized for an appendectomy on Sunday (22).

Frank Stuhlman, formerly of WSYR, Syracuse, is subbing for Provan at WDRB.

Montreal, Oct. 24. It is reported here that the next meeting of private broadcasters will see further development of plans for a coast-to-coast network of independently operated stations in Canada. Opinion has been expressed among broadcasters that a group of 40 Canadian stations could be lined up if government approval were given for the plan. Stations would probably aim for a tieup with the Columbia Broadcasting System since the government network is taking the NBC Red.

Private stations in Canada currently without American network affiliations would probably welcome opportunity but much depends on government attitude. CBC officials have at one time or another hinted vaguely at formation of a secondary network composed of private stations under the supervision of the government.

J. Bert Mitchell, Jr., took over the management of KTCB, Austin, Texas, in recent shakeup. Was formerly in merchandising department of Texas State Network, Ft. Worth.

VIC NIELSEN REVAMPS RATES

Winnipeg, Oct. 24. A general rearrangement of the national rate card and a reshuffling of classifications for both CJRC, Winnipeg, and CJRM, Regina, have been affected by Vic Nielsen, new head of the Radio Division of James Richardson & Sons. Nielsen is also raising the frequency discount to a maximum of 20 to 25%, thus bringing radio advertising on the Richardson stations more into line with the advantages enjoyed in other mediums and also with a view to a more equitable distribution of advertising costs.

The new national rate of CJRM will call for a drop of \$10 when it goes to \$40, while the CJRC rate will be boosted \$10 going to \$90 for the basic hour. The current set-up of two rate classifications will be replaced with a four part day. The new rate card will be distributed some time this week becoming effective Nov. 1.

In addition to the changes Nielsen stated arrangements were now going forward for a working agreement with CGIX, Yorkton. (This is a former Richardson station being sold recently to Dawson Richardson, a Winnipeg publisher, no relation.) A group rack, covering all three stations is now being worked out with a stated policy of 'giving the advertiser superior coverage over the territory at a lower rate than has been in force prior to this time.'

In line with his previously adopted policy Nielsen is expected to shortly embark on an aggressive drive to promote the use of local organizations and a wider participation by local talent.

WARWICK & LEGLER, INC. ADVERTISING

330 PARK AVENUE, NEW YORK

September 8, 1939

Variety Radio Directory
154 West 46th Street
New York, N. Y.

Gentlemen:

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.

Very truly yours,
WARWICK & LEGLER, INC.
PRESTON H. PUMPHREY
Manager, Radio Department

4 NETWORK HITS!

PAUL SULLIVAN REVIEWS THE NEWS
CBS Network—38 Stations
Every night but Sat., 11-11:15 P.M. E.S.T.
for RALEIGH CIGARETTES

UNCLE WALTER'S DOG HOUSE
NBC Red Network—45 Stations
Tuesday nights—10:30-11 P.M. E.S.T.
for SIR WALTER RALEIGH TOBACCO

AVALON TIME featuring BOB SKELETON
NBC Red Network—71 Stations
Wednesday nights—8:30-9 P.M. E.S.T.
for AVA-LON CIGARETTES

PLANTATION PARTY
NBC Blue Network—76 Stations
Friday nights—9-9:30 P.M. E.S.T.
for BUGLER CIGARETTE TOBACCO

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154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY

(\$5 per copy; \$5.10 per copy in N. Y. City).

☐ Check Enclosed ☐ Send Invoice

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Address

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Firm

Contractsmen and Publishers Agree; Assures Pluggers Closed Shops

Executive council of the contact employees' union and Walter G. Douglas, representing the publishers, have gotten together on the terms of a working agreement and the pact as it now stands will be brought to the union membership for ratification at a meeting called for tomorrow night (Thursday). The pact, in effect, closes the shops for a closed shop and the indications are that it will be accepted by the music business without further discussion. Publishers are allowed two weeks within which to sign the agreement, which will run for two years. After examining the contract Douglas last week advised the union that the terms of the document were in several respects not equitable or reciprocal. Practically all the changes he suggested were later made by the union's council. The agreement does not set minimum salaries or maximum working hours, although it does provide for a sixty-day week.

Among the terms to which Douglas objected in the original agreement were:

1. Scale of discharge notice; namely, two weeks for those who have been employed 13 weeks, four weeks for those on the job for six months, eight weeks for those on the payroll for a year or more. This clause has been changed to a minimum and four weeks for those who have been employed for two years or more. The union provides that publisher may not bid for the services of a man in another firm until he has given notice to let him be proposed to another.

2. Arbitration. As originally written this provision said it mandated the third member of a three-man arbitration board come from the State Labor Department. The revision requires that the interested party be some one picked by the American Arbitration Society. Other two members of the board would consist of persons selected, respectively, from the union's ranks and the publishing industry.

3. Violations of the anti-bribery clause. In the original document this was put on the shoulders of the publishers. The revamped clause makes the employee likewise liable. There will be no penalty for the first violation, but the publisher will be required to put up a \$4,000 bond. The publishers are bound only by the by-laws of the union in existence at the time the agreement became effective.

NEW SYMPHONY DISC SCALE

Executive board of the American Federation of Musicians has issued a new scale to apply to symphony men on phonograph and transcription recording jobs. It's \$38 for a two-hour session with 40 minutes of each hour to be considered playing time. For each additional half-hour or fraction thereof the fee is to be \$7. Conductors get double scale issued last June provided for payment of \$24 for a two-hour session and \$6 per half-hour overtime.

JOSEPH GREEN DIES

Lang Fromentin in New York Phonograph Recording Set

Joseph Green, 43, one of the best known percussion men in the recording business, died Oct. 16 of pneumonia which followed an operation for cancer at the Port Graduate hospital, New York. He had completed all his recording for Christmas records for Decca when he was advised to enter the hospital immediately for the operation.

With his brother, George Hamilton Green, who survived the same battle for over 15 years been in constant demand from the recording business because of his expert handling of such instruments as marimba, xylophone and bells. The brothers at intervals have been with NBC under the billing of Green Bros. Marimba band.

Bernie's 3d Repeat

Ben Bernie winds up his third repeat booking at the New York Casino Fair today (Wednesday)—the only band so re-booked—and Kay Kyser concludes the jitterbug season for the rest of the Fair's duration.

Bernie is doing one-nighters and his exercise dates in between. He'll do his 11th tobacco program on the air.

Humber Has \$4 Couvert

Killed for Music Men
As Pierre Affermath

First attempt of the newly organized publishers' contactsmen's exercise court to serve the opening night situation proved successful last week. As the result of a union order banning attendance of its members at the opening night for publishers, which the Pierre hotel, N.Y., was staging Friday (20) in connection with Dick Himber's debut, the spot management not only closed the special musical number that it had set for the event, but advised the music men that the cover charge would be \$4, as far as they were concerned.

The union's executive council has asked the publishers hand received opening announcements showing the raise in the spot's cover charge. Also personal notes telling them how many guests they were expected to bring with them and a check on the cover charge. What had happened got to him. Himber sought out officials of the union. He said that he didn't know that the guest quota stamp was in violation of the union's rules and that he would something immediately to meet the squawk about the spotting its cover from \$2.50 to \$4 just against the action as its first step in a fight against this alleged 'hogging' of virtually all first-class spots here to the detriment of local musicians.

A committee, headed by A. Rex Riccio, secretary of Local 72, conferred with Secretary of Labor and Industry Lewis J. Hines in Harrisburg.

The state has been lax in the administration of the booking license law and we believe that an investigation will show that out-of-town bookers had violated the law in bringing traveling bands here, Riccio said.

'Gone With Wind' Suit Tried, Judge Reserves

Supreme court justice Samuel I. Roseman in N. Y., Friday (20), reserved decision after a two-day trial of the suit of Fred Rose, Ed Nelson and Hy Zaret against Irving Berlin. The plaintiffs claim to have written a song in 1936 entitled "Gone With the Wind," which was given to the publisher, Columbia, to be used in a contract with the publishing house. It is claimed that nothing was written by their song, but that later a song with a similar title was written by Herb Magdon and Al Wexler, which Berlin published and is now exploiting.

An injunction, accompanied of profits and damages are sought.

ASCAP Wins in Florida

Second Important Legal Victory Within Year in That Commonwealth

Millionaire's Chip Pays Jam Session Deficits

Because he's a swing music lover, Bill Robson, son of a Mammoth, N. Y., millionaire, is bankrolling whatever losses are incurred by a band of all-star musicians which he is sponsoring Sunday afternoon at Greer Haven, annual spot in Westchester. They're similar to the jam sessions put on at the Park Lane and Belmont-Play. Ernie Anderson and Eddie Condon, with Bud Freeman's Summa Cum Laude band, put 'em on then and are doing them now.

Crew this coming Sunday will be composed by Joe Sullivan, Mary and Joe Marshall, Coleman Hawkins, Lippa Paige, George Wettling and Alie Shapiro, Willie Smith and Joe Bushkin, as relief for others. Zoltan Singleton, and Billie Holiday as vocalist. Some of the above have their own bands. Others are with Paul Whiteman and Jimmy Lunceford.

Student Editorial Angers Union; Insist If College Affairs Use Professionals They Be A.F.M.

FIRST IN FOUR YEARS

Leeds Admitted to Active Membership in ASCAP

Leeds Music Corp. has been admitted to the American Society of Composers, Authors and Publishers, it rates as the first publishing firm to be admitted on an active membership basis in four years.

Low Levy heads the concern.

Mickey Golden resigned from Mills Music to shift over to Leeds. He'll handle exploitation, etc.

UNION URGES STATE PROBE BOOKERS

Philadelphia, Oct. 24.

The Musicians' Union local yesterday (23) asked the State Department of Labor and Industry to investigate the possibility that the Music Corporation of America and other out-of-town bookers had violated the law in booking traveling bands here without state licenses. The union took this action as its first step in a fight against the alleged 'hogging' of virtually all first-class spots here to the detriment of local musicians.

A committee, headed by A. Rex Riccio, secretary of Local 72, conferred with Secretary of Labor and Industry Lewis J. Hines in Harrisburg.

The state has been lax in the administration of the booking license law and we believe that an investigation will show that out-of-town bookers had violated the law in bringing traveling bands here, Riccio said.

"We know of no case where either MCA or any of the other New York offices has a resident agent in Philadelphia with a State permit to book bands or acts."

Rand's Sudden Collapse

Lionel Rand, leader of one of the two bands at the International Casino, New York, keeled over on the state's appeal to the court Thursday (19) night. Rushed to Medical Arts Hospital he was found to be suffering a pneumonia attack. Condition reported okay.

Philadelphia, Oct. 24. The Musicians Union came to grips with University of Pennsylvania frat houses over the week-end and alleged "Greek" non-musical bands for campus functions. The union laid down the law on the college kids, threatening to pull out its orchestras at the showing of the college Mask and Wig musical "Great Guns," scheduled to open at the Erlanger theatre Nov. 20.

Frank P. Luzzi, prexy of Local 77, also told the Inter-Fraternity Council that the name bands liked to play at the college and other important affairs would be forbidden to appear, unless the council agreed to a "closed shop" for the union.

Luzzi said the union had no objections if student bands played at campus events. But if they hired professional musicians were hired, he insisted, they must be union. If the musicians played the university on the unfair list, the Mask and Wig show, now in rehearsal, would only be a "closed shop" for the union. The entire road trip would have to be cancelled, as union state hands would refuse to handle the show.

Among the name bands signed to play on the campus is Glenn Miller's orchestra for the junior prom next month.

Union officials, who had been negotiating with the college for the past few months, became more so in an editorial in the Pennsylvania student daily, which accused the musicians of trying to "sandbag" the students into paying union scales for musicals.

The students were given until Wednesday (25) to sign up with the union. If the union would be placed on the unfair list.

FCC DECIDES TO JOEY FIGHT ON ASCAP

Washington, Oct. 24. Roundabout attack on American Society of Composers, Authors and Publishers by the Federal Communications Commission refused, on insistence of a Montana county attorney, to call hearings on license renewal applications of CBS and NBS stations on the ground they were not properly licensed at the copyright pool. After legal staff pondered the problem, the FCC decided to let the Montana attorney sue in a federal court.

In letter signed by Secretary Thomas J. Slowie, the Federal law enforcers pointed out they cannot order hearing or permit renewal of licenses because they are issued by Congress. But they have invited the Montana attorneys to submit additional facts about the alleged infringement of the law by the stations and promised that any more dope will be given through consideration.

It is letter signed by Secretary Thomas J. Slowie, the Federal law enforcers pointed out they cannot order hearing or permit renewal of licenses because they are issued by Congress. But they have invited the Montana attorneys to submit additional facts about the alleged infringement of the law by the stations and promised that any more dope will be given through consideration.

Brushoff showed clearly the FCC has no right to interfere in the middle of the ASCAP broadcasters' row, even though the FCC has been informed. The chill was particularly enlightening.

Maureen Martin, singer with the band, is a looker, vocally efficient and clicks solidly. A holdover because of the hit she scored in several years, Ruth Petty torches these songs effectively.

Anthony Allen and Hodge, two of the band's women, have a satisfactory adagio routine. The swing number which the men put together evokes gasps from the payees. The melody of the trio also captivates the show.

There also are the usual Arthur Murray dancers, illustrating and interpreting the newest steps, and Monte Berling, psychic, for those who want to see the future. Spot was popularized by the band.

Recs.

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Recs.

Musicians Enforcing Own Contracts To Stop Future IA-Courtney Incidents

Notice was sent to all theatres last week by New York local 802, American Federation of Musicians, that contract forms other than those printed by the union will no longer be acceptable. Musicians' dispute with the IATSE and Loew's State, on Broadway, over an attempt to charge Loew's with the extra electrician while playing at the house.

Outcome of the battle was that the IA paid the money out of Courtney's salary from the State, inasmuch as both the stagehands' union and the theatre had contracts with Courtney's signature making such payment strictly his responsibility. At a meeting of Local 802, IA and Loew's officials before the payoff was paid \$100 more by the theatre than he would have received if the extra electrician had not been needed, so he actually lost nothing.

Crux of the whole dispute, it developed at this meeting, was a clause in Courtney's contract with Loew's which makes a band responsible for any extra charges for stagehands, electricians or other such help made necessary by the appearance of that band.

This clause was in the contract unbeknownst to 802. Latter claim that to prevent anything of a similar nature it will insist on the use of a "firm." There has long been an 802 ruling concerning use of the union's own contracts, but it wasn't enforced.

Trouble arose, the union alleges, when an IA rep approached Courtney's new house before he was to open and got him to sign a contract guaranteeing to pay \$100 for an extra electrician because he uses a Hammond organ for the band. IA has ruled that electrical instruments require an extra electrician. Local 802 at the IA tactics, feeling that the matter should have been settled with the union, not the leader.

"I don't care how many extra stagehands IA requires to be employed," Jack Rosenberg, 802 rep, declared, "but their pay is going to come from the house, not from our members."

BARNES-CARRUTHERS IN ACCORD WITH AGVA

Chicago, Oct. 24. Agreement was made last week between the Barnes & Carruthers agency and the outdoors division here of the American Guild of Variety Artists. Max Halperin, AGVA outdoors chief, and exec secretary Paul Sander, worked out the deal on a basis in which Carruthers will use BAC fair booking offices. Marks the first time that BAC has entered any agreement with the AGVA.

Among the points agreed to are minimum salaries, rehearsal periods and a three-year contract will be negotiated Nov. 15.

Pact calls for a 100% unionization of all BAC outdoor talent and takes in all three classes of agent, agent, booker and producer-owner.

Notice has been served on the Sherman Hotel company, which is the offices of the American Guild of Variety Artists that unless the hotel signs an AGVA membership agreement by tomorrow (Wed.) retaliatory measures will be taken.

Should tomorrow bring no agreement with the Sherman Hotel, AGVA offices are expected to call upon its drive against the Sherman and will call upon all AGVA members to Sherman hotels, who also operate the Ambassador here.

Cross-Dunn, Soph Set For Chi Collo

Chicago, Oct. 24. Cross and Dunn go into the ritzy Colton Club here Nov. 3, and will be back on Nov. 20 by Sophie Tucker.

Both acts will remain at the Colton until Dec. 11.

Driving 'Em Home

Pittsburgh, Oct. 24. Not content with imposing a Saturday midnight curfew on the nighties, State Liquor Control Board is also trying to take most of the romance out of tipping in restaurants. Order 10, which will come through from the license controllers that there are to be no more dimly lit nooks in the cocktail bars or cafes. Stipulation is that it must at all times be light enough to permit the customer to read a menu without any eye-strain whatsoever.

Cafe owners claim that Board is rapidly driving everybody to drink—in their own homes.

TA SETS FIRST- STANDBY SHOW

Chicago, Oct. 24.

First standby show was set by the Theatre Authority here under the direction of Max Halperin. In a deal calling for a benefit show for the B'nai B'rith, the TA insisted that the sponsors book a five-act show as standby for the talent that came gratis.

Standby show was booked by an accredited American Guild of Variety Artists agency, and the acts were paid selling house seats and fill in in case any of the gratis trunks failed to make an appearance. The act, not only did the TA obtain the best prices, but the stand by show meant coin for acts and agents, which these people would not have otherwise.

Booked into the South Carolina territory, with 'Cotton Ed' Smith, did not have other offers.

Booked into the cotton festival, Miss Rutherford is being given a buildup.

Humorous sidelight on the cotton festival was that while there were three acts in the band, including a Clemon U. orch, neither could play 'Dixie' when that was asked for.

3 Top Philly Niteries Accused of Repeating Sun. Curfew Violations

Philadelphia, Oct. 24.

The State Liquor Control Board continued its drive against Sunday sales of liquor in local night spots.

Three of the spots were cited, including three of the city's best-known clubs.

State Liquor's Walton Ross, of the Delaware were among those accused of selling house seats after 2 a.m. Sunday morning curfew.

The agents charged they obtained drinks at Lynch's on Sunday, less than two weeks after the operator paid a \$600 fine for similar violations in the past. Lynch's was suspended from the liquor license, but the Twenty-one Club was obtained, which was appealed, and is being considered in court on a 90-day suspension order against the spot. The Twenty-one Club was ordered to 30 days and okayed a \$300 compromise fine.

The agent reported they got the goods from the club less than two weeks after it paid fines for the same violation. All will have heard of the case in a court examiner on Friday (27).

Last week the Embassy and the Sherman Hotel were cited by the agents for Sunday sales.

Total Eclipse to Shine In N. Y.'s Cotton Club

Total Eclipse, young colored entertainer who attracted attention recently at a telecast, was signed for the Cotton Club, N. Y., Friday (26) after making a try-out appearance following the midnight performance. So pleased was Bill Robinson over the young star that he is now his prompt address, telling Eclipse, whose right name is William P. Pierson, was 50 years ago when he started dancing barefoot in the bars of the Cotton Club.

Eclipse was discovered by Wayne Pierson in a Long Island cafe, where the kid went on for three-week.

H'wood Niteries Reopens

Hollywood, Oct. 24. Blossom Room in Roosevelt hotel, for many years dark, reopens Thursday night with Harry Owens orchestra.

Site was one of the town's live spots some years ago.

Loew's Cleve. House Spotting Vaude Again To Meet RKO Competish

Cleveland, Oct. 24.

Going back to vaude after two fleshless years, Harry Loew is switching on Loew's State Stage lights. Dec. 8 with Glenn Miller's orch. Unit has been posted for early November, but Miller's conflicting dates are pushing back his local bow a month. State hasn't had any acts since Mary Bros. staged their 'Varsity' for 'Day at the Races' here about two years ago.

Long, contemplating several other shows, is more amenable this season as a result of big-name vaude talent. Last week-end, Loew's RKO de Luxe is spotting Dead End Kids for Oct. 27, Joe E. Brown for Oct. 28 and Constance Bennett Nov. 10.

'Polies Burgess' follows, with a week-end up State Dec. 8, against Glenn Miller at State.

ANN RUTHERFORD WILL P.A. AT B'WAY CAPITOL

Ann Rutherford, Metro contractee, who was brought east to act as honorary queen of the National Cotton Festival held at Greenville, S. C., will probably Nov. 8, show in Co-Ed and is current at the Capitol.

Loew's, also a Loew's operation, will not have other offers.

Booked into the South Carolina territory, with 'Cotton Ed' Smith, did not have other offers.

Booked into the cotton festival, Miss Rutherford is being given a buildup.

Humorous sidelight on the cotton festival was that while there were three acts in the band, including a Clemon U. orch, neither could play 'Dixie' when that was asked for.

RKO Regains Des Moines Orph; May Resume Vaude

Chicago, Oct. 24.

RKO is taking back operation and supervision of the Orpheum, Des Moines (Ia.). For the past few years the Des Moines key house has been operated by A. H. Blank (Paramount partner) on a sharing deal.

With the return of this house to RKO operation it is considered likely that it will also mean a restoration of a vaudeville policy.

Onyx Club Title Just Fell Into Hellock's Lap

Joe Hellock, who was set to re-open the Onyx Club, New York, last night (Tuesday), can do so because the title recently fell into his lap.

The Onyx, under Carl Kress, folded couple months ago. Hellock and Kress made a deal in which the original Onyx and Hellock was in some manner shoved out. He claimed that Kress had no right to take it up to allow him to use it on a club, water opened a short while away from Kress' spot. Court decided his application.

Suppose he is to open Friday (23) night, the unveiling was set back to last night because of Board of Health regulation that had been straightened out. Jimmy Mundy, whose new band is set to premiere Friday, had injured his hand, making necessary the second postponement. First was because Hellock didn't have his license in time, but now has it.

PERKINS-JACOBS DISSOLVE

Chicago, Oct. 24.

With Sade Jacobs moving over to the new Paramount territory, Perkins-Jacobs vaude agency dissolves. Guy Perkins will continue to operate his own and under his own moniker.

Chi Loop Vaude Cut to 3 houses; WB's Philly Nabes Drop Stage Shows

Chicago, Oct. 24.

Initial double bill will have 'First Love' as present admission scale, which ranges from 35c top afternoon to 75c at night.

WB's Philly Nites.

Despite recent trend of other circuits to drop vaude, or to increased playing time for stage shows in some of their houses, Warner Bros. is moving in the opposite direction. It has cut stage shows out of three of five phases in Philly, aiming to confine the circuit's playing time in the future to four weeks, comprising the Philadelphia, New York, Early, Philly, and Pittsburgh and Erie.

With plans that have been eliminated have been using it one or two days a week for stage shows, principally as a means of pressure to build the circuit.

Now the circuit is sending a weekly advance to the Philadelphia for the circuit, not requiring them to play. Two nabes which are still playing stage shows, are the Philadelphia and Erie.

WB's Philly Nites.

WB's Philly Nites.

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AGVA DEMANDS BONDED UNIT MANAGERS

Chicago, Oct. 24.

Setting up a policy similar to that of Actors Equity, which calls for a bond on all producers, the American Guild of Variety Artists is putting through a ruling that all units producing here must post a \$1,000 guarantee, two weeks' salary and railroad fares back to Chicago.

This is figured as a safeguard for producers, many of whom have been stranded throughout the territory during the past few years by units which folded on the road.

With vaude time down sharply around here, performers have been slow to return to their own vaude units.

Meanwhile, the local AGVA office continues its drive to organize units and unit managers in this territory, and has taken action to signature agreements with Major Bowes' Fifth Anniversary Unit and the A. E. Marcus unit, both of which come into the Balaban & Katz State-Lake.

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May Hike Television Pay Soon; Equity Has Edge on Jurisdiction

That new requirements covering the remuneration of players in television will be put into effect before long is indicated by the activity of Equity in securing dues from performers in the RCA-NBC studio at Radio City. A scale of minimums and some measure of pay for rehearsals will be established in virtually sure to eventuate, despite the statements from television executives that the new field is entirely experimental and costs must be held down.

Max Gordon, a television official in addition to his legit production duties, appeared before Equity's council last week and explained that because television is as yet only an embryo branch of show business, it should have more assistance from artists, since ultimately they will benefit when the new art is placed on a commercial basis.

Gordon's appearance backed the claim of Equity to jurisdiction over television. It is known that a large number of actors, appearing on the television cameras are of the legit stage and directors in the studio are included in the new field. Broadcast especially needs that type of performance, rather than those of the stage and films. However, films are televised and some shows are made up of specialty people from vaude and vaude.

Advisory Board

The Associated Actors and Artists of America has not yet decided which of its affiliated unions should have jurisdiction over television. While Equity has the edge on the claim to that right, it is known that the Advisory Board will handle the new field and settle some of the actor problems which have arisen. The board would consist of representatives from Equity, American Federation of Radio Artists, Screen Actors Guild and the American Guild of Variety Artists.

Effort connected with one telecast which consumes from ten minutes to an hour and 30 minutes, may be measured by the preparation for "The Milky Way" presented last Friday (20). Former stage comedy was rehearsed over a period of 10 days, including the day of rehearsal. During the first week, about three hours daily was devoted to the show, which was rehearsed and attended rehearsals under lights and before cameras, requiring full make-up.

Rehearsal Speed

Figured that 60 odd hours were required to rehearse the production under the lights is particularly trying on the players, some using dark glasses to preserve their vision. It appears that make-up protects the actors from the high-powered lights, but the strain on their necks are frequently burned.

Rehearsals are grating and the pay is not as actual performance. The preparation under the lights is particularly trying on the players, some using dark glasses to preserve their vision. It appears that make-up protects the actors from the high-powered lights, but the strain on their necks are frequently burned.

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Equity thought as to the future scale is said to endorse \$50 for a 15-minute show, \$75 for a half-hour, \$75 for an hour, and \$100 for an evening show. Rehearsal officials are eight hours free for a 15-minute show, 12 hours free for 30 minutes, 16 hours for an hour and 20 hours for a half-hour or over. All rehearsals in excess of the allotted time would be paid for at \$2 an hour.

Junior Trade Bodies Ping Swing 'Mikado'

Detroit, Oct. 24.—Deal has been set between Roy Rogers and various Junior Chambers of Commerce for the sponsorship of the "Mikado in Swing" show, which is to tour through some 10 Michigan cities following a four-week stand of three shows at the Cass, Detroit. "Mikado in Swing" will play the big auditorium in each city for a one-night starting Nov. 10. Some of the towns are Ann Arbor, Bay City, Lansing, Grand Rapids, Saginaw, Flint, Jackson, Kalamazoo.

EVANS WILL REVIVE 'HAMLET' ON B'WAY

Pittsburgh, Oct. 24.—Maurice Evans expects to take his full-length version of "Hamlet" back to Broadway next month. Tour ends in St. Louis, Nov. 25, and Evans intends to reopen in New York, Nov. 26, to share the pre-holiday and school vacation bill. According to the English actor, the tour is a "preliminary" to the premature closing of "Hamlet" last season when it was still making money, but he said adjustments have since been made and union tariff would be so high for the heavy show business.

Evans doesn't expect to do a new play immediately, and intends to re-stage "Hamlet" on Broadway. Evans expects to take his full-length version of "Hamlet" back to Broadway next month. Tour ends in St. Louis, Nov. 25, and Evans intends to reopen in New York, Nov. 26, to share the pre-holiday and school vacation bill. According to the English actor, the tour is a "preliminary" to the premature closing of "Hamlet" last season when it was still making money, but he said adjustments have since been made and union tariff would be so high for the heavy show business.

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'Scandals' Moving, But Alvin Tenet Uncertain

"Scandals" will move from the Alvin, N. Y., Nov. 6 to Warners Hollywood, where it will play for a week. What attraction will follow into the former house appears to be somewhat uncertain. However, the "May" is booked into the Alvin on Nov. 13, but if the Max Gordon musical, which is called "The Street" when used for legit attractions, whether the Three Stooges will remain in the Alvin is not yet definite, although the comics are subject to call from Hollywood on the day of the move.

Suburbs are reported entering an operating deal to book the 44th Street Theatre, which is now playing. They are said to have acquired the Hudson, which has been on the move, and the Broadway Theatre will give the firm a string of 22 theatres. That number is more than 50% of the theatres available for legit.

Rancher Jed Harris

Hollywood, Oct. 23.—Jed Harris will go in for ranching when he's not in New York producing plays. Last week he made a \$100-acre ranch and a 100-acre, overlooking Mojave desert. He's importing an architect from New York to build a big house, which he plans to build with his horse away from the zeons.

ARCH SELWYN PLANS PRODUCTION COMEBACK

Arch Selwyn, after being on the Coast for several years, is back in New York with plans for re-entering the production field. Tentative is the presentation of a melodrama, starring Leo Carrillo, piece having the working title of "Mexico" lead being a bad man part. Show is slated for debut in California, after which it would work around to New York on Broadway about mid-season.

"Foreigners," by Frederick Lonsdale, which Selwyn is producing, is a showman is interested and it may be produced in New York in the near future. The showman is interested and it may be produced in New York in the near future. The showman is interested and it may be produced in New York in the near future.

Current Road Shows

(Week of Oct. 23)

"Abe Lincoln in Illinois" (Raymond Mervin)—Boston Opera House, Boston.
"Charles the King" (Colbourne)—His Majesty's, Montreal.
"The Gay Gallies" (repertory)—Bunshel Auditorium, Hartford (23); Albany, Providence (23); Wellesley, Mass. (23); Worcester, Mass. (23); New Haven, Conn. (23).

"Farm of Three Echoes" (Ethel Barrymore)—Nixon, Pittsburgh.
"The Great Gatsby" (Eric Lincoln)—Nixon Auditorium, Nashville (23); Ellis Auditorium, Memphis (24-25); Chicago, Ill. (24-25); New York (26); Auditorium, Jackson, Miss. (26); Municipal Auditorium, New Orleans (26).

"Hamlet" (Maurice Evans)—Hanna-Cleveland.
"I Married an Angel" (Dennis King)—Sweetman, Columbus (23-25); English, Indianapolis (26-28).

"Kiss the Boys Goodbye"—Wilbur-Boston.
"Leave It to Me" (William Gaxton, Victor Moore, Sophie Tucker)—Forsythe, New York (23-25).

"Mama's Daughters" (Ethel Waters)—Grand Opera House, Chicago.
"My Dear Children" (John Barrymore)—Selwyn, Chicago.

"New Gals" (Mary Martin, Bert Lahr)—Forsythe, New York (23-25).
"No Time for Comedy" (Katharine Cornell)—Cass, Detroit.

"The Road Show" (Laurette Taylor)—Forsythe, New York (23-25).
"Flora"—Ford's, Baltimore.

"San Carlo Opera"—Municipal Auditorium, Grand Rapids (23-24); Park Theatre, Grand Rapids (24-25); Wheeling, W. Va. (26); Syria, New York (26-28).

"The Great Gatsby" (Eric Lincoln)—Nixon Auditorium, Nashville (23); Ellis Auditorium, Memphis (24-25); Chicago, Ill. (24-25); New York (26); Auditorium, Jackson, Miss. (26); Municipal Auditorium, New Orleans (26).

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'Shubert Follies' Goes Off Brooklyn Theatre

Suit of J. J. and Lee Shubert against the Samia Amus. Corp. for \$100,000 damages, for the unsuccessful production of the name "Shubert Follies," in connection with the defendant Brooklyn theatre, which was set out of court as it was about to go to trial.

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CO-OP GROUP MAY PRODUCE NEW PLAY

Everyman Theatre, which presented three performances of "Speech of the Devil," new version of "Faust," at the Nora Bayes theatre several weeks ago, is to have a new financial support and will do another play. "Devil," it is said, will be produced at special prices, and perhaps Sunday evenings for theatre parties. New play will be "The Devil," it is said, will be produced at special prices, and perhaps Sunday evenings for theatre parties. New play will be "The Devil," it is said, will be produced at special prices, and perhaps Sunday evenings for theatre parties.

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Fred Ellis Disclaims

Tax Responsibility

Fred Ellis, who was associated with the Spas as co-producer and business manager of the Spas theatre, Saratoga Springs, last summer, disclaimed responsibility for unpaid admissions taxes, approximately \$1,700. It had been alleged that \$2,400 was paid, including several hundred dollars due the Actors Fund.

Ellis, who retained W. Herbert Adams to represent him in settling the Spas finances with Miss Lawder, claimed that so far as the ticket tax coin was concerned with the general funds and probably the Spas, he was not responsible. Tax regulations stipulate that the levy be paid in a separate fund, which is not familiar with the rules. Ellis maintains he is no more responsible for the unpaid tax than he is for the unpaid tax.

Miss Lawder and Ellis had a falling out and are not on speaking terms. It is said that her attorney, John McNally, and Adams will straighten out the financial tangle, which arose from the season's work into the red after a promising start. Ellis resigned and on Aug. 30 was tendered a \$10,000 note for his share of the red. After auditor went over the accounts, it is said he was relieved on his share by about \$200.

Owed in addition to the ticket tax was an amount of \$10,000, which they financed for several try-outs. Miss Lawder and Ellis were each given \$10,000, but within a few weeks refunded all to the backers. Attendance started to decline, and the season was closed with a loss of around \$450.

Future Plays

"They Draw a Horse," reported London, comes to the New York stage, stated for production late in November by William A. Brady in association with Shubert.

George has the lead. "They Draw a Horse," reported London, comes to the New York stage, stated for production late in November by William A. Brady in association with Shubert.

Sam Harrison, Favorite Co. Mgr. For Ziegfeld, Dies

Sam Harrison, one of the best of the colorful company managers during the time when many of Broadway's notable revues and musicals were produced, died at the age of 75 in his apartment in New York Sunday (22). He was perhaps F. Ziegfeld's favorite staff man, producer assigning him to most of his companies. When the "Follies" opened on Broadway, Harrison was invariably placed in charge, and when the show went on tour, the Campbell Hotel, New York, was back.

A Broadway wit once rated Harrison as "Harrison" because of the showman's aversion to possessing courtesies, especially to friendship. Those not in the know invariably got a curt "no" when seeking to see the Ziegfeld shows on the cuff. Harrison started handling the New York engagements of the "Follies" from the start in 1907, and he continued to be company manager until the revue series was terminated some years ago. More recently he was manager of the "Follies" widow, Billie Burke, in the east, and for Charles Ziegfeld, who was the rights of the revue's label were acquired by the Shuberts.

In addition to his assignments from Ziegfeld, Harrison was company manager for a number of Klaw & Erlanger musicals and straight shows, and operated the Empire Theatre of the few legit theatres remaining with a direct Broadway entrance, for Charles Ziegfeld, who was the rights of the revue's label were acquired by the Shuberts.

When news of his passing spread along Broadway, the younger elements of the theatre world, because of the deceased, nor did newspaper files provide much information because Harrison was not in the theatre background, even when he was head man with large companies. But the fact that he was a former show girls who sought details of his passing.

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Chi in Full Swing; 'Mamba' \$13,000 Leads, Children 24th Wk., \$11,500

Chicago, Oct. 24. All of the town's top legit houses are operating with the entry of 'White Steed' into the Erlanger last night (Monday) as the initial offering here of the new theatre season. Will stick for three weeks and then give way to 'Springtime for Henry,' the Edward Everett Horton revival.

Mamba's Daughters,' starring Ethel Waters, continued to lead the gross procession last week, running for ahead of the other two legit firms. Drama will remain at the Grand until a new play follows in the house by the unbridged 'Hamlet' starring Maurice Evans.

The Ruth Chatterton show, 'Tonight We Dance,' Harris (2d week) is considerably under capacity. Will vacate house Nov. 4, theatre to be taken over by Katharine Cornell and 'No Time for Comedy.' 'Dance' is being continually rebooked. 'Dance' is being continually rebooked. 'Dance' is being continually rebooked.

'My Dear Children' continues strong at the Selwyn. Now in its 12th week, the show is still in the distant future according to present grossing.

Estimates for Last Week
'Mamba's Daughters,' Grand (3d week) (1,400; \$2,75). Slipped slightly last week. Remainder of the week score at \$13,000.
'Dear Children,' Selwyn (23d week) (1,000; \$2,75). Over \$11,500 again, excellent.

'Tonight We Dance,' Harris (2d week) (1,000; \$2,75). Held up to \$10,000, all but right for break-in.

LUNTS-SHREW' BIG 25G IN 5 MIDWEST CITIES

Minneapolis, Oct. 24. Local legit roadshow season started most auspiciously with Alford-Lunt-Fynn Fontanne's 'Taming of Shrew' last week, opening completely for two nights and matinee. Audiences were in the house. It also was SRO. Show grabbed hefty \$12,000 for the three nights and matinee in the two weeks.

Estimate for Last Week
'Taming of Shrew,' Lyceum (2,000; \$2,75). Hotly at all three Minneapolis performances, in contrast to the lame turnouts last season when the same stars appeared here in 'Amphitryon 39' and 'The Sea Gull.' Show hooked well in the two weeks, night intake there being about \$3,000. The two nights and matinee here accounted for \$12,000. The week was filled out with dates in Des Moines, Sioux City and Des Moines, entire week nabbing about \$25,000.

'Nice Goin' \$3,600, N.H.

New Haven, Oct. 24. 'Nice Goin' was due open Friday, with two shows set for Saturday (21), but started on the night earlier (Saturday) when show was not ready for starting gun (Friday). The performance of 'Nice Goin' is re-funding close to \$6,000, as all three shows performed for full house. The due week (Friday-Saturday) is Eva Legallienne in 'Hedra Gaba' sponsored by local Gemma show, with heavy advance. Premiere Saturday. Will be back for Nov. 9; also due in November is the Simone Simon-Harry Brian-Mitzi Green Gibson City.

Estimate for Last Week
'Nice Goin,' Shubert (1,600; \$3,30). Standees picked gross for a storm and \$3,600 on single performance.

'Steed' Disappointing \$8,000 in Detroit Week

Detroit, Oct. 24. 'White Steed,' at the Cass last week, hit the bull before a storm and got only about \$8,000 for its nine performances. Story of the week this week in the form of Katharine Cornell's 'No Time for Comedy,' at the Cass. Taylor Holm's 'The Wrong Time' at the Wilson, first time in some time long, was well as in Detroit.

Back with a \$330 top on Cornell open, is headed for a smash gross. Balcony sold out week in advance. 'No Time for Comedy' is available this week. 'Borrowed Time' with a top of \$1,085, strives to grab plenty on its own. Well as the Cass over.

Estimate for Last Week
'White Steed,' Cass (1,200; \$2,75). Light \$8,000.

Engagements Erla Stone, 'See My Lawyer,' Katherine Locke, 'Christmas Eve,' Helen Claire, 'I Know What I Like'

'Angel' Plenty Hotcha, \$21,900 in 4 Stands

Cleveland, Oct. 24. 'I Married an Angel,' in four performances, has been running up a smackered \$12,000, the highest legit gross for three weeks. The commitments prevented extent of date.

Balcony sold out in advance for the Hanna's current Maurice Evans 'Angel' as well as for Katharine Cornell's 'No Time for Comedy,' arriving next week. Paul Munin's 'The Grand Jury' due Nov. 6 for three days, getting a record advance sale.

Estimate for Last Week
'I Married an Angel,' Hanna (1,425; \$3,50 top). Season's initial tune show netted topnotch notices and business. \$12,000 for four days (four performances). Further stops are being made in Toledo, Erie and Youngstown, total for the season, including Cleveland, being \$12,900, which is plenty hotcha.

'Kiss Boys' Spiffy \$15,500 in Boston; 'Time Life' \$10,000

Boston, Oct. 24. 'Kiss the Boys Goodbye' took the cream last week with only \$1,000 less than 'Time Life' for three days (four performances). Further stops are being made in Toledo, Erie and Youngstown, total for the season, including Cleveland, being \$12,900, which is plenty hotcha.

Estimate for Last Week
'Kiss the Boys Goodbye,' Wilbur (1st week) (1,227; \$2,75). Got behind last week, but still in the money. The week was weak in spots, but the tally was very big \$15,500.

'Time Life,' Wilbur (2d final week) (1,400; \$2,75). Several cast changes made during closing week, with the remainder of the week around \$10,000.

MARGIN ERROR' \$11,000 IN WASHINGTON TRYOUT

Washington, Oct. 24. 'Margin for Error' took a conversation throughout its run here last week. Protest of German Embassy helped too, of anti-Nazi first new Jerome Kern-Oscar Hammerstein collaboration in seven years. 'Leave that Life' made this week's move in London (30). With pre-Broadway booking of 'Madame Will You Walk,' Playwrights' production of late side story Howard's last play. 'Leave that Life' is booked to play through week of Nov. 20.

Margin for Error,' National (1,698; \$3,30). Premiere ballyhoo plus comedy, sponsored by local Gemma show, with heavy advance. Premiere Saturday. Will be back for Nov. 9; also due in November is the Simone Simon-Harry Brian-Mitzi Green Gibson City.

Coogan-'Life' \$5,000 In 3 Kansas City Days

Kansas City, Oct. 24. 'What a Life' made this week's move in London (30). With pre-Broadway booking of 'Madame Will You Walk,' Playwrights' production of late side story Howard's last play. 'Leave that Life' is booked to play through week of Nov. 20.

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Erla Stone, 'See My Lawyer,'
Katherine Locke, 'Christmas Eve,'
Helen Claire, 'I Know What I Like'

Dickie Van Patten, 'The Woman Brown,'
Frances Williams, 'The Gibson Girl,'
Ruth Holden, Gloria Blondell,
Clare Roberts, 'Arise a Soldier,'
Marie Sullivan, 'Swingin' the Dream.'

Leslie Jewel, 'Hamlet,'
Ann Graham, Hugh Cameron, 'Dunbar Was a Lady,'
Kenna Wynne, Florence Ames,
Lloyd Gough, John Kearney, Edward McNamara, Madame, 'Will You Walk.'

Edith Van Cleve, Betty Field, Gene Tierney, June Wayne, 'Ring, Tug, Wilson Graf, James Waters, Frida Altman, 'Pastoral,'
Tommy Tully, Gene Kelly, Ainsworth Arnold, 'The Time of Your Life.'

Martin Baine, Rita Rhoni, Clarence Copper, Guy Standing, Harold Bloor, Steven Roberts, 'Summer Night,'
Kenna Wynne, Florence Ames, Lloyd Gough, John Kearney, Edward McNamara, Madame, 'Will You Walk.'

Russell Hardie, Joseph Macaulay, John Callion, George Brindley, Grant Mills, Robert J. Mulligan, Jack Gilchrist, James Todd, William Moore, 'The Time of Your Life.'

Joanna Ross, Robert Porterfield, Grandon Rhodes, Alexander Clark, J. Russell, 'Arise a Soldier in Illinois.'

Raymond Massey, Muriel Kirkland, Charles B. Clary, George Brindley, Augusta Danby, Lewis Martin, Arthur Griffin, George Matthews, 'The Time of Your Life.'

William Challee, Elbel Jackson, Norma Millay, Richard Cowdry, Jack Sweeney, George Brindley, Eve Abbott, Alfred Elcheverry, Jack Hamilton, Charles Denton, Richard James, Gregory, Helen Carey, 'Key Largo.'

John Drew Devereaux, Richard Simon, Larry Robinson, Richard Rose, 'Life with Father.'

'Carnivale' Cracks Record at S. F. Fair, 50G; 'Folies' \$27,000

San Francisco, Oct. 24. 'Carnivale of Golden West' at the Fair succeeded in breaking its record last week, registering smash \$50,000. The show's grosses are still going so great that extra performances have been ordered for Saturdays and Sundays, with the remainder of the week should big increase over previous season.

Estimates for Last Week
'Carnivale of Golden West' (1,111; week) (3,900; \$7.50). Al-most unbelievable \$50,000 garnered by the show's opening in San Francisco. Weather perfect and crowds to see fair terrific.

'Folies,' California Auditorium (11th week) (3,900; \$7.50). Picked up \$10,000 over previous week. B. topped \$27,000, plenty steady.

'HAMLET'-EVANS WILD \$15,200 IN PITTSBURGH

Pittsburgh, Oct. 24. Maurice Evans' full-length 'Hamlet' hit the bull before a storm and got only about \$15,200 for its nine performances. Story of the week this week in the form of Katharine Cornell's 'No Time for Comedy,' at the Cass. Taylor Holm's 'The Wrong Time' at the Wilson, first time in some time long, was well as in Detroit.

Estimate for Last Week
'Nice Goin,' Shubert (1,600; \$3,30). Standees picked gross for a storm and \$3,600 on single performance.

**'Steed' Disappointing
\$8,000 in Detroit Week**

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B'way Happy; New Comedies Click, 'Dinner,' 'Skylark' Capacity \$18,000, Ladies' 20G But Story' Tops, 23G

Broadway winds up October with 17 shows, only a limited, but select. A lot of new shows having opened last week (Oct. 18-Nov. 1), but it is, however, the list should hold over (Oct. 18-Nov. 1), but it is, however, the list should hold over.

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Broadway

Shirwood Anderson in from his midwest home.
George E. Browne, IATSE pres., will be ill in Chicago next week.

Ph Mahoney, of Paramount, is ill at his home in Yonkers.

Marjorie Spitzer is ill. On several magazine writing missions.

Harry Cheln back with "Dubarry" agent, John Leachman agent.

Harry Cohn in and out fast after the "Mr. Smith" holdings in D. C. and N. Y.

Warner club holding Halloween party Friday (27) at its club. Rooming.

Low Wolfson now sitting in on the William Morris agency bank dept. in the east.

Present quarterly session of the Hays office again adjourned, until today (Wed.).

Joe Esser's wife, Ernie, underwent an emergency appendectomy early last week.

Volunteer luncheon of the amusement zone eateries at the Fair, into voluntary bankruptcy.

Dore Schary, screen scripser, in New York on a holiday. Leaves for London this week.

Dinty Moore, resigned Journal-American radio columnist, moved to the Coast with Arthur Kurlan.

Leon Kimberley and Helen Page, radio columnists, moved to the Coast with Arthur Kurlan.

They have private business interests. They classed themselves as a bunch that keeps up with that sort of action on a bicycle making the jumps.

They are trying for the Academy award for Mark Hellinger's "The Event of the Best of the Year."

Parliament Pep Club, embodying the employees, has its annual dance at the Astor Friday night (27).

Embassy newscaster begins its 10th year Nov. 5, having opened in 1930. The eve of the stock market crash.

Bernie gets topical plugs in three recent legit musicals—"Hellzapoppin'," "Scandals" and "Too Many Girls."

Claire Trevor aces on a brief-hoofed trip accompanied by Harry Wurtzel, her agent, and Mrs. Jack L. Warner, with one of those Doug Fairbanks muskies, making a few spots. Back to the Coast this week.

John Dr. Martin in Medical Arts hospital for a fourth operation on his arm, which he fractured more than a year ago.

Dave Bader, now agenting on the Coast, returned to Hollywood and several weeks east seeing shows, contacting talent, etc.

He'll haul back at the Cheryl Crawford office after assisting the studio with the production of "Time of Your Life."

Charlie Einfield got in London (23) for the first time in three weeks. He's doing campaigns on London pictures and for releases.

Henrietta Makiel, London rep for A. & S. Lyons, arrived Monday (23) on the Manhattan, and will leave in three or four weeks for the Coast.

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Cleveland

By Glenn C. Pullen

Cleveland Symphony series of pop music at the end, autumn open Nov. 5.

Harold Pott, lawyer-maestro, brought his band to try out at the Staller.

Four years at Mounds Club, Jules and Webb team has moved to Gourmont.

Bernstein, former nitery operator, back from the Coast to enter cigar bin.

Jack Lykes, the Stillman's managing director of Bournemouth Corp., left \$75,000.

Hungarian version of "The Marriage of Figaro" in rehearsal in Budapest.

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Kansas City

By John W. Quinn

Dusty Roads band at the Terrace Orpheum for two-week return engagement.

Red Reed, Paramount director, in town for two weeks. He's here here his latest, "What a Life."

Mary's night spot celebrated seventh anniversary American star, is making a vaudeville here as Princess Owingo.

Ernest Rolfs in from Australia and feigning on sailing for America. Now producing scheme both sides of the Atlantic.

London

By Vicki Lester

Stanley Lupino getting over serious operation.

Stanley and Betty Johnson hoofing again after a three-month vacation. They're at the Half Moon, Steubenville, O.

George Hall went from here to Chicago, interrupted by a short run long enough to play Navy-Notte Dame dance.

Charles Cole has reopened his Cricketer Club, Palais de Danse. Cafe de Paris' future bookings countries Douglas Byrns and Jack Laye.

Grosvenor House dickered with Harold Smith, but deal fell through.

Frances Paulsen dickered with Frances Day for return date at Cafe de Paris.

Jack Banks slipped into London very quietly and is now located at Wembley.

Jack Donohue to Sweden to see the Missus, whose stage moniker is Tutti Roli.

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Paris

Crooner Tino Rossi demobilized.

Harold Smith to and back from Switzerland for his family.

Bainu volunteered to set gratis if government makes a rat.

Spectators turned away at first "war matinee" on Sunday (1) at the Comedie Francaise.

Gabrielle Dorziat, stage comedienne signing up women painters for easelwork service.

Max Levy more optimistic than French. He will pick up before the end of the month.

Jeanne Boitel, Conchita Montenegro, and the French Marchal have been enlisted in the French Red Cross.

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Paul Turner, attorney for AA's, is making his vacation home in the A.A.A.A.-IATSE battle. He is at his island summer home at Nanuet, back next week.

Leonard Gaynor, washing up with the Coast, is making a few connections, including one out of the picture business. Handled special election campaign for "Gold Boy" and "Mr. Smith."

Joe Heller, of the Berg & Allenberg, agency, Hollywood, in New York on a missionary trip. Attempting his outfit to get rep to a hook of eastern literary agents.

Julian T. Abeles back from the Coast. He was sent to represent the music in the "Gone with the Wind" for. As copyright collector, look for Metro, he summoned Harry Link,

Peist professional head, to the studio by plane.
A fresh recruit to the races and running for the first time Monday (23) at the track was a man named Charlie Einfeld, WB publicity director. He was perhaps the best. Joyce finished out of the money.

Stanley Lupino getting over serious operation.

Stanley and Betty Johnson hoofing again after a three-month vacation. They're at the Half Moon, Steubenville, O.

St. Louis

Duke Ellington orch current at Club Caprice, Coronado hotel.

Joe Hobbs, his wife, and Jack Julian Bryan, lecturer-photographer, for Oct. 31.

Clara Gledhill, mind-reader, heading her show at Club Continental, Hotel St. Louis.

Burton Howell has reserved opera hall in Municipal Auditorium for his annual show.

Russell Martell, director of the Radio City Music Hall Rockettes, spent week-end in St. Louis trying out for replacements in N. Y. cast.

Charles Laughton laid up with rheumatism, but is expected to return to Broadway to resume picture work.

Patricia Morrison back from Manhattan personal tour.

Alice Duer Miller in from New York for writing job.

Louis B. Brock back at studio after sista at Soboba.

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'Mr. Smith'

Continued from page 1

the political scene requires something more than shots of the Capitol building.

Domestic and foreign, plus a grade B plot.

Sojourn Vulnerable

In the opinion of most observers, Hollywood should be in a bad block-bookings bill isn't pending in the Senate at this time. Offside remarks that the Senate is not a place for the industry's most dependable friends, chided Capra and Combs for the film.

quently he told the press crowd he had contemplated a more drastic action, "perhaps" in Podunk and Squeedunk not to realize the Senate isn't like that."

Arrived at the other end of the Capitol likewise were



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*Anna
Neagle*

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