

ENTERTAINMENT

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48 PAGES

THEATRE

Jimmy Walker Heads Combine Of Phonograph Interpretive Artists

James J. Walker, former N. Y. mayor, was elected president of the National Association of Performing Artists yesterday (Tuesday). The move came on the eve of the formation of an alliance between the interpretive artists and the music publishers on the proposition of collecting a special fee on phonograph records used in coin-operated machines. As head of the NAPA, Walker will take an active part in closing a two-way participating agreement with copyright owners and in setting up the machinery for administering the coin-machine plan.

Walker's election was preceded by the resignation of Fred Waring as NAPA president. Waring, who has held this post since the founding of the organization, assumed the chairmanship of the board of governors. Besides being Shepherd of the Lambs Club, Waring has 40 commercial broadcasts (Chesterfield) a week. For Walker, it's the first titled connection that he has held since he quit as mayor in 1931, though numerous propositions have been offered him. His other show biz connections in the interim have been on the radio as commentator.

A delegation from the NAPA is slated to meet with a group of publishers to iron out the final details of the coin-machine deal at the offices of the Music Publishers Association this morning (Wednesday). Later in the day a general meeting of MPPA members will be asked to certify the proposition. Basic intent of the deal is for the interpretive artists to make the copyright owner a co-administrator of the former's common law property right in phonograph records and to share 50-50 on all revenue collected from coin-machine sources.

Ford Show Enumerates Raceless Music Credo But Guests 100% Nank

Detroit, Oct. 31. Although Ford Sunday Evening Hour this season inaugurated an all-American guest policy and program, it will not confine its offerings to American music exclusively, according to W. J. Cameron, Ford mouthpiece on broadcasts.

"I will receive an occasional suggestion that this hour outline its offerings to American music exclusively," Cameron said in his regular chat. "We believe we have given new and old American composers a place in our program-making. But there is no denying the hope never to lose sight of, namely, that the tone world is universal, that in the Great Republic of Music no national, racial nor language boundary exists and every art where nationalism or racialistic exclusiveness rules."

Red Rib

At a performance of "The Philadelphia Story," Shubert, N. Y., wrote weeks ago, Katharine Hepburn objected to a red tie worn by Dan Tobin and asked him not to wear it on the stage again. Last Friday night (27) Van Heflin wore the same tie in the first act, Joseph Cotten wore it in the second act and Frank Fenton in the third. Miss Hepburn broke up each time.

At the next day's matinee they surprised her again by putting the tie in a box among the wedding presents she opens onstage in the first act.

PAN-AMERICAN GOODWILL VIA LUNTS' TOUR

Washington, Oct. 31. In line with the Government's efforts to build goodwill with the Pan-American countries, the State Department is considering the idea of "sponsoring" a three-month South American tour next spring and summer for Alfred Lunt and Lynn Fontaine. Figure on taking a repertoire of four or five of the pair's recent productions, with a company of about 60 actors, managers, stagehands, attendants, etc. The Lunts are reported enthusiastic of the prospect.

Understood the idea is being pushed by a heavily-financed cultural group interested in cementing Pan-American friendships. Government would not be asked to underwrite any expenses for the venture, but merely to lend its name and "sponsorship" to the scheme. Lunts are said to insist on the latter condition.

Figured that such a tour couldn't (Continued on page 12)

GIBSON'S CRACK MIDWAY PLANS FOR '40 N.Y. FAIR

Harvey D. Gibson, new top executive of the New York World's Fair, envisioned a more popular fair next year than the one which closed last night (Tuesday). It is something he has been planning for the past few weeks. For one thing, Gibson will make the amusement area—to be rechristened the Great White Way—the prime attraction for exposition crowds instead of the stepchild that it was from the start.

Gibson, who took charge of opera-

SLOW WORK PAGE MARKS DIRECTORS

Accustomed to Rehearsing Few Lines at a Time, Many Takes and General Lack of Fast Study, Most of the Hollywood Stars Contrast Poorly with Run-of-Mill Radio Actors

NAME VALUE ALIBI

Advertising agency radio execs are pretty well agreed in the observation that film names, with but few exceptions, make the least adept performers before a broadcast studio mike. Film actors are often slow studies, unresourceful and mentally slack. Most of the screen luminaries not only have a difficult time getting at the essence of a characterization or line but often kill many a good effect by stumbling over or rushing into dialog. The latter, say the agency directors, is equally common with dramatic and comedy scripts but where it hurts most as a rule is in the comedy shows.

Average program producer would much prefer, considering the wear and tear on his nervous system, to work with regular non-name radio actors or people from legit, but since it is the star that, in most instances, guarantees an audience, they must be (Continued on page 12)

'The Mob' Doesn't Fancy Exposure On Horserace Fixing

Chicago, Oct. 31. Sponsors of dramatic shows which deal in gangster or expose themes are beginning to hear from the mob, and in not a very nice way. The "boys" make threats, but these threats have nothing to do with tossing pineapples or taking people for a ride. The pressure method is much more subtle. The advertiser is told that if he doesn't lay off, the element affected by the expose will start a whispering campaign against his product.

The outstanding case in this regard occurred recently when a program announced that its theme for the next few weeks will deal with the fix on horse races and other devious practices around the track that have received newspaper attention. The following day the agency on the account got a phone call from a person who described himself as having important interests in making handbooks. He declared that his (Continued on page 12)

G. B. Shaw's Revised 'Genuva' Sees Italy Nixing Axis; Soviet Stepping in on Nazis

Clouded Stars

British Journal of Astrology has suspended publication. Publishers' reason for the suspension is the "uncertainty of the immediate future."

JITTER ANTICS IN AISLES OUT FROM NOW ON

Plan to curb effervescent jitterbugs who disturb both patrons and actors with their antics and heckling goes into effect tomorrow (Thursday) in the Grand theatres in New York. Unit of special house police will be on duty at the Flatbush, Brooklyn, Windsor, Bronx and Carlton, Jamaica, now playing vaude and films.

Cops will patrol the aisles to squelch troublemakers and William Brandt states that, if there is no other way of suppressing 'em, examples will be made of the more boisterous. They'll be prosecuted on disorderly conduct charges. Theatres will also begin the use of screen trailers asking patrons to "use no audible comments and please refrain from heckling."

Brandt added that the plan had been thought of for some time and came to a head with the disorderliness at the Flatbush last week, when kids sitting through two and three shows heckled Jack Haley. Brandt censures the N. Y. "inviting program" for what he terms, "inviting and encouraging youngsters to cut up on the thought that it was good publicity." He specifically points toward Benny Goodman's first date at the Par when jitterbugs ran wild. Evidence of the Par influence repeatedly crops up in his houses. Brandt claims. When asked to be quiet, kids snap back with "well the Paramount allows us to do it."

DEAL ON TO STAGE ZANE GREY WESTERNS

Pasadena, Oct. 31. Plans to dramatize Zane Grey's novels for the stage are being held in jeopardy by disposition of his estate. Negotiations, interrupted by the novelist's death last week, are being carried on with his widow by Charles King, local playwright, and Robert Frayne Chapin, screen writer. King's books have never been seen on the stage, first to be dramatized, if the deal goes through, will be "Heritage of the Desert."

By ROBERT A. MESTAY

World premiere of George Bernard Shaw's revised "Genuva" at the Royal Alexandra here last night (Monday) presents the Irish dramatist at his harpington best and in light of current events, it's as topical as the daily headlines. This is the play Shaw promised to keep up-to-date for the duration of the war by cabling further revisions as soon as events warrant. The Theatre Guild holds U. S. rights, and is expected to have reps here tomorrow (Wednesday) to look it over. "Genuva" is included in the repertoire of the British Colbourne-Jones troupe touring Canada for propaganda purposes. Present writing brings this three-act commentary on the European scene up to the invasion of Poland and the Soviet intervention.

Pro-British in the adroit diplomatic maneuvering of the British Foreign Secretary, finally sees the dictators bitterly contesting each other's rights, while Italy, damning the axis and Russia prepared to move in once Germany has borne the brunt of the struggle.

Drama has a swiftly-paced background to the present war, enhanced by the well-etched characterizations of Europe's four dictators. Prolog of events is marked by hard and brittle dialog, shot through with neat Shavian barbs and epigrams.

Only contrast to bombastic ravings of the dictators is the sly wisdom of the British Foreign Secretary and sonorous findings of the Judge of the League of Nations court which the dictators are summoned on individual criminal charges of unrighteous rule. These charges are lodged by a Jew, the widow of an assassinated South American president, a member of a minority group and a Church of England bishop, an avowed foe of Communism.

Final verdict is that, with mem-

(Continued on page 32)

Son of Morgan Partner Batons a Dance Band And Advertises Himself

Philadelphia, Oct. 31. Edward Hopkinson, 34, whose father is a partner in P. Morgan & Co. and its Philly subsidiary, Drexel & Co., has built a band to play at dances, shot through with social set here, Young Hopkinson, who is 18, is a student at Penn Charter School, a private prep institution here. Officials of the Musicians Union are investigating the status of the band, which is billed as "The Hopkinson Social Band." The band is probably take no action. Hopkinson took space in the band's weekly billings under the name "The Popular Penn Charter Student, Eddie Hopkinson."

Producers Foresee Dire Results At H'wood Studios Unless IATSE Rescinds Its 10% Wage Increase

dustry finds itself, and which their demands will increase, but justify

Deal Returning Pic Coin to B'way Slated for Adoption Next Week

Proposed agreement for the return of film backing to legit production (so-called "Wharton-Wiik plan") is slated for adoption next week. Dramatists could vote on it at the annual membership meeting Monday (6). Signatory managers will vote within the ensuing few days, at a meeting called for the purpose.

Each signatory producing firm or corporation will be entitled to a vote, so managers having several producing corporations will have a vote for each such firm. In any case, the agreement is figured virtually certain to be approved by both the Guild and the managers, whereupon it would become effective immediately.

Reason the pact must be approved by a majority of both Guild members and signatory managers is that it is an amendment to the existing Guild - manager minimum basic agreement. It will not affect the present royalty setup or other regulations governing legit production, except as regards the purchase of film rights. Under the existing rules, picture companies may buy legit productions and subsequently buy the screen rights in the open market. Or, under the proposed plan, the studio would finance the legit production and automatically acquire the screen rights on a standard scale of payments based on the legit gross, length of run and residuals.

Although the plan has yet to be adopted, various Hollywood companies have either received advance financing under one or the other setup, or are preparing to do so. For instance, George Abbott, who indicated he prefers to operate under the existing regulations, so he has formed a new producing corporation and already has two productions running on Broadway ("See My Lawyer" and "Too Many Girls") with Warner backing.

If the film company wants to acquire the picture rights to either show it must buy them in the open market. On the other hand, Warner is also backing Sidney Kingsley's "The Outward Bound," but under a tentative agreement to become effective as soon as the proposed new plan is adopted. In the latter instance, Warners already have the screen rights, with the price to be determined on the basis of the legit run.

Film Cos. Line Up Plays
Paramount, RKO and 20th-Fox are understood ready to re-enter the legit field as soon as the proposed agreement goes into effect. In some cases, already have plays ready. However, Metro, which strongly opposed making it compulsory for the film backer under the agreement to guarantee to purchase the rights, has indicated it will continue to stay out of the legit field, since the agreement is adopted or not. Metro officials say they regard the agreement give the film backer the right to buy the screen rights, rather than be obligated to do so. The same company also has from the start the lead in opposing the existing minimum basic agreement, which went into effect three years ago.

In one regard, the proposed agreement offers unusual utility. That is, in matters of contracts, regulations, etc. Since nothing of the sort has ever been attempted before, it is not known how it may be worked out in actual practice. Therefore, the clause permitting the Guild to make concessions in unforeseen and unfair circumstances is very broad and liberal. Same applies to the clause that the agreement may be changed at any time by mutual consent of a majority of the signatories. In any case it is a term of only one year, after which it can be continued, modified or dropped, as the contractors wish.

Plaintive Wail

Tucson, Ariz., Oct. 31. New version of the ballad, "Cottage For Sale," is being sung here by Columbia Pictures as the result of a faded romance between the studio and its lost love, "Arizona."

Permanent set, built at a cost of \$350,000, is up for sale or rental at \$1,000 a day to other film outfits. In addition, the studio is offering 150 head of oxen and 500 cavalry horses to the highest bidder.

SAG COURTESIES TO EQUITIES WITHDRAWN

Feeling that some members of Equity are failing to co-operate, Screen Actors Guild co-today (1) will abolish courtesy cards which allowed Equitites the privilege of working in one film without joining SAG. Instead, it is said, Equit members to appear before a lens will have to pay SAG's \$25 initiation fee and one-half of the \$18 a day.

SAG's "non-cooperation" squawk resulted from Equity members frequently failing to apply to the Screen Guild's office for a courtesy card. Instead, it is said, they would appear on a set waving their Equity membership and claiming the right to work. This caused difficulty in checking, sometimes slowing up production. New York chapter of SAG has capped up its requirements somewhat for attendance at the annual membership meeting. Friday (3) afternoon at the Astor hotel. Anyone when he paid dues last, will be admitted under the new rule. Originally a card paid up to at least Aug. 1 was needed. Aug. 1 date will now apply, however, to voting privilege.

WB PHILLY THEATRE SHAKEUP HITS EXECS

Philadelphia, Oct. 31. A shakeup in the executive setup of Warner Bros. circuit went into effect over the weekend.

Zone manager David Skipt West, central district, Jack Flynn, neighborhoods and A. J. Vanni, out-of-town, had their offices shifted. Vanni is currently on his way into the field. They will be given houses to handle and report directly to Ted Schlangier, Philly circuit chief.

None of the houses formerly in the district of the trio will be divided up among the eight district managers. Reason for this move is given as "improvement in the coordination of the circuit."

N. L. Nathanson May Be Named Head of CBC

Winipeg, Oct. 31. N. L. Nathanson, head of the Famous Players (Canadian) chain, has been mentioned locally as the new head of the Canadian Broadcasting Corp. He is currently one of the members of the board of directors of the CBC's.

Also mentioned as a possible CBC head is General Victor Odium, of Vancouver, another member of the governing board. He was formerly publisher while Nathanson is the only showman on the board.

AT EAST HOPES SHOW HAVE BASIS

Defeat of Duplessis, Under Ultra-Strict Group's Domination, May Have Easing Effect on Films, Radio and Entertainment Generally

OKAY FOR MINORS?

Montreal, Oct. 31. With the defeat of anti-convention Premier Duplessis in the provincial elections last week, in an upshot of astonishing proportions which brought the old Liberal Party back into power, probable effects on films, radio, books and magazines are generally construed as favorable in show biz circles here. Duplessis was extremely close to the clergy.

Agitation against beer programs on radio which reached unusual intensity in clerical circles under Duplessis' regime and brought about stringent regulation of commercials is said to have originated with clergy who backed Duplessis originally in political campaign which resulted in defeat of Liberal Premier Taschereau.

Church expected the Artists Union have large extent. But the Liberal administration before Duplessis did not bow to clerical dictates in politics.

(Continued on page 46)

N. W. MPTO TO MERGE WITH COAST INDIE ASS'N

Seattle, Oct. 31. Motion Picture Theatre Owners of the Northwest at its 17th annual convention, Friday and Saturday, voted to merge with the Pacific Coast Conference of Independent Theatre Owners, Committee headed by Fred Mercer, Jr., of Yakima, was named to work out details and report after the matter has been ratified or fixed by Washington, Alaska and Idaho operators. Sentiment is strongly favorable so merging is assured.

Identity of the group, with local executives on staff, J. M. Hone, will continue unchanged, with chapters planned for Spokane and Everett. Pacific Conference is considered equitable and favoring a conciliatory attitude on problems.

Over 100 attended the local convention, to Lukon, Seattle, president, and Paul Aust and C. L. Gwin, vice-presidents, all re-elected.

Ohio ITO Meets After Jan. 1

Columbus, Oct. 31. Annual ITO of Ohio convention, previously announced for Nov. 13-14, will be held back until after the first of the year.

Inability of the directors to get together on a date is reason for the change.

'\$150,000 SKYLARK'

Tom Chirpy—M. G. However, Interested in It for Shearer

Despite attitude of virtually every film producer in "Skylark," bidding war on it at the moment is a standstill. Price tag of \$150,000 has been tied to the Gertrude Lawrence legend at the Morosco, N. Y., is understood.

Metro, in search of a vehicle for Norma Shearer, is reported leaning on other companies for the purchase. Like others, it is holding off, however, until the next season. If all, there is no hurry, inasmuch as a release date can't be obtained for a year, while the show plays out its anticipated Broadway run.

There is also a desire by producers to watch what happens to it on Broadway. Feeling is that it is not a solid play, but one dependent on Gertrude Lawrence. If it fails, it is a price tag is certain for a markdown. Basically the stiff figure asked is holding things up.

Murphy Names Bill Farnsworth Special Atty. to Help Prosecute U.S. Anti-Trust Suits; More Probing Off to the Races

Impatient sales manager of one of the major film companies, having waited nearly a week for a decision from the studio as to the material selected for one of the firm's stars, picked up the phone and put in a call for the studio chief.

"He's not here," reported the studio operator. He and Soanthe (the star) have gone to the races."

COAST AGENTS RATIFY SAG CONTRACT

Hollywood, Oct. 31. Unanimous action of the Artists Managers Guild at its meeting Monday (30) night ratified the franchise granted to Screen Actors Guild and the contract became effective at noon today (Tuesday). Covenant for 10 years which is more agreeable to the agents than the proposed five years.

Some minor changes were made in the original contract drawn up by Laurence Beilenson, SAG attorney, in its terms, all the agents must be licensed and percentages now doing business will be issued credentials.

CRITICS' CONCLAVE SET FOR HOLLYWOOD

Memphis, Oct. 31. First Newspaper Film Critics of America convention early in 1940, has been shifted from the midwest to Hollywood.

Jimmy Starr, of the Los Angeles Herald-Examiner, will serve as chairman of arrangements.

Primary reason for picking Hollywood was fact that studios might find difficulty in freeing stars named as "best" actor and actress to make trip to distant city for the second time.

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Consolidated's 9-Month Net Earnings, \$574,258

Consolidated Film Industries, Inc., earnings improved more than \$38,000 in the month of October, this year as compared with the same period in 1938. Report last week showed net earnings of \$574,258 for the nine-month period ending Sept. 30 as compared with \$536,200 for similar period last year. The first three quarters consolidated net was equal to \$143 per preferred share, of which there are 400,000 outstanding. In comparable period last year it amounted to \$135 on each share of preferred.

Company reported a slight dip in net earnings for the third quarter ending Sept. 30, a total of \$218,140, which was equal to 2 1/2¢ on each common share after provision for \$100 quarterly on the preferred shares. This compares with \$181,670 for third quarter of 1938, which was only about \$500 better than the revenue this year.

Washington, D. C., Oct. 31. William P. Farnsworth, who was deputy administrator of the U. S. Copyright Office of the Motion Picture Industry and a member of the body during the N. E. A. period, was appointed by Attorney General Murphy today to the post of special attorney in the anti-trust division to help prosecute the film suits.

Farnsworth has had intimate glimpse into show business, having produced several legit shows. He was assistant to Sol A. Rosenblatt, amusement industry administrator under NRA, and sat as a member of the Theatre Code Authority, doubling in film. Soon before the Supreme Court killed the Blue Eagle, Farnsworth succeeded to Rosenblatt's post as special attorney for the return of the latter to private law practice.

Further submission of secret testimony about film tax and trade matters under Federal scrutiny was forecast last week by Attorney General Murphy with a suggestion that indictments will be forthcoming, although no evidence has been indicated has not been finished. Grand Jury hearings at Los Angeles will resume Thursday (28).

Return to Los Angeles of Charles Carr, special assistant to Murphy, was hinted in statement that the investigation is not over. While Carr was in Washington last week, the A.G. said his work is not finished.

The exact text of testimony, according to Murphy's implication, will be about alleged illegal activities of William B. Blosky, chief attorney in Hollywood of George Brown, head of the International Alliance of Theatrical Stage Employees. When asked if indictment of Blosky has been returned secretly or will be sought, the Justice Department head explained that more evidence concerning him is to be offered the jurors. The supplemental testimony may result in an immediate indictment. Murphy said, placing conspicuous evidence on the way "may."

No settlement propositions have (Continued on page 16)

Tom Edison, In Spades Into the Hopper Pronto

Hollywood, Oct. 31. John W. Condit, Jr., who wrote two Edison picture, before the cameras at Metro next week.

Condit, who wrote "Paddy Rooney, takes off Monday, and Spencer Tracy as 'Edison the Man' is due to roll a few days later.

Inspection Tour Spencer Tracy is Inspecting the Edison Film, "Paddy Rooney," this week to absorb background for his forthcoming role in "Edison the Man." After a gander at the old workshop, Tracy moves to Washington to visit the inventor's son, who is currently assistant secretary of the Navy.

Tracy and Howard Strickling were guests of Henry Ford last week at the Thomas Edison mansion in Dearborn, Mich.

Lynn Bari Due Back West For Pic; Kane, Cohn Fly

Lynn Bari, currently in the east to make a personal with "Drums Along the River," will fly west to Hollywood, Grovesville and Amsterdam, N. Y., will train back to the coast next week. In his work in "Johnny Apollo," with Tyrone Power and Edward Arnold. Harry Joe Brown is producer of "Johnny Apollo." Actress' husband, Walter Kane, agent, planes west today (Wednesday), with Harry Cohn.

Lightman Blasts New Independent Theatres, nc., Execs As 'Soreheads'

Memphis, Oct. 31. Branding leaders of the new independent theatres, nc., as "soreheads," M. A. Lightman, head of the city's largest circuit, has crashed back verbally at the new, unaffiliated showmen who have banded together for the purpose of providing him with opposition.

Instead of my organization having done anything to these particular exhibitors, the exact contrary is true, declared Lightman, former MPTOA president and leader in the exhibition field heretofore for more than a decade. The new move will show that everyone of these fellows except one came into my town as opposition to me, and I went against them.

Single exception, Lightman said, is Lee W. Moffitt, Dundas, Ky., where the Lightman circuit acquired theaters formerly owned by Warner Bros. Lightman pointed out the "sore" situation as "accidental" opposition as far as we are concerned because it existed before we took over the Warner's Kentucky houses. "We have never gone in against independent, and I personally fought any independent unless he came in against us, and we have never executed any material with clearance over any independent with the exception of three special spots," declared the head of the Memphis circuit (Malco) operated in partnership with Paramount. "Those exceptions are: Warner's, and small town just across the river from Memphis, and certainly not entitled to play first runs."

With Main Street in Memphis; Helena (Ark.) over West Helena, where the same name is owned by Dardanelle (Ark.), where the clearance arrangement was worked out long before we took over the house and the status quo has never been changed. I want to know if we have never tried to get product by virtue of selective control. We release pictures as quickly as we can."

"I think the records will show that we have always played ball with the independent exhibitors. We have worked for their interests. We intend to do so."

Pubbing each officer of Independent Theatres "Sorehead No. 1," "Sorehead No. 2," etc., Lightman criticized each individual for having part in the movement against him. The officers are: Jack Rhodes, West Memphis, president; M. A. Owensboro, vice-president; Steve Stein, Jackson, secretary; Jack A. East, Camden, Arkansas, treasurer; V. McGinnis, Hope, Ark., chairman of the board.

Lightman said, "McGinnis, in Russellville, Ark., got us to buy him out there, and that later we had money paid him to get him to enter into competition against us at Hope." He said Stein had come into Jackson against him, and the Paramount partnership and that "despite all this, Moffitt has made enough money against us to buy a \$50,000 tourist camp in Florida."

Lightman also complained about "the tone" of the article which "carried two weeks ago, reporting formation of new circuit. Said it implied he had played both sides against the middle of the hillbillies. Also cited that the story referred to Lightman as a 'member of the Paramount circuit' which he isn't, being merely a partner. Yarn likewise had him come largely to represent the circuit in 1930, where he was operating in Arkansas towns prior to that time."

Empire Ops Reelect

Entire slate of execs of the Empire State Motion Picture Operators Union, indie group, was reelected last week. They were: Joe Miller, pres.; Nicholas Pitta, v. pres.; Harry Fishman, gen. agent; William Stein, secretary; Louis Diamondstein, treasurer, and Peter Vladez, sergeant-at-arms.

Four new members elected to nine-man exec board are Louis Davis, Joseph Cohen, Joseph Adresso and Allen J. Savitch.

MISS WATSON IN 'FLORIAN'

Lucille Watson left yesterday (Tuesday) to go into movie "Florian." Contract was signed yesterday morning. The picture is a deal with W. R. Sheehan.

Address recently made 'The Women' for the same subject 'The

Double Turkey

Los Angeles, Oct. 31. Presidential preference for observance of Thanksgiving Nov. 22, back verbally at the new, unaffiliated showmen who have banded together for the purpose of providing him with opposition.

Circuit will observe as holidays both the Roosevelt day this year, and the original planned last Thursday of the month.

COSMOCOLOR DICKERS PAR FOR 4 WESTERNS

Cosmocolor Corp. is negotiating with Paramount for four or five westerns might be made with the process. Cosmocolor was used by the Arts in its production of 'Destiny,' which may get RKO release.

While Cosmo doesn't get as wide range as Technicolor in screen production, the fact that it is adaptable for home viewing is a plus. The company has won new business. Company claims it can turn out a Class B production intelligently, mind with 100 prints for only about \$18,000 more than black and white prints. The past, it has been used largely for shorts.

Court Won't K.O. Reis

Justice Charles McLaughlin in N. Y. supreme court Thursday (26) denied an application to dismiss the \$100,000 label suit filed against her by Bernard Tucker, assistant manager of the company. The complaint, when read as a whole, establishes clearly that the plaintiff is charged with charge of intentional falsity is plain, and the use of the words misleading and erroneous. The use of the words and other malicious and vicious statements demonstrate to the court that the plaintiff is innocent mistake. On the contrary the entire language shows that the plaintiff is charged with disgraced conduct in the exercise of his calling or profession."

The allegations in the complaint appeared in the American Federation of Actors Reporter on Sept. 1, at the height of the A.F.A. strike.

Asst. MG, Ex-Footballer, Fells Would-Be Stickup

Pittsburgh, Oct. 31. Bandit wheel seems to be playing the WB circuit on a weekly basis this fall. Last week a couple of holdup men slugged Jiggs Green, head of the WB's Bessie Smith circuit, and got away with more than \$200 in cash. Last Sunday night, a week later, the same holdup tried the same thing at another point, but the Schenley, who was different, refused to play.

Using a toy pistol, he held up Elizabeth Schwick, the cashier, and demanded the turn over the cash drawer. Miss Schwick reached in her purse to get the money and he to the fellow. Then as he started away, she yelled stop that man over the Press. So far police have no trace of the two colored men who robbed the Belmar and slugged Green, requiring several stitches in the manager's head.

Rainer Undecided

Luise Rainer, Metro player who arrived from Europe last week, is staying in New York until she does a "Luise" public tour of the city or a legit. Several stage shows are on the fire.

Miss Rainer has the right to appear in an outside screen production before returning to the Metro lot.

Gueringer, Still Ill.

Back to New Orleans

William H. Gueringer, formerly active in New Orleans show business, departed New York for that city Friday (27) after a 10-day visit, most of which period he was under the care of physicians because of a heart ailment. Special arrangements were made to place him aboard the train at Pennsylvania station. Showman had been in a hospital for 11 weeks, and after an intestinal operation, just prior to the trip, the change would be beneficial.

Gueringer was in the coterie of the late Julian Saenger, who operated a string of theaters in the south. He is known as the "comic among intimates and likes the appellation. When the Saenger properties were absorbed by Paramount, Gueringer's share of the profit was \$500,000. However, he never had the use of any of that money which was in the form of stock, value of which varied in the depression.

Tak 65% Terms

For MG-Seiznick's 'Gone With Wind'

To be sold under separate contract, the rights to 'Gone With Wind' is being currently discussed as to what the exact sales policy will be. The rights will be sold for general release. These and related matters have not been determined as yet. The rights to 'Gone With Wind' are owned by William Fox, general sales manager of Metro.

The manner in which 'Wind' will be sold is being determined by the top in first-run engagements, together with the opening in Atlanta, Atlanta and New York, will be decided before the end of the week, it is expected.

Rodgers declares that, while Metro has talked about a world premiere in Atlanta Dec. 16 and in opening of the Capitol Dec. 20, these dates are subject to change, in view of the discussion now going on as to the venue of a decision up to the audience (Tues.) as to date of general release.

A Chicago midsection sales meeting of Metro will follow the holidays that the picture will be released. A Chicago midsection sales meeting of Metro will follow the holidays that the picture will be released.

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Important Legal Quirk to Court's Dismissal of Stoneyham S.

Those Big Hates

Columbus, Oct. 31. Objections of local theatre patrons to large women's hats have been the subject of a lawsuit. Managers must see to it that the women remove their hats from the theatre.

Under an old city ordinance it is the responsibility of the management rather than the patrons.

LLOYD STARTS COL. PIC, 'TREE', IN JAN.

Under his deal to make one picture for Columbia, 'Tree of Liberty,' Frank Lloyd plans starting in sometime in January. Understanding is that Lloyd may negotiate a possible renewal with Paramount thereafter.

He recently completed 'Rulers of the Sea' for Paramount. Budgeted at \$1,000,000, it was forced over that amount, negative cost reaching nearly \$1,500,000. This was due, in part, to bad luck on weather plus expense of Par of ships used in the picture. Eventually Par will make the ships available to other producers at \$1,500 a day.

McNamee and U Ree To Work Out New Deal

Graham McNamee, credited with being the highest-paid newspaper man in the country, is expected to work out a new deal by Universal newsreel when the present year contract expires around Dec. 31. He's been with U as narrator a little over 10 years.

McNamee and Edwin C. Hill are other name commentators employed by the newsreels, working for Screen Cartoon Guild and Metro (Metro) respectively. McNamee also does part of the narrating on Universal shorts made in the east.

4 Coast Cartoon Outfits To Vote Under NLRB Ruling

Washington, Oct. 31. Elections among employees of four Hollywood animated cartoon production companies to determine whether they care to be represented by Screen Cartoon Guild will be called within the month by the National Labor Relations Board.

Following were excluded, pursuant to an agreement between the S.C.G. and other interested unions: clerical service employees, laboratory technicians, cartoon editors and their assistants, and film librarians.

S. Skouras on Coast

Los Angeles, Oct. 31. Spyros Skouras, proxy of National Theatre Guild, has been asked to produce and operate connection with his brother, Charles P. Skouras, head of Fox West-Coast Theatres.

Meeting of all F.W.C. district managers has been called for today (Tuesday).

PAUL PHILIPS' TREK WEST

E. Paul Phillips, in charge of the Paramount real estate department; theatre service employees, laboratory technicians, cartoon editors and their assistants, and film librarians.

Phillips will go on tour to St. Louis before returning there.

The David Stoneyham action against the old Paramount-Publics. Enterprises, which was thrown out of N.Y. supreme court last Thursday (26) by Justice Louis A. Valente, is important to the trade because its substance is the type of financial statement of a company which has been selling. Legal lions also hold that it relates to individual directors from personal responsibility for financial statements issued by the company's statistical departments.

Stoneyham made the Interstate Theatres Co. of New England, sued Publics, Sam Katz, Sam Dembow, Jr., Felix E. Kahn, Ralph A. Kohn, Marion Moles and Frederick Metzler. Action was brought on the ground of fraud in the issuance of a fraudulent financial statement of Public Enterprises, which induced Stoneyham to be induced to sell Empire theatre, Portland, Me., to Public and to accept \$120,000 notes for that. Those notes never were repaid. Public Enterprises went into bankruptcy, he claimed.

Stoneyham further claimed that the financial statement, shown him by Dembow, had omitted to show \$38,000 in notes payable to Public Enterprises. L. Klaus 22 represented Stoneyham, and Louis Nizer appeared for the directors.

Attorney Nizer on cross-examination said Stoneyham made him admit that the Empire was losing their share and that there was a default on the ground of fraud in the issuance of a fraudulent financial statement of Public Enterprises, which induced Stoneyham to be induced to sell Empire theatre, Portland, Me., to Public and to accept \$120,000 notes for that. Those notes never were repaid. Public Enterprises went into bankruptcy, he claimed.

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Mpils. Scraping New Bottoms; 'Babes' OK \$12,000, 'Jeepers'-Vaude N.G. 5C

Minneapolis, Oct. 31.—Business is still very much on the downslide and reaching toward all-time new October lows, and the single bright spot is 'Babes in Arms' at the State, and the local attendance returns are not commensurate with the attraction. The only other outstanding picture, 'Dust Be My Destiny,' Century offering, is not pulling as much as it should.

Two pictures, 'They Shall Have Music' and 'When Tomorrow Comes,' going into their third week at the theaters, World and Equinox, but the returns here, too, have been nothing to write home about.

There's less stage show opposition for the films this week, and the sota alone playing vaude and doing none too hot at that. However, there's left 'Tobacco Road' at the Lyceum and roadshow burlesque at the Gaiety.

Half-year real estate property taxes are due this week and the scraping necessary to meet this payment undoubtedly is throttling entertainment spending. But the main factor seems to be generally adverse conditions.

Estimates for This Week

Asler (Par-Singer) (5c-15-25): "Money Ring" (WB) and "Night Nights" (U), dual first-run, split with Scandal Sheet (Col) and Hero (U), also dual first-run, split \$12,000. Last week, "Grey Walls" (WB) and "Night Nights" (RKO), dual first-run, split with "Shipyard Bally" (WB) and "Night Nights" (WB), also dual first-run, \$14,000, tame.

Century (Par-Singer) (25-35-40-55): "Dust Destiny" (WB). Very well regarded picture and Garfield a magnet, but must have been over \$25,000. Last week, "Old Maid" (WB) (cd wk), fair, \$12,000. First week, \$7,500 first week at Orpheum.

Equipe (Gillman) (25-35-40-55): "Tomorrow Comes" (WB). Can't hang on much longer. Pace looks good for Par-Singer. Last week, \$12,000, pretty good.

Gopher (Par-Singer) (98-25): "You Trouble" (WB) and "Night Nights" (WB), not Jane Withers mean much to loop bottom any more. Light \$2,600 in prospect. Last week, "All Quiet" (U) (reissue), \$4,200, very big.

Granada (Par-Singer) (25-35-40-55): "Beau Geste" (Par) split with "Night Nights" (RKO). First neighborhood showings. Fair \$1,800 indicated. Last week, "Star Maker" (RKO), \$2,000, fair.

Minnesota (M-G-C): "Night Nights" (WB) and "Night Nights" (WB), 30-40—'Jeepers Creepers' (Rep) and stage show. Bottom looks very big bargain show, but several weeks. Sliding is tough, past discouraging having been below \$10,000 in the past. Must go some to reach light \$5,000. Last week, \$2,000.

Orpheum (Par-Singer) (25-35-40-55): "Thunder Afoot" (M-G). Good and timely picture. Bottom, not only strong enough to overcome numerous handouts, but to get toward mid \$5,000. Last week, "Fast Furore" (M-G) and stage show, including Blackstone and Marie Wilton, \$500, mild.

State (Par-Singer) (25-35-40-55): "Babes Arms" (M-G). Races for this picture and it will run at least two weeks. In normal times, undoubtedly would take top coin the grand more than currently in prospect, but healthy \$12,000 is not to be expected at this time. Bottom, \$10,000. Last week, \$2,000.

World (Stiffels) (35-40-55-45-55): "Have Music" (WB) (cd wk). Not getting play action. Should have gone like house after \$10,000. Last week, \$1,800 indicated. Last week, \$2,200, disappointing.

PROV. PERKS; 'DISPUTED PASSAGE' GOOD \$9,000

Providence, Oct. 31.—Sudden cold snap, dropping and giving added impetus to the product. 'Babes in Arms' in second week at Lew's State, and 'Disputed Passage' at record-breaker opening status. Strands 'Disputed Passage' doing big to big while 'All Quiet' survives amazingly healthy.

Estimates for This Week

Albee (RKO) (25-35-40-55): "All Quiet" (U) (reissue) and "Down South" (RKO). Unpredictable appeal for rural areas. Doing fine for this one and helping spot to nice \$5,000. Last week, "Night Nights" (WB) and "Night Nights" (WB), \$2,000. Last week, \$2,000. Last week, \$2,000. Last week, \$2,000.

Carlton (Fay-Lowe) (15-25-35-40-55): "Smashing Men" (WB) (reissue) and "Smashing Men" (WB) (cd wk). Failure of "On Ties" to draw caused failure of "Smashing Men" for Carlton carry-over. So-so \$2,500 slated. Last week, Hollywood

Cavalcade (20th) (2d run), nice \$3,500. "Darkness" (20th) (25-35-40-55)—'City in Darkness' (20th) and vaude. Paced at fairish \$5,000. Last week, \$2,000. Last week, \$2,000.

Barber (WB) (25-35-40-55): "20,000 Men" (20th) and "Fride Blue" (WB). Stated for \$5,000. Last week, \$2,000. Last week, \$2,000.

State (Lowe) (25-35-40-55): "State" (WB) (reissue) and "Smashing Men" (WB) (cd wk). Disappointed. Last week, \$2,000.

Strand (United) (25-35-40-55): "Disputed Passage" (Par) and "Coast Guard" (Col). Heavy patronage at the Strand. Last week, \$2,000. Last week, \$2,000.

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BENNETT - SONS N.G. \$10,000

N.BUFF. N.BUFF.

Buffalo, Oct. 31.—'Hollywood Cavalcade,' Mr. Smith and Constance Bennett in person are running nicely, and the first two returns okay. Bennett's 'Disputed Passage' is in second run of 'Babes in Arms' is holding up steadily. The dual billed 'Submarine D-1' at the Hipp is lagging.

Buffalo (Shea) (35-40-55-45-55): "Hollywood Cavalcade" (20th). Looks over \$1,000, fair. Last week, \$1,000. Last week, \$1,000.

Arms (M-G) (cd wk), good \$17,000. "Night Nights" (WB) (cd wk), good \$8,500. Last week, \$2,000. Last week, \$2,000.

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'Roaring 20's' Okay \$4,500 in Portland

Portland, Ore., Oct. 31.—'Hollywood Cavalcade' did well at the Paramount in its first week and is holding for another fair chunk. This week a fair week on the war angle is 'U-Boat 29' at Liberty, which makes it score about even on the b.o. value of or escapist pic.

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Fair, Heat Chip Frisco, But 'Mr. Smith' \$14,000 Breeze, 'Rio' Vaude N.G. 12 1/2 C

foundered in five days for poor \$2,000. "State" (Noble) (1:00; 25-35-40)—'All Quiet' (U), \$300 to \$400 in three days. Last week, 'Hollywood Cavalcade' (WB) (cd wk), fair \$800. Last week, 'Hollywood Cavalcade' (WB) (cd wk), fair \$800. Last week, 'Hollywood Cavalcade' (WB) (cd wk), fair \$800.

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San Francisco, Oct. 31.—With the Fair winding up for the year and with the thermometer still soaring, things aren't so good here this week. Most of the first-run houses on the street are in the effort to make the grade with product of unusual caliber. However, the exception is 'The Great Dictator' at the Palace, which is setting attendance records every day during the closing week, with the result that several of the newcomers getting less than they would under other circumstances.

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HELEN HAYES, at the time when Lew Fields first saw her in a show put on by her dancing school in Washington, D. C.

In
this week's
Post

THE HELEN HAYES YOU DON'T KNOW



FIRST B'WAY ROLE. At the age of eight Lew Fields gave Helen Hayes a role in *Old Dutch*. She played little Mimi.
PHOTO BY CULVER SERVICE



READ THE INTIMATE LETTERS

of Helen Hayes' mother to Helen Hayes' daughter about

HELEN HAYES

HERE is the story of a great personality in show business—a story unique in its telling: not what the outsider sees of Helen Hayes, not the anecdotes the world knows, not even the stories her friends in the theatre know.

Here, for the first time, as Helen Hayes' mother says, is "every little thing only I can recall about my Helen Hayes."

In a series of letters called *Mary, This Is Your*

Mother, Catherine Hayes Brown reveals to Helen Hayes' little daughter Mary (and to Post readers) the ups and downs, the struggles and glamorous career of this great actress, who has spent thirty-four of her thirty-nine years in the theatre and "on the road."

Don't miss this fascinating theatrical biography. The first of eight installments starts in this week's Post—out today.

Out Today

THE SATURDAY EVENING POST

5¢

War Theme Pictures Proveounds On Test Runs in 'Aussie Territory'

Sydney, Oct. 31.

Reissner of war pictures similar to 20th-Fox's *Cavalcade* have proved a complete boxoffice frost in this country in several tryouts. That the public here yearns for laughs has been acknowledged by theatre operators, who foresee keen demand for such type of production.

American business is maintaining a good level with Hollywood product. Shutdown of British studios means pending revenue possibilities in this territory for American producers.

Prospective scarcity of product due to British inactivity would eliminate two factors that have been obstacles to American distribution here. They are the right grant of New South Wales exhibits to reject 25% of American product and the proviso in that sale for the local exhibition of at least 15% British films.

Yanks Nix Retissues

No new releases are going to be lighter countries, a majority of major company foreign departments said in New York. This was not forcing any war-theme productions in such territories, particularly in the case of the United States.

Conservative in belligerent countries, and even in neutral nations, are jumping on showing war pictures. The opinion of foreign department executives in N. Y. is that light-theme films will prove more successful in getting in belligerent nations. They believe musicals and comedies stand the best chance of getting into such territories, with many companies planning distribution accordingly.

LONDON EASES LEGISLATION

London, Oct. 31.

Twenty West End legit theatres are now permitted to stay open until 11:15 p.m.

Legit operators have been campaigning for the ease in current restrictions and for an outcry on Sunday performances. Original curfew has been 6 p.m.

U.S. Firms in Saving, Make Prints in England

Depreciation in the value of the British pound and threat of rental coin in Great Britain being frozen in large quantities are prompting many U. S. major companies to increase the amount of film printing done in England. They are turning out prints destined for distribution in nearby foreign countries instead of doing the printing in these countries or in the U. S.

Step is another economy move from American distributors and ease of taking advantage of the British currency situation. By turning out copies in London, U. S. majors put the British movie market to work shipping this portion to N. Y. at a loss of 17% when the sterling is exchanging into American currency.

French M.P. Corp.'s Plan Of Reorganization OK'd

Federal Judge William Bondy in N. Y. has approved "a plan of reorganization" of the French Motion Picture Corp., which filed a petition in bankruptcy Feb. 18, 1938. It will pay creditors 15% on claims and tax and wage claims in full.

Albert Lieberman of Philadelphia on Oct. 4 deposited \$100,000 in the Court Exchange Bank of N. Y. for the full-filament of the plan.

Approved claims totaled \$14,468, of which \$10,034 approved the plan.

DeKobra's U.S. Deals

Maurice de Kobra, French author, is currently in New York working on a legit dramatization of one of his books. He may leave for Hollywood to make a writing deal. De Kobra is now working with Erwin Piscator on dramatization of *Wildfire with the Pink Gloves* which will be ready for legit presentation on Broadway. Piscator will direct.

Midway '40 Plans

Continued from page 1.

decisions without salary early in the fall, especially in the case of the *Midway*, as well as willing to give any new proposition a chance if it seems likely to succeed. Since the picture has been actively in charge at the fall, he's spent hours daily seeking the best way to succeed in the amusement area. He has conferred with veteran outdoor showmen, with concessionaires and others and already has built better relationship with the midway operators as a result.

The midway will be more condensed and definitely zoned. The present site of Sun Valley and where the *Don Worthington* show operated probably will be the end of the revived Great White Way. This will necessitate moving the *Parachute Jump* and several other shows nearer the center of things and already means are being worked out to accomplish this.

Gibson's real interest, as chairman of the finance committee which handles the \$250,000 loan, is the desire to make these liens valuable.

'Priceo Fair Folio Too

San Francisco, Oct. 31.

An estimated 12,500,000 visited the Golden Gate International Exposition which shut down Sunday (30) after a 254-day run. Although this figure is approximately 6,000,000 less than anticipated by the conservatives before Treasure Island was opened Feb. 1, it is considerably better than anticipated following terrific lulldown which set in after the first two weeks of operation.

Perfect weather during the final week of the fair attracted thousands who made the trip to the Island for a last look. Biggest weekday was last Wednesday (25), when nearly 112,000 participated in Women's Day at the G.G.I.E.

The three big shows on the Island are the *Golden Gate International Exposition*, which shut down Sunday (30) after a 254-day run. Although this figure is approximately 6,000,000 less than anticipated by the conservatives before Treasure Island was opened Feb. 1, it is considerably better than anticipated following terrific lulldown which set in after the first two weeks of operation.

General manager Charles H. Strub, who revitalized the fair, when he was at the head of the show, expected to again take over management of the expo, when and if it returned this year. He said it would take a short run from May 15 to Sept. 15, during 1940 seems to be the best conclusion.

Some of those planning \$1,650,000 to keep it going have strings tied to the money and there is doubtless expected to be a re-shuffling of personnel before the moneybags are opened.

London In War Time

London, Oct. 17. Empire, Shepherd's Bush, and Hippodrome theatres have been closed since the last of the war. The Slo's houses that shuttered on outbreak of hostilities, are reopening with revivals, with rest and circuit expected to resume same policy soon.

Irving Asher going to America is currently in New York working on a legit dramatization of one of his books. He may leave for Hollywood to make a writing deal.

De Kobra is now working with Erwin Piscator on dramatization of *Wildfire with the Pink Gloves* which will be ready for legit presentation on Broadway. Piscator will direct.

Argentine Eyes Mex Biz

Mexico City, Oct. 31. Argentine pic producers continue to press for the Mexican market. Success of pix they sent here a year or so ago has prompted them to go after it more aggressively.

Rio de Janeiro distributors have sent 36 features here. Exporters have organized the national union of cinematographic international picture, which is mutual protection for the benefit of E. Trujillo, Gurrin, is prez; Pedro F. de Leon, sec., and Eduardo Escandon, treasurer.

'Iron Mask' Sets Mex Record

'Man in Iron Mask' (UA) hung up a new high box. record for the swank Cine Teatro Alameda with \$10,250 for a week.

'Aljibes' (UA) topped \$8,000 in a week last year at the same stand. It is the runnup.

PIX MORE NEUTRAL B.O.

Major companies are putting the heat on their foreign managers in neutral countries urging them to exert added pressure for more business. The European war is cited as the reason why American companies need additional revenue from neutral sources. Managers are advised to secure more playdates and better contracts with exhibitors.

How this miracle of added business is to be achieved isn't indicated.

Lunts to S. A.?

Continued from page 1.

possibly break even. Estimated that it would cost \$80,000 to \$75,000 to ready the productions and company and to transport them to South America and return, without including the \$250,000 for the American engagements. Believed that the theatres in Buenos Aires, Rio de Janeiro, Montevideo, Rosario, etc., are probably too small to bring grosses of more than \$20,000 a week, which might or might not pay the expenses of such a trip.

However, it's believed that the Lunts and partners in the company might make some sort of salary concession because of the international goodwill angle.

Tentative plan calls for the troupe to take "Reunion in Vienna," "Elisabeth," "The Merry Widow," "The Show," "The Sea Gull" and possibly "The Guardsman," all of which the Lunts have mentioned as doing in repertory. Idea would be that the above shows could be played with sufficient pantomime to allow the Spanish and Portuguese-language audiences to get by the language handicap.

The play, "Shrew" is regarded as ideal from that viewpoint.

Lunts have been reported as intending to do a new Robert E. Sherwood play this season, but that is believed uncertain.

N.S.W. MIXES NET PONIES

Sydney, Oct. 4.

Government has decided to forgo sanction of night trotting, and consequently betting, in this territory. Betting has been banned since the only major night bout to exhibitors currently is dog racing.

Some Leg Shows, Interspersed with couple of vaudeville acts.

Dave Rafer, of the Rafer picture circuit, is full-time open for the duration of war.

With opera at Sadlers Wells and similar at the Lyric, the Lyric in London's musical season, gradually opening. Lyric, Hammersmith, re-opening. Lyric, a popular production last season for four weeks.

Ralph Richardson a sub-lieutenant in Royal Naval Volunteer Reserve, attached to Fleet Arm.

Republic Extends Sales Force in Latin America

Republic Pictures is extending its Latin-American marketing force with the appointment of Ray J. War as divisional sales manager for Central America. He'll make his headquarters at Colon, Panama.

Harry Davis, former manager in Panama, leaves there today (Wednesday) to open a new office in Bogota, Col. and another in Valparaiso. War, a resident of Panama for 12 years, is represented by United Artists in that territory.

Joe Hummel to Make Latin America Survey For WB Theatre Const.

Joe S. Hummel, Warner Bros. foreign chief, who sails Friday (30) from New York on tour of Latin American countries, will survey conditions looking towards the possible construction of theatres in certain South American countries.

WB has no theatre operations presently in Latin America.

This will make the second Christmas season that Hummel has spent away from N. Y. in the last three years. He was in the Orient near the scene of hostilities between the Japanese and Chinese two years ago.

Reports that Metro might build additionally in Argentina, where business prospects seem brightest of all South American countries, were denied last week by Arthur H. Lowe, Metro's foreign chief. Denial was made because of the departure of Sam H. Burger, home office rep of Metro's foreign department, who is expected to return to America, who it was said, would be the one building there.

Strong for U. S. Pix

Washington, Oct. 31. Growing appeal of U. S. motion pictures for Argentine film markets was reported to the Department of Commerce by the American Legation in Buenos Aires.

Approximately two-thirds of all pic exhibited in the South American country during the first nine months of the year were American-produced, the report stated. Of a total of 247 films exhibited during the period, 162 were American. Original of remaining 115 was as follows: Argentine, 43; French, 37; Italian, 12; Italy, 7; Germany, 6; Spain, 6; each, and Mexico, 3. One film was classified as coming from all other countries, the trade commissioner reported.

Radio Pain

Continued from page 1.

reconciled to the disadvantage. "The difficulty," they say, "is actually in the training and work habits. Regular radio and legit performers have by the exigencies of their respective backgrounds learned to analyze a role quickly and see immediately the position of character, plot, situation or plot development. Film players as a rule rehearse a short isolated scene for an entire stage. They are not used to the longer and then have numerous takes made of it to get it perfect.

Many of our film who have taken in a big way the radio stage, they are not used to the longer and then have numerous takes made of it to get it perfect.

Rated by agency men as the greatest and most effective learner for radio from the Hollywood sort is Bette Davis. Her aptitude in a script made her a marvel, they state, as for one agency producer she's worked with is concerned.

6 Ace Mx Directors

Mexico City, Oct. 31.

Believing that combined and concentrated talent would be a smash pic, the Mexican Directors Assn. has arranged to produce a picture with six of its members and others concerned chipping in their time and effort for a pro rata share of the profits.

Pic is to be megged by Mexico's six ace directors—Fernando de Fuentes, Emilio Fernandez, Juan Orol, Miguel Zacarias, Juan Bustillo Oro and Miguel Contreras Torres.

SOVIET PIX U. S. DENIED BY RAZED PACT

Sizable drop in income derived from the Soviet last week (Nov. 1) was announced by the Soviet-German pact of August, is admitted by Aminko, Soviet chief distributor company. Decrease has been principally in the nabes.

Drop in Aminko's gross hasn't resulted as much from the public's unwillingness to patronize the films, the distribution office maintains, but from exhibitors' refusal to book the pictures.

Exhibitors in this country are said to be partially compensated by tills in South America. Increase there is due, Aminko declares, in the main to a lifting of restrictions on Soviet pictures.

Drop in income more than six weeks in receipt of a shipment of five pic from Moscow virtually paralyzed Aminko until they were able to get the *Non-Stop* from England and France, as usual. One of the arrivals is a combo, *Non-Stop*, featuring the Pinocchio legend "Little Golden King." It will be released at about the same time as Walt Disney's "Pinocchio" cartoon. Completely is unintentional, Aminko avers, as Russian pic have made several years ago.

Jitters Scare Off Yank Production in England Despite High Exchange

The depressed state of the British pound works both ways, and right now American dollars sent to England naturally are not getting the exchange. With this in mind, the idea of utilizing U. S. funds for film production in England is not so hot. The coin is frozen or not—still doesn't click with the American picture exchange.

The reasons are several. For one, the jittery aspects of any belligerent country are not attractive to the efficient film production. And while it's true that the British authorities have been anxious to have American players from the service to participate in entertainment missions, the fact is that the production facilities are important. One can't say, "All right, we abandon the service and go to the front, we're shooting around Belfast or in some Welsh retreat." It's not as simple as all that.

Reisman's Mexico O.O.

Phil Reisman, RKO's foreign distribution chief, is planning a short inspection tour of Mexico sometime this month. Reisman got back about six weeks ago from South America, but feels that new developments in the country are too important to ignore.

Adolph Zukor, special foreign department representative for Paramount, is also planning a trip to Mexico around Dec. 1. Goodwill reception, similar to the one accorded him in Australia, is being planned.

'The Mob'

Continued from page 1.

business was having tough going without having to take it the chin from radio. He said that he was sure that the program could find a market in the New York metropolitan area, and reminded the agency that the business of taking race bets involved as an other business throughout the country and they were as important users of the picture as the general public.

The caller even went so far as to use the number of persons engaged in the gambling business in the leading cities of the country. He said that he knew that at least 100,000 persons were engaged in it in Chicago and that there must be an even larger figure in the New York metropolitan area.

"I've told you like it," he went on, "if he had back at you by starting a campaign against your product."

"We wouldn't like it," was the retort, but he had to stop up from crying through our program plans.

TOGETHER AGAIN!...IN THE BIGGEST LAUGH SHOW THEY EVER MADE!...

It's scram for the war jitters now!...Here comes the screen's top comedy team in their first new-deal production! **HANG ON**—because we're going cloud-jumping on a skyride of screams...with the flying fun-atics of the Foreign Legion, who learned about ladies from Gorgeous Georgette, the Commandant's cutie!...Oo-la-la for the box-office!



WITH
JEAN PARKER
REGINALD GARDINER
A BORIS MORROS PRODUCTION
DIRECTED BY A. EDWARD SUTHERLAND
ORIGINAL STORY AND SCREEN PLAY BY RALPH SPENCE,
ALFRED SCHILLER, CHARLES ROGERS, HARRY LANGDON

Today the Premiere

Beginning at the Boyd,
Philly, on Almighty
New Peak for the
Power of the Product of
WARNER BROS.



BETTE DAVIS
and
ERROL FLYNN

In the secret romance of the Virgin Queen

**"THE PRIVATE LIVES OF
ELIZABETH
and ESSEX"**

IN TECHNICOLOR

with
OLIVIA de HAVILLAND

DONALD CRISP • VINCENT PRICE • ALAN HALE • HENRY STEPHENSON
Directed by MICHAEL CURTIZ

Screen Play by Norman Krasna and Alvin MarkKessie • Based on the Stage Play by
Maxwell Anderson • Produced by Theatre Guild, Inc. • Music by Erich Wolfgang Korngold
A Warner Bros.—First National Picture



**THE "IMPOSSIBLE" ATTAINED! EVERYTHING THE 'OLD MAID' WAS, WELDED
WITH ALL THE FIRE OF 'ROBIN HOOD'! TRULY A MATCHLESS MOTION PICTURE!**

**M-G-M
FIRST
IN
HITS!**

Says BOX-OFFICE MAGAZINE

**M-G-M
FIRST
IN
STARS!**

Says BOX-OFFICE MAGAZINE



←
**JUST
PUBLISHED!**
Box-Office
Magazine's
Report for
Season 1938-39!



**NOW THE
COMPLETE STORY
OF LAST
SEASON
HAS BEEN TOLD!**

(and you know who's far ahead
of the entire field in 1939-1940!)

Package Deal for NBC Boxing Recalls Mutual Baseball Deal

NBC is applying the package idea for station compensation as far as effective boxing events are concerned. Effective Dec. 1, affiliates carrying the Adam Felt's fights will receive but a half hour's compensation regardless of the time that the event consumes. Network hereafter, has been paying its stations full time up to the nearest five minutes.

Reason given by NBC for its new compensation policy is that it has been losing money on the Adam Felt's broadcasts. It had made the deal on a half-hour basis, figuring that it would at least break even. Some of the fights have run as much as an hour, while one extended to an hour and a quarter, and the network came to the conclusion that the only way out of this bad deal was to re-evaluate its contracts with the affiliates.

NBC's move recalls the criticism that one of the major networks had leveled at Mutual when the latter entered into package deal for the re-run of World Series broadcasts with Gillette and the Mutual stations. Later were paid on the basis of two minutes per day for the first two series broadcasts, and nothing thereafter.

WALTER WINDSOR SUES ON 'MUSICO'

Chicago, Oct. 31.

Walter Windsor today (Tuesday) filed suit in the Federal court for \$200,000 damages and a permanent injunction against the further exploitation over the air of the game "Musico." Names in the action are Windsor, WGN, and Chicago, Chicago Baking Co., National Tea Stores and Clee, Inc., owner of the "Musico" program.

Windsor claims that he showed the idea to the Kastor agency in the summer of 1938 and that when cast to the placement of the program he wasn't in the picture. Windsor's version was tagged, "Melo-Musical Bingo."

WM. A. BRADY APPEALS

Carries 'Way Down East' litigation to Next Court

William A. Brady filed notice of appeal to the appellate division of the N. Y. supreme court from a supreme court decision of June 23 dismissing his \$250,000 action against Blackett-Sample-Hummert, Inc., the Banberger Broadcasting Service, Inc., Mutual Broadcasting Service, and the Charles H. Phillips Chemical Co. Brady had sought an injunction against his play "Way Down East," acquired by him in 1937, in a radio dramatization of the same title presented over WOR and called a sequel to "Way Down East."

In his complaint, Brady makes mention of having sold the silent rights to D. W. Griffith for \$175,000, the sound rights to Rural Pictures Corp. for \$50,000, and having licensed one radio presentation for \$750.

'Trouble With Marriage' Lines Up Its Players

Chicago, Oct. 31.

The "Trouble With Marriage" serial for Procter & Gamble's Oxydol on the NBC blue at 11 a. m. will be written by Alune Ballah. Dan Donahoe will script.

Cast now set: Mary Patton, Stanley Harris, Francis De Lee, Janet Logan, Burton Wright.

Jim Ameche Restored

Hollywood, Oct. 31.

Jim Ameche gets back to the Woodbury Playhouse series Nov. 15 after Herbert Marshall ends his seven-program commitment.

Ameche worked the summer season.

Quiz Kitting

Quiz programs are now so numerous that the producers can't keep track of their competitors. This has made it possible for listeners to jot down particularly good questions used on one show and shoot them by special delivery to another program and, in quite a few cases, get paid \$5 or \$10 for the already-used punster.

One quiz-master got back three questions from his own previous broadcast.

'TIME' DUCKS WAR RUMORS

It is probable that "The March of Time" radio series will be absent from the air in the United States during the period of war. Consideration of the problem of propaganda coloring news are involved, and increased sensitivity of the public to emotional connotations implicit in dramatized news are involved, but not conclusive since both Time magazine and Life are currently well-beloved and guaranteed profitable and not seeking more readers.

Publishers are of the opinion that whether a news item is dramatized or not, unfavorable production conditions there's smarter to take a rain check.

Bill Williamson to Jones; Fast, Patt Shift at WKRC

Cincinnati, Oct. 31.

Herman E. Fast, WKRC salesman for the past five years, was appointed sales manager of the station Friday (Oct. 27) by Bill Schudt, general manager. Fast succeeds William J. Williamson, who held the post since 1937, and resigned to join the Ralph H. Jones agency here.

Williamson, who was with Radio Sales in Chicago prior to coming to Cincinnati, was expected to resign later in New York due to the sale of WKRC to CBS to the Times-Schudt as part of recent WKRC-CBS deal.

Bill Schudt himself is continuing at the helm of WKRC pending its transfer. Its future assignment with CBS has not as yet been decided.

With the move of Fast, Schudt also appointed James M. Patt to the post of sales manager for all Cincinnati. Fast was directed to special events for the station.

General Rearranging of NBC Skeds As P & G and Sterling Swap Spots

As the result of a time swap with Sterling Products, Procter & Gamble is able to realign its current schedule of its daytime serials on NBC, so as to concentrate all but two of them in the morning stretch. Through the shift, which becomes effective Monday, Nov. 13, P. & G. also will be able to concentrate all but one P. & G. show competing with another for an audience.

Sterling Products benefit from the deal by likewise getting a closer continuity of its serials. "Young Widows" and "Lorenzo Jones," now running from 11:35 to 11:45 a. m. are being switched to the 4:30-5 p. m. period, or immediately following "Backstage Wife" and "Stella Dallas." "Brown" and "Jones" retain their same current network hours, with Sterling's "The P. & G. serials" all to itself. The P. & G. serials, which currently occupy the 4:30-5

MUTUAL EXECS ALSO CONCERNED

President's Son Advanced Plan to Hill Blackout for Creation of Special Network to Carry Two Hours of Serials Nightly

GOES AHEAD ANYHOW

Chicago, Oct. 31.

Elliott Roosevelt almost "took over" the Mutual network last week more or less without the latter's consent. Facing what they recognized as a threat to Mutual's prestige, if not existence, Fred Weber and other Mutual figures moved fast to stymie the President's son. They succeeded but Roosevelt, undiscouraged by the setback, has since taken a new lead and is still out to be the head man of a coast-to-coast network.

Hill Blackett was the main spring of Roosevelt's first promotional idea. The latter nurses a peeve against NBC and CBS for their recent adoption of transcription policies that hamper Blackett-Sample-Hummert sales.

The situation has all sorts of slightly sardonic sidelights in that Hill Blackett, former National Committee chairman for the State of Illinois, that Kirby Hawkes, once voice coach of Alf Landon, is present at some of the huddles; and the President's son would, by his boldly brilliant plan, have opened the door to himself becoming one of the dynamic figures of broadcasting itself.

Following the failure of the plan to go through due to many complicating factors, Mutual has undertaken to salvage the time-saving proposition which Roosevelt tried to sell to the Blackett-Sample-Hummert agency last week. The task facing Mutual is to furnish B-S-H with a hookup of around 115 stations, including WGR, Newark, and WGN, Chicago, which would devote a two-hour strip five nights a week to the broadcasting of eight consecutive serials.

Weber Brought In

Roosevelt had offered an organization, on his own, an independent network of like proportions for this same purpose. His idea was sidetracked as the result of concerted action by a group of important Mutual affiliates whom Roosevelt had called into Chicago for a conference last week. These affiliates contended that there was no reason why present Mutual setup couldn't be used for the same project and then

(Continued on page 24)

AFRA Not Licensing Talent Agents, an Eventual Ambition Barred by Present Network Pact

'Doghouse' Catches On

Part of the Brown & Williamson program, "Uncle Walter's Doghouse" deals comically with wives who punish their husbands by installing and keeping them in the canine shed. Coincidentally a much-quoted maxim on the same theme has been going the rounds of stag circles in the U.S.A. concerning the consequences of such wifely strategy. It's an unusual development but contributing much to the word-of-mouth the program is now enjoying.

INSURANCE SUIT VS. WHOM

The Metropolitan Life Insurance Co., No. 1, \$200,000 suit in N. Y. federal court Monday (30), against the New Jersey Broadcasting Corp., claiming libel. Defendant operates station WHOM, and the alleged libel occurred between Jan. 1, 1939, and Aug. 8.

It is asserted in the complaint, which contains 10 causes of action, each setting \$25,000, that the radio station broadcast some 40 times weekly, by means of electrical transcriptions in Italian, information concerning insurance companies, and more particularly the plaintiff, which were false.

Among some of the charges were, that it is better to invest in stocks and lotteries than in endowment policies. The plaintiff company was also accused of circulating a pamphlet, containing slander, according to the broadcasts.

Two Cast Changes In Ivory's 'Mary Marlin'

Karl Weber has replaced Bob Bailey and Fern Persons replaced Betty Lou Gerson in "The Story of Mary Marlin" (Ferry) on NBC.

Other roles now written out include those formerly or intermittently played by Frank Pacifici, Cliff Souther, Herbert Butterfield, Dolores Gifford, Helen Behmiller, Butler Mandeville, Betty Ito, Helen Van Tile, Howard Hoffman.

Reports that the American Federation of Radio Artists contemplated the licensing of agents in the radio field appear to be without foundation. The stories emanated from the Coast and presumably the franchising would be begun there. However, in New York, that is also said to be untrue. Figured the belief that the union planned such action sprung from the fact that the Screen Actors Guild, AFRA affiliate, is about to issue licenses to agents.

Although AFRA does figure on having its own agent situation ultimately, it cannot do anything in that direction for at least a couple of years. Reason is that its hands are tied by its sustaining contract with the networks, which contains a clause specifically barring any steps or regulations affecting the employment of companies' artist bureaus. Since AFRA could hardly discriminate against the other agents and let the network artist bureaus operate unhampered, it must wait for the expiration of the sustaining contract. The networks operate their artist bureaus on the Coast as well as in the east, so the situation applies there also.

An Ambition

There is little doubt that the radio union will try to assume regulation of the agents when the present contract expires. In fact that is one of the expressed aims of the officials and members. But the union is to deal with the situation under the existing code was blocked by NBC when it was an arbitration case for the right to charge commissions on minimum fees. The code states that all minimum fees must be met, but the network won the verdict on the ground that statement was contrary to the understanding of both parties.

Mrs. George Kaufman's Radio Script Build For Zasu Pitts' Humor

Ruthrauff & Ryan is submitting a daytime serial, scripted by Beatrice (Mrs. George S.) Kaufman and starring Zasu Pitts. Understand the agency has several clients mulling it, but nothing imminent. Herschel Wilkins is working with Mrs. Kaufman on it.

Script is said to deal with a plain-clothed detective who has been stung engaged to a man she last saw 18 years ago and who gets fired from a beauty shop where he had been told a lie when the customers ask if they don't need expensive facial treatment. Several other plots have been prepared for auditioning.

Mrs. Kaufman collaborated on the production of the serial and has several other books. She was formerly eastern story editor for Samuel Goldwyn.

DUPONT 'CAVALCADE' SEEKS CHOICE SPOT

DuPont will return its "Cavalcade of America" as soon as it has picked a satisfactory spot and has been cleared either CBS or NBC. It will make the final year for the series.

B.D. & O. is the agency.

Lunts on Campbell

Alfred Lunt and Lynn Fontanne, who have not been on the radio herebefore, will appear Dec. 17 on the CBS "Wellies-Campbell program over CBS."

Will use Doctor Bernard Shaw's "The Doctor's Dilemma."

p. m. segment of the net are "Vic and Sade" and "Midstream."

Lotsa Shifting

NBC affiliates complain that the scheduled juggling involved in the P. & G. realignment is proving a headache. They not only are losing shift spot or local programs that occupy some of the newly requisitioned time, but are faced with the problem of rescheduling chainbracket announcements. Certain breaks had been in commercial, and if the chainbracket announcement is to move along with the network show it means changing another chainbracket buyer to consent to having his own announcement switched elsewhere.

No time change is contemplated for P. & G.'s four serials on CBS which runs from 1 to 2 p. m. EST. Following is the P. & G. schedule:

which become effective on NBC Nov. 13.

RED NETWORK

Man I Married (Oxydol) 10-10:15 a. m.
Road of Life (Chippie) 11-11:30 a. m.
Agitation (Horn) 11-11:30 a. m.
Guiding Light (Napha) 11-11:30 a. m.
The O'Neills (Uper) 11-11:30 a. m.
The O'Neills (Uper) 11-11:30 a. m.
Midstream (Fetel) 12-12:30 p. m.

BLUE NETWORK

Life Can Be Beautiful (Fetel) 9-9:30 a. m.
Right to Happiness (Criseo) 10-10:30 a. m.
Mary Martin (Horn) 10-10:30 a. m.
Pepper Young's Family (Horn) 10-10:30 a. m.
Trouble With Marriage (Oxydol) 11-11:15 p. m.

Farm Stations and 'Service'

Broadcasters catering to rural audiences are nearly unanimous in declaring that a friendly informal style of speech over the air is absolutely essential as a first step to popularity. The farmer likes an easy-going, non-pretentious announcer and entertainers of similar stripe. But—this is notable—many farm broadcasters caution against overdoing the homelike stuff. The minute it becomes decorative hogwash, the farmers snuff the plowboy touch and resent it. It appears that in many sections the soilbusters dislike hillbilly music.

A universal accent on farm information is reported. Some of the content of station men is reproduced below:

Craig Lawrence

Commercial Manager
KRMZ-KSO, Des Moines, Ia.

In servicing the farmer, there are five chief factors to consider, as I see it: (1) reaching the farm men, (2) reaching the farm women, (3) daytime service, (4) the local sportsman, (5) personal service over and beyond the broadcasting.

Of course, there are a good many programs that appeal to both farm men and farm women and a good many times during the year, morning, afternoon and evening when they both listen together. However, the farm man wants news, he wants sports, straightly enough; he wants farm information such as weather reports, temperature reports, general educational farm information and wants all of these over and above the entertainment which the radio station has to offer. I said "sports, straightly enough," because I think that a lot of radio stations overlook the farmer's interest in sports and athletics. Our newspaper discovered it quite some time ago in one of their surveys when they were checking up on reasons why people bought the Des Moines Register.

They had quite an exhaustive survey made among people in different lines of work and professions among the farmers, the chief reason for buying the Register was not the farm page or the markets or the pictures or the comics, but the complete sports section.

In serving the farm women, I believe that we have a somewhat simpler job than we have in serving the farm men. This is due to the fact that farm women like the same type of shows in the daytime, namely the serial stories and script programs but also do like some old-time music and hymns worked in with. We believe that they don't like a solid diet of daytime script shows but appreciate a variety in which the bulk might be the script shows but broken with good music of the old-fashioned popular type.

Charles Stookey

Director of Agriculture
KMOX, St. Louis

In my opinion, a farm radio station should—

1. Be friendly. Announcers should be themselves and not assume a role on the air. However, the friends-of-neighbors business should not be overdone.

2. Not be corny or rube style. Farmers that listen to the radio are not hicks. Many of them have college degrees, and most of them are at least high school graduates.

3. Have a variety musical program. So-called "hillbilly" music throughout the day does not make a farm station. Farmers' tastes in music are no different than those of this city, except that more of this city country may be educated to appreciate opera and the classics.

4. The day's program should carry nationally known big name programs if network service is available. Many farmers in the past have expressed dissatisfaction with chain radio. However, today they're found discussing last night's Lux Radio Theatre or Town Hall program, same as other folks do.

5. Maintain a complete news, weather and market schedule. In asking farmers what they like in the way of radio service, most of them first said, "news, weather and markets." They like news early in the morning, at noon and early evening.

Markets should be broadcast as soon after the transaction has been made as possible. They don't care for futures markets, however. They want today's cash price of wheat, corn, cotton, eggs, butter, etc. IT IS EXTREMELY IMPORTANT that the weather and market broadcast go on at exactly the SAME TIME each day.

Howard A. Miller

General Manager
WGL, Galesburg, Ill.

'A farm station should broadcast a variety of markets every day and disseminate news and information to its audience. This should be done only after a survey has been made and which would show the most convenient listening time for the farmers.'

George Blumenstock

General Manager
WSKB, McComb, Miss.

'Outside of WLS, Chicago, I did not know that there was such a thing as a Farm Radio Station. Most of our small stations are located in pretty well populated smaller metropolitan centers. That is about the case that we are in.'

'Although we have been on the air only a few weeks we already have developed a number of very excellent community programs such as:

1. Devotional Hour each day participated in by 10 of the leading ministers, together with visiting ministers from nearby towns.

2. We have a special program for our Health Center in which health talks are given.

3. We have a High School program daily, in which the students and faculty participate.

4. We have 12 studio programs on Sunday, in which we have strictly Mississippi talent taken from this section of the state.

5. We have a variety program for the unemployed department for this entire section of the state covering 10 localities.

6. We have an Open Forum period in which we permit without charge speakers for all parts of this area.

7. We have a full United Press Telegram News Service and give this locally as good a news service as any City you have in the United States.

8. We are going to have daily and weekly programs by remote control for 8 percent of the area in this section of the State. Our first programs will be from Magnolia, 7 miles north and Brookhaven, which is 24 miles away.

'We are very careful in the selection of our advertising and take very little medical advertising; and keep our copy clean.'

Clair B. Hull

Manager
WOZ, Tusculum, Ill.

The first things necessary to a farm station are a sincere attitude toward the worth of the service it is performing, a friendliness toward its listeners that can't be found on any other type station, a pride in the plain and real things that go on in a genuine desire on the part of the station to be of service to the rural listener, particularly those who are plain, country, farm people who

(Continued on page 47)

FACTORS FIGURING

THE REPORT

The Elements of Station Personality As Defined by Broadcasters Themselves In A Canvas Preliminary to Variety's Annual Showmanship Survey

FARM STATIONS

By BOB LANDRY

In connection with Variety's Showmanship Survey for 1939, which will be made during the month of November, various steps are being taken to obtain the best available outside counsel to add to, cross-check and weigh the criteria employed by this publication. Each year since the inaugural of the annual survey in 1935, the methods and point of view of the steering committee has been enlarged and Variety believes—improved. The practice of showmanship itself has during this period advanced from a relatively naive faith in stunts to a hard-boiled awareness that stunts, as such, are of minor importance; that the important thing is to discharge energy, but having little relationship to showmanship, but of proper sense. It is now clear that stunting, when indulged in extensively and indiscriminately, can cheapen and belittle a station rather than enhance its standing. Such things cannot always be divorced or judged apart, from their circumstances, although some examples are, on a fact value, obviously well into dubious territory, as the station that sent its mikes to a river's edge in the west to describe the fishing from the water of the dead bodies washed in from a capsizing. This sort of stuntiness, but no taste.

'43 Stations Voted'

In all, 43 stations took the trouble (and thus thank Variety) to analyze their own attitude on the showmanship survey. How they 'voted' (they were asked to name and number the elements of showmanship according to importance, one to five), is recorded in an adjoining column. It reveals that broadcast assume local showmanship to usually imply activity in:

Civic steps
Development of local talent
News and sports
Purely local news
Educational-Cultural

The comment of Johnny Gillin, of WOL, Omaha, seems particularly pointed in its cutting through all specific details to come at the crux of the problem. He poses this challenge to station management generally:

'The chief difference between a "big time" radio station and a "small time" station is this: The big time station sells listeners; the small time station sells potential buyers. The little fellow sells billboards, throw-aways, counter cards, direct mail, newspaper space—sells everything EXCEPT radio.'

Gillin is hitting—and hard—at one type of station activity which increasingly is examined through the eyes of skeptics. Several keen observers in the hinterland have seen Variety shrewd footnotes concerning 'showmanship' outside the station and radio as such.

Not Carried Through

John Cleghorn, of WMC, Memphis, underlines what he deems the need to segregate the idea on paper—the press agent's version, so to speak—of the station as completely executed and integrated with station programming and strategy. Cleghorn asserts, without dispute from Variety that too often in the past there has been a wide chasm between program and performance. This, again, comes under the heading of self-management among the swivel-chairers. Earl Gammons, of WCCO, Minneapolis, notes that some stations

(Continued on page 47)

The 'Values' In Showmanship

The leading elements in local management policy that Variety sought to consider in its community showmanship survey as reported (in response to a preliminary questionnaire) by 43 station executives who were asked to name the important activities and number them, one to five:

ELEMENT TO BE WEIGHED	ITS RELATIVE IMPORTANCE AS ITEMIZED IN REPLIES
Civic tie-ups.....	9-3-3-1-1-1-3-3-3-1-4-1-5-2-5-5-2-3-2-2-3
Development of local talent.....	2-3-1-1-1-3-3-1-1-1-1-1-1-3-3-5-4
(Including uses made of staff orchestra).....	4-3-4-5-1-2-3-3-5-2-1-3-3-2-2
News and sports.....	2-5-1-1-3-3-1
Purely local news.....	4-5-1-1-4-2-4-4-3
Educational-Cultural (including school tie-ups).....	3-1-4-5-1-3-1-1
Balanced schedule.....	5-3-4-5-4-5-2-4-2-4-1
Local leadership by station.....	(Including personal participation by staff members in civic activities)
Coordination of local showmanship with national sales representative.....	2-5-5-3-1-1
Quality of announcers.....	4-5-5
Attention-Callers (including promotion).....	5-5-1-4-1
Attitude of Service (including emergencies).....	5-4-1-3-3-2
Imaginative staff writers.....	2-4
Program publicity.....	5-9-4-3
Methods of meeting competition.....	2-4-4
Quality of transmission.....	5-4
Stunts.....	5-5-5-5
Miscellaneous.....	121 scattered single mentions

Announcement

THE RADIO SHOWMANSHIP SURVEY FOR THE YEAR 1939

Will be completed during the month of November and the survey and the accompanying awards published in VARIETY early in December.

Printed Questionnaires to use by stations wishing to file a report for consideration by the VARIETY Showmanship Awards Committee were delivered by Postal Telegraph over the past weekend.

Any station that has not received a questionnaire and wishes one should TELEGRAPH immediately to —

VARIETY

154 W. 46th Street

New York City

Deadline for Return of Blanks is Nov. 11

RADIO EDITORS STILL SQUAWK ABOUT COMMERCIAL PROGRAM LISTINGS

Find 'Em Too Close to Advertising for Comfort—
Skirting the Obvious Plugs Causing Confusion in
Readers' Minds

Radio editors around the United States continue to complain about the surviving practice of radio advertisers adopting program titles so closely identified with a trademark, or advertising slogan, that the program title cannot possibly be used in newspaper text due to the almost-universal publication rule that such tie-ups are disguised forms of free advertising and not to be tolerated. The radio editors point out, that not only must they be constantly alert to stop such titles slipping through in program listings on pain of getting themselves jammed up with their own editorial supervisors, but their reporting is rendered absurdly difficult when they have to write around the program title, with the result readers sometimes aren't sure what radio show the editor is referring to. Radio editors play it safe and slash anything that might even secondarily be considered an allusion to a slogan. Philip Morris' 'Johnny Presents', for example, sounds harmless enough, but is so identified with the call boy pictured in all the cigarette's advertising copy that radio editors have the gate lineage as advertising. This is a custom most dailies would like

P.M., the long-delayed revolutionary-type daily newspaper projected for publication in New York City, had, among its innovations, the idea of running complete detailed radio program listings each day giving the sponsor's name and making no effort to edit out commercial tie-ups. Also understood: P.M.-to-be planned to establish radio criticism like theatre and film ditto.

the sponsor. Such oblique tie-ups as 'Your Pet (for Milk)' Program' and 'The Contended Hour' (Carnation) are too readily recognized to get by. Griffin Shoe Polish's 'Time to Shine' title and Model smoking tobacco's Model Minstrels are sheer finger-snapping, in the face of any radio editor. Aunt Caroline's Golden Store seems an innocent title, but the sponsor is Gold Medal Flour, which has a burnst packaging design. Esso's News Reporter has gotten itself so lost in bold face by paying the gate lineage as advertising. This is a custom most dailies would like

to encourage, but the advertisers wouldn't.

There's very little problem involved in Kraft Music Hall, because the star, Bing Crosby, transcends any possibility of confusion. Similarly the Lux Theatre of the Air is such a popularly pace-setter that this matter can be taken in stride. It's the lesser-known programs that shut themselves out of radio columns to greater or lesser extent by following the practice.

Once commonplace In the early days of radio it was commonplace and expected to label the shows for the sponsors, viz. The Happiness Boys, the Atwater Kent Auditions, Collier's Hour, the Intervenor Pair, Armour's Star Ham (Julius Tannen), and so on. This consideration exercised strong temptation to early sponsors. The ear-and-mind image of millions of people listening to the Cluquet Club Eskimos, the A. & P. Gypsies, or the Airy Fairy (four) Tenor was very delectable to the fancy of corporation executives.

Today, however, any attempt to identify the program in this style runs the risk of getting very little attention in the radio columns. Some radio advertisers think this loss of possible breaks or listings in the press is offset by the value of tight product identification in the radio listeners' minds.

In any event, the radio editors will certainly continue to dislike and condemn the practice and the extra work and caution it forces upon them.

PASTOR AND CHOIR GETTING ON BILLING

San Antonio, Oct. 31. Unique among religious programs on the air today, the 'All-State Church of the Air' is to be heard each Sunday afternoon with the entire services being broadcast anonymously. Neither the church, the choir, the musical director nor the pastor is ever identified. Nor is the city from which the program originates ever mentioned.

Program is entirely non-denominational and may originate from any one of the 22 member stations of the Texas State Network.

Program Title	Editor Changes It to Read
Enna Jetlick Melodies (Shoes).....	D'Artica
Fitch Bandwagon.....	Orchestra
The Chase & Sanborn Program.....	Charley McCarthy
Musical Steelmakers (Wheeling Steel).....	Revue
'The Voice of Firestone'.....	Margaret Speaks
Contended Hour (Carnation).....	Opal Craven
'Johnny Presents (Philip Morris).....	Johnny Green orch
Avolon Time.....	Red Skelton
Kraft Music Hall.....	Bing Crosby
Lady Esther Serenade.....	Guy Lombardo orch
Cities Service Concert.....	Lucille Manners
Camel Caravan.....	Benny Goodman orch
Jergens Journal.....	Walter Winchell
Esso News Reporter.....	Joe Penner
Luden's Dinner Hour.....	Music
Tip Top Show (Ward Baking).....	Joe Pooner
Campbell Playhouse.....	Conrad Nagel
Silver Theatre (1847 Rogers).....	James Melton, orch
Ford Sunday Evening Hour.....	Serial
Caroline's Golden Store (Gold Medal).....	Andre Kotelinetz
Time to Shine (Griffin shoe polish).....	Hal Kemp orch
Lux Radio Thea.....	Cecil B. DeMille
Model Minstrels (Model Tobacco).....	Howard and Shelton
Texaco Star Theatre.....	Ken Murray
Your Pet Program (Pet Milk).....	Mary Eastman

* Johnny is name of page boy identified with 'Call for Philip Morris' slogan.

Kate Smith Non-Stop To N.Y. as Thomas Subs

Lowell Thomas and another commentator as yet unnamed will do the Kate Smith novads broadcasts for two days, Nov. 8-9. Miss Smith is currently on the Coast from where she will do her evening airing this Friday (3). Reason for replacement on the daytime show is that on those two days she will be hurrying back to New York, arriving Friday morning (10) and won't have time to stop en route to do them. Stopped on the way out, however. Ordinarily Miss Smith does the daytime bits from her own apartment in New York, each day except Friday, when it's done from the studio where the evening show is being rehearsed.

Heiress Turns Spieler

Cleveland, Oct. 31. Katharine Halle, local society and heiress to Halle department store fortune, has turned air commentator with new type of gill-around-town chats over WGAR. Started last week by giving burlesque-on impressions of city but will include society gossip and profiles of native celebs.

NBC PRESS DEPARTMENT CHANGES SOME FACES

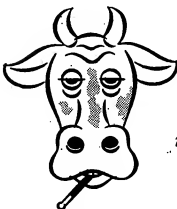
A revision of personnel has taken place in the New York press pen of NBC. Chief changes include designation of Bill Neal as day news editor and 'Bill Norris (adopted son of Kathleen Norris, the novelist) as night city editor. Later joined NBC in August.

Meantime, Bill Kostka, head of the press dept., has assigned Charles Pekor to handle trade and commercial program stuff, with Art Donegan, formerly with Warner Bros., coming into radio as his aide. Fred Mears, a recent Yale grad, is also a newcomer. A return to the fold after an absence of some years is Florence Marks, in private life, wife of Bosley Crowther, of the N. Y. Times.

John Sheldon's Smash-Up

Chicago, Oct. 31. John Sheldon, salesman with the WOR (New York), office, several injured in an auto accident over the weekend. Fractured a knee-cap and indicates to be laid up two or three months.

'Dear WBT:



What shall I do
about my cow
Cynthia? Her
milk is clabbering.

That was the problem of a farmer in Bolivia, N.C. And from a housewife in the Bronx came this poser: "Dear WBT: You should see my wilted geraniums! How can I raise their spirits (and mine, too)?"

The Bolivian cow and the Bronx posies are actual WBT "farm problems," typical of the hundreds WBT receives—and answers—each day! From the big-scale tobacco farmer to the window-box gardener, all listeners are served by the full resources of the WBT Farm Library, probably the best equipped source of farm information in radio. (On its shelves are 4,300 Department of Agriculture booklets and Year Books for the past 18 years!)

WBT's 13½ hours of farm service broadcasts each week make agriculture—the country's largest single industry—an easier and more profitable way of living for WBT's millions of listeners. WBT is also an easy and profitable way for you to reach these millions. Ask any WBT sponsor! Or the nearest Radio Sales office.

WBT
CBS

50,000 WATTS • CHARLOTTE, N.C.

Owened and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N.C., Los Angeles, San Francisco

STILL GOING Strong AFTER 492 BROADCASTS

● WKY puts on big shows in a big way; puts on little shows in a big way, too. "Home Folks Counsellor," 5-times-a-week 5-minute show, now in its 99th consecutive week, was originated and produced by WKY for Oklahoma City Federal Savings & Loan Association. It was named by the U. S. Building & Loan League as the most constructive and resultful radio effort by any savings and loan association in the entire United States last year.

One of the outstanding significant things about WKY is its practical understanding and ready solution of solving problems in this area.

WKY Oklahoma City

900 KC.—NBC AFFILIATE

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

FORD SHOW INTO MEXICO

SPANISH COPY TO BE INSERTED

First Example of a Program
From United States Going
on a Hook-Up of Mexican
Radio Stations

MUCH RED TAPE

Ford Motor Co. is feeding its Sunday evening CBS concerts to a special Mexican network of seven stations. The show is picked up by wire from San Antonio, piped to Laredo and from there to XET, Monterrey, which siphons out the program to the other six Mexican outlets. It's the first American network commercial program that has ever been linked up with Mexican broadcast facilities.

The N. W. Ayer agency, which pilots the program, has established an announcer at Laredo to cut in with the Spanish copy. He gets his material a week in advance, translates it and, following the show's dress rehearsal, he engages in telephonic conversation with the agency's rep in Detroit, which straightens out all the required cues.

Ayer has been working since last February for the Mexican tie-in. The job has involved masses of red tape, necessitating not only the approval of the FCC and U. S. state department, but the imprimaturs of various Mexican governmental heads.

KDKA Unclamps B.R. For A Gala Week-End Bally; Fetes New York Admen

Pittsburgh, Oct. 31.

KDKA opened the purse-strings this week-end to toss the biggest party in station's history to dedicate the new transmitter. Two-day affair planned for Saturday and Sunday (4-5), with couple of special cars from New York bringing in flock of radio editors, and advertising time buyers from New York for series of dinners, entertainments and broadcasts. Station also's tying in with local world premiere of 'Allegheny Uprising' to hail extra-coverage virtues of new transmitter, and on Sunday will get a 65-station hook-up over NBC's Blue from stage of Carnegie Music Hall.

Sherman Gregory, KDKA manager, will be the official host and he's hoping it rains over the week-end because one of his stunts is an umbrella for each guest and across it printed in big letters: "KDKA. Always Complete Coverage. Guests'll get 'em anyway even if it doesn't rain."

Big dinner planned for Saturday night at swank Pittsburgh Field Club, with cocktail party Sunday afternoon and broadcast at night, followed by another shindig, winding up festivities. Tommy Riggs, who got start at KDKA, coming on from Chi to m.c. program and efforts were still being made yesterday to get Sophie Tucker, William Gaxton and Victor Moore in day ahead of 'Leave It To Me' to star on dedicatory show.

John Grigsby, radio editor of Toledo Blade, in Hollywood.

Mutual's Newest
Cooperative Network Show
"LISTEN AMERICA!"
Available for Sponsorship
Exclusively on



Canada Bars Cameron

Montreal, Oct. 31.
Ford Hour will no longer be heard in Canada over affiliates of the Columbia Broadcasting System (CFRB, Toronto; CKAC, Montreal, etc.) due to ban by the Canadian Broadcasting Corp. on commentary by W. J. Cameron. Wallace R. Campbell, president of the Ford Motor Company of Canada, cancelled the Canadian Ford hookup when the CBC ruling aimed at Cameron was made known. Campbell said that Cameron's intermission talks were a vital part of the Sunday Evening Hour and that he preferred to discontinue the entire program here rather than drop Cameron, generally regarded as Ford's own alter ego. Canadian Broadcasting Corp. has authority to forbid any broadcasts by foreign commentators, but many exemptions to this ruling have been made in the past. Stations merely notified CBC of name of speaker and probable nature of talk in advance and permission was usually granted. Ban of Cameron may possibly be enforced for time being only, with chances of being lifted after arms embargo legislation in Washington is completed.

Town Hall Allergic to Sponsorship; Has Already Spurned Sundry Offers

For the current Town Hall of the Air series NBC is contributing \$1,500 a week to the Radio Forum division of Town Hall, Inc. With the weekly kick-in goes the understanding that if the Radio Forum runs into a deficit at the end of the year the network will fully absorb it.

The Town Hall air series has from time to time had bids for sponsorship but the angle has been side-

stepped on the ground that the program could not under such circumstances enjoy complete freedom. Regardless of how good the sponsor's intentions might be at the start, the time would come, the Town Hall trustees figure, that he would want to have something to say about the selection of subjects. The last inquiry the Hall got was from an insurance company.

Show rates high in popularity.

MORE ADVERTISERS
ARE BUYING MORE
TIME ON **WLW**
CURRENTLY THAN
AT ANY TIME IN THE
HISTORY
of
THE NATION'S
most
"Merchandise-able"
STATION

Cancel One and Jeopardize Two Stations on Charge True Owner Was Not Honestly Reported

Washington, Oct. 31.

Disclosures of unauthorized ownership transfers brought the first direct repercussions from the Federal Communications Commission's chain-monopoly probe when, last week, license of one station was cancelled and renewal pleas of two others subject to scrutiny. These developments were aftermaths of admissions at the time of the 'monopoly' hearings that Glenn D. Gillette, local consulting engineer, had financial strings on the plants and legally was in a position to control operations, although he did not figure as an officer or as license-holder.

Consequently, Commish issued order revoking the ticket for WSAJ, Salisbury, Md., and called for evidence concerning the ownership of WBAX, Wilkes-Barre, Pa., and WQDM, St. Albans, Vt. Temporary papers were issued the two latter stations.

The Commish said that fraudulent statements were made by Frank M. Stearns, the ostensible licensee and owner of WSAJ, which has a day-time franchise for operation on 1200 kc. Full disclosure was not made. FCC declared, about the financial arrangements, which include a mortgage held by Gillette.

Some doubt exists about the legal situation relating to the Pennsylvania and Vermont plants, but the Commish in the engineering matter is in 'control', although WBAX is licensed to John H. Stenger, Jr., and combination of E. J. Gillette and F. Arthur Bostwick holds certificate for WQDM. Testimony during the chain probe was to the effect that Gillette had notes and other evidence of indebtedness which put him in a position to dictate how the plants are run, although witnesses denied he exercised the privilege.

Roosevelt's Web

Continued from page 17

prevailed upon the agency to invite Fred Weber, Mutual general manager, into the picture.

Roosevelt yesterday (Tuesday) announced he was going ahead with the proposed formation of his own cross-country network. He's calling it the "Transcontinental Broadcasting System." His announcement mentioned a hook-up of 100 stations, named New York, Chicago and Hollywood as the originating points, stated that he already had under schedule 20 hours a week of commercial business and cited the starting date of the project as within the next 45 days.

The roster of directors for his network, which Roosevelt announced consisted of himself, Jack Adams, TSN general manager; H. J. Brennan, KQV, Pittsburgh; Clarence Coby and John Robert, of KXOK, St. Louis; and Lester Cox, Tom Evans and Jack Stewart, of KCMO, Kansas City. None of these stations is affiliated with Mutual.

Roosevelt's move indicated a break with the Mutual Network as far as his Texas Regional is concerned, at least, although it is understood that the region's contract with Mutual, which has a year and a half to go, prevents the TSN from giving him a favorable time clearance or better compensation arrangements to any other network. In other words, the TSN gets the full card rate from Mutual minus 15%.

Roosevelt's announcement might have also been influenced by his failure to get CBS to feed the TSN with Columbia coverage for which regional appendage Roosevelt himself would obtain the

orders. Two such orders had been obtained by Roosevelt from Texas and Royal Crown Cola but CBS thumbed both approaches. Roosevelt, it was disclosed yesterday, goes off Mutual for Emerson Radio Dec. 2.

He had primarily inspired Roosevelt's approach to Blackett-Sample-Hummert was the refusal of NBC and Columbia to sell transcribed versions of their daytime B-S-H serials which could be broadcast at night over non-NBC or non-CBS stations. Roosevelt's plan appealed to Bill Blackett, a headliner of George F. Torney, a vice president of the agency's New York division, to come to Chicago to talk the project over with the agency and a group of broadcasters that the latter had invited.

Those Present

The Mutual affiliates who turned up for the conference were Lewis Allen Weiss, of the Don Lee Network; John Shepard, Jr., of the Colonial Network; William Dolph, of WOL, Washington; and H. E. Carpenter, of WHK, Cleveland. Others in attendance were Clarence Coby, of KXOK, St. Louis; H. J. Brennan, of KQV, Pittsburgh; and Jack Stewart, of KCMO, Kansas City. They came new to Chicago from New York at the suggestion of one of his affiliates.

According to the Mutual affiliate, the impression which Roosevelt had previously given them was that he was interested in lining up a long list of stations which would be free to carry transcriptions of the eight American Home and Sterling Food products serials. But when Roosevelt, according to those who attended his plan in Chicago, he talked about buying lines from Mutual, the impression changed.

In answer to a question from the Mutual affiliates, the agency's representatives said that the reason they hadn't called in Mutual itself was because they thought that they would be able to get the WOR or WGN. When Weber was later invited in by the agency he said that he felt that the TSN, two stations could provide the required time. The eight serials have for several months been cleared in transcription form over WMCA, New York, and in the event of an evening hookup it was Roosevelt's idea to retain the same station. WCFL was being considered as the Chicago outlet for this transcontinental network.

Blackett Peeved

Blackett-Sample-Hummert has been fuming for some time over NBC's and CBS' refusal to let it place transcribed versions of the eight serials on such non-affiliated outlets as KXOK and KCMO. In the case of KXOK the agency became so incensed that it pulled what few of its American and Sterling Food's serials it had on KSD, the red line St. Louis release.

Roosevelt's companion during the local confab was Jack Adams, general manager of his Texas State Network. One of the lookers-in on the talks was Kirby Hawkes, B-S-H's local production manager. Hawkes, it will be recalled, was the fellow that Bill Blackett brought in to coach Alfred Landon in the art of radio spilling when the latter was the Republican nominee for president in 1938.

NBC's Explanation

NBC's policy on the question of these evening versions of daytime broadcasts is that acetate or waxed transcriptions may only be made at the point of the shows' origin and must under no circumstances will it permit such shows to be picked up for rebroadcast on a non-NBC station outside such originating point. NBC states that it is willing to sell Blackett-Sample-Hummert all the transcribed versions of their serials, providing they're made in New York, Chicago, or the point of origin. This arrangement, naturally, would not work in with B-S-H's idea of having the same serials broadcast over other stations the same night.

WALTER HUSTON OUT OF MAXWELL SET-UP

Edward Arnold replaces Walter Huston as m.c. on tomorrow night's (Thursday) installment of the Maxwell House Coffee 'Good News' series. Huston exits after a run of 10 weeks.

For Arnold it's a singleton. There will be a succession of guests in the m.c. spot until a permanent figure is selected.

Sponsor Temperature: 72

Ventilating NBC studios is the particular problem of Vincent Gileher, manager of general service at the web's Radio City headquarters. Between the audience seated in repose and the actors or musicians doing their stuff and inclined to shiver, there are comfort and temperature requirements. NBC engineers, acting under O. B. Hanson, chief engineer, have been trying to maintain variable zones of heat in the several studios, notably 8-B, where hot-blooded Arturo Toscanini from sunny Italy has his own ideas of a comfortable reading.

NBC engineers, who from time to time have taken up watch in the several studios overlooking the studios and experimented with quarter-degree lowerings of the temperature, have noted the point at which the ladies in the audience start to wrap their cloaks closer around their shoulders. The official temperature for sponsors is 72 degrees.

AFRA-CBS CHI TERMS

Three Main Clauses In Pact Petriflo Okayed

Chicago, Oct. 31.

American Federation of Radio Artists and Columbia web here have seen final details for the AFRA-CBS pact over radio announcers who were formerly enrolled in local 10 of the American Federation of Musicians. Agreement for takeover is as follows:

(1) AFRA agrees that... it will assume and take over the agreement between CBS and the Chicago Federation of Musicians, Local No. 10, insofar as it relates to radio artists, with the same force and effect as when AFRA were substituted in the said agreement with Chicago Federation of Musicians Local No. 10. With respect to network commercial programs covered by the AFRA Code of Fair Practices, the said Code of Fair Practices shall prevail.

(2) CBS agrees that it will accept and abide by the terms of any award in arbitration with AFRA to any agreement reached as result of negotiations by the Broadcasters' and Agents' Committee with AFRA fixing terms and conditions of broadcast by Chicago at stations similar to and including WBLS.

(3) CBS agrees to release Chicago Federation of Musicians Local No. 10 from any and all obligations under the said agreement as of this date. Release of AFRA agreement relates to radio announcers.

Pillsbury Serial Re-cast

Chicago, Oct. 31.

Bill Boucye, Beverly Ruby and Lesley Woods have joined the players on Pillsbury's serial, "The Woman in White" and Marvin Mueller has replaced Glenn Goodwin as the doctor.

Not in the action presently are William Stott and Betty Spaul. Sarajane Wells, Henrietta Tedro, Sydney Ellstrom, Reese Taylor, Lois Zarley, Henri Landon, Pauline Mervin, Virginia Payne and Margaret Fuller.

Gilbert Godfrey has left the CBS scripting staff and is taking an extended vacation, his first in several years.

AFRA READY FOR E.T. PACT

After a year of preparation, the American Federation of Radio Artists is about ready to approach the agencies, chains and transcription makers for a contract covering transcriptions and recordings. Transcription committee finally completed its proposed schedule of fees yesterday (Tuesday) and the membership of the New York local will consider it at a meeting tomorrow night. (Thursday) at the Edison hotel, N. Y.

Representatives of both the agencies and networks will protest against the application of any code governing transcriptions, on the ground that existing contracts already cover the situation. Matter is viewed as American interpretation, however, and AFRA intends to press for a transcription deal.

Another Term For Webb As Radio Writers' Prexy

Hollywood, Oct. 31.

Kenneth Webb continues as president of Radio Writers Guild of America beyond election date Nov. 7 as he will be unopposed on the balloting. Three regional elections are slated, with each electing a vice-pres, 10 council members and four reps to council of Authors League of America.

Coast candidates for v.p. are Forrest Barnes, True Boardman, David Taylor and Mel Williamson. On the district representative slate are John Boylan, Donald Clark, Irving Berlin, Stott and Betty Spaul. Aspiring to the council are Paul Franklin, Moreen Gammill, Bill Johnston, Chas. F. Hendrix, Margaret McKay, Don Quinn and Celeste Rush. Council posts reserved for script writers will be contested by Robert Beahr, David Novinson, Thomas Conrad Sawyer and Jerome Schwartz.

THE MAXWELL STATION IN A MARKET!

A market containing 1,292,454 families with \$2,214,269,000 to spend can't be omitted from any national sales program...

For effective distribution of your advertising message in this rich area you must have WHAS, the radio station that gives maximum broadcasting power PLUS listener reception with the LEAST INTERFERENCE.

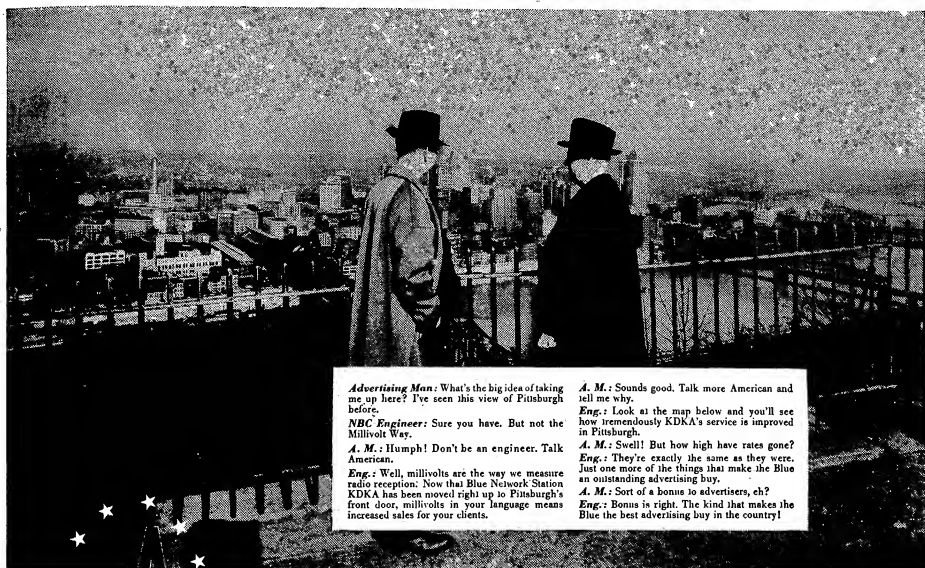
50,000 WATTS
820
ON THE DIAL

WHAS
EDWARD FETTER CO.
National Representatives

Owned and Operated By
THE COURIER-JOURNAL
THE LOUISVILLE TIMES

Things are Happening in Baltimore!

- "Business in Baltimore" (November issue) now being mailed to 3,000 retailers and wholesalers in the Baltimore area.
- WBAL is outstandingly first in local and national spot programs—now broadcasting 110 each week. (Far more than any other Baltimore station—in fact, more than the other two major stations combined.)
- 12,000 members of the Lone Ranger Safety Club will be entertained at the special showing of the Shrine Circus featuring Clyde Beatty Saturday morning, November 11.
- "WBAL News"—full page advertisements—editorial style—in the Baltimore News-Post, bringing the WBAL station into 190,000 homes in the Baltimore area each two weeks.



Advertising Man: What's the big idea of taking me up here? I've seen this view of Pittsburgh before.

NBC Engineer: Sure you have. But not the Millvick Way.

A. M.: Humpf! Don't be an engineer. Talk American.

Eng.: Well, millivolts are the way we measure radio reception. Now that Blue Network Station KDKA has been moved right up to Pittsburgh's front door, millivolts in your language means increased sales for your clients.

A. M.: Sounds good. Talk more American and tell me why.

Eng.: Look at the map below and you'll see how tremendously KDKA's service is improved in Pittsburgh.

A. M.: Swell! But how high have rates gone? **Eng.:** They're exactly the same as they were. Just one more of the things that make the Blue an outstanding advertising buy.

A. M.: Sort of a bonus to advertisers, eh?

Eng.: Bonus is right. The kind that makes the Blue the best advertising buy in the country!

America's lowest cost national advertising medium

Now gives advertisers still another bonus!

Improved coverage in Pittsburgh! That's the newest bonus for advertisers on the NBC Blue Network!



TOWERING 718 feet into the air, KDKA's new antenna location... only 8 miles from Pittsburgh... a vast improvement in Blue Network service.

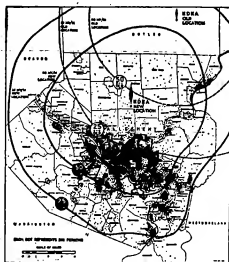
This "plus" in Pittsburgh is possible because the transmitter of Blue Station KDKA has been moved closer to the city. Previously 26 miles away, it is now only 8 miles out-of-town. Map at right illustrates coverage improvement.

Of MORE Importance to Advertisers
This news from Pittsburgh is important, of course. But even more important to advertisers is the fact that the Blue Network is making radical changes in other cities, too—offering advertisers bonus after bonus... ever and always making the Blue a greater advertising value.

Only a few months ago the coverage of Blue Station KECA in Los Angeles was greatly increased. In months to come, the Blue will announce still more bonuses to advertisers—in the form of technical improvements that will "up" coverage—in other cities on the network.

"Extras" for You—At No Extra Cost

It is such things as these that highlight the rapidly growing importance of the Blue Network to judicious buyers of ad-



Dotted lines on this map show intensity of KDKA's former coverage in Pittsburgh. Solid lines show new coverage. How great an improvement has been made may be seen from the 25 millivolt line which previously covered an area containing 89,214 radio homes—now takes in an area with 388,800 radio homes!

vertising time. Because they're "extras" that make the Blue a more and more potent advertising force—at no extra cost to you!

70% of last year's Blue Network advertisers have come back this year for more. 15 new sponsors have chosen the Blue. All are canny, experienced advertisers—and they have picked the Blue because it has conclusively proved itself the lowest cost national advertising medium reaching into American homes!

Coverage Where It Counts

Figure it out for yourself—and see if you don't come up with the same answer. The Blue provides intensive coverage of the important two-thirds of the U. S.—the "Money Markets"—where the bulk of national buying power is concentrated. And, thanks to the famous Blue Discount Plan, it reaches its vast audience in these markets at lowest cost nationally! Add to this the improvements in facilities now being made and you have America's greatest advertising buy—the NBC Blue Network!

NBC BLUE NETWORK

"Better Buy Blue"

NATIONAL BROADCASTING COMPANY • A RADIO CORPORATION OF AMERICA SERVICE

FCC Chairman Praises Trade For Code but Indirectly Slaps Reaction of President's Son

Washington, Oct. 31.

Denunciation of 'poor sportsmanship,' with reference to members of the National Association of Broadcasters irked by restrictions in the new program code, was interpreted as a slap at Elliott Roosevelt by industry representatives who heard FCC Chairman James L. Fly in his microphone debut Thursday (26). In patting the trade body on the back, the new Commish pulled sarcastically commented on talky broadcasters who wail when discontinued by voluntary regulations designed to benefit all and to solve problems upsetting the whole industry.

There was no direct reference to the reaction displayed by the President's son when Mutual Broadcasting System directed him to quit taking sides in his Emerson-sponsored news broadcasts, but the tenor of the Chairman's remarks was quite clearly a rebuke for the only individual to resign so far from the N.A.B. (Roosevelt's KPJZ, Fort Worth, walked out last week, but other two stations which he had an interest have not to date left the fold).

Indorsing the idea of voluntary

Can't Argue

Station operator was asked whether, in light of the ruling of the NAB's code compliance committee, he intended to drop his Townsend-Age Pension business. His answer was: 'I'm getting \$2,000 a week from that account and there's nothing controversial about that.'

Self-regulation as a supplement to governmental supervision, Fly reassured the industry and the public that the FCC under his direction does not intend to engage in censorship but insisted that licensees must show deep respect for their obligations. Speech contained an implication, however, that if the operators cannot keep their house in order the government may have to exercise closer control.

The law contemplates private initiative. Fly reassured the industry and private benefit is a reward for 'effective public service.' He declared that neither he nor the FCC seeks to be 'general overlord of the broadcasters.'

In praising the code, Fly agreed

that free speech will not be curbed so long as stations promise to make time available for all factions interested in spouting views on controversial topics. He noted that virtually the only clause which might be construed as prohibiting time sales for such discussions, urging all individuals to give their stations a fair test. He also commended the industry for the restraints imposed without compulsion on war broadcasts.

Kirby Explaining Code

Edward Edwards, in a speech in support for the radio industry's self-regulation program takes Ed Kirby, director of the N. A. B. code compliance committee, to Chicago next week to explain to the Illinois Federation of Women's Clubs what objectives are sought in the movement to impose restraints on station managers. Kirby will do a question-and-answer stunt after his speech.

Akron Union Complaint

Hot potato tossed by Akron laborites following WJW's cancellation because of new code of contract covering weekly broadcasts under CIO auspices will be cooled off in the FCC's legal pantry. 'Regulators do not intend to regulate the station squawk until the Law Department has had time to 'investigate' and frame a reply. Ordinarily this show-farshadows answer that the complaint is not within the commission's jurisdiction.

The N. A. B. likewise is marking time, waiting for the station's appeal for review by the Federal Communications Commission. Facts in the row are not available, so the trade body is not a position to comment on the asserted attempt to comply with the code.

Lawrence's CBS Talk

David Lawrence, editor of United States News, delivered a scathing attack on N.A.B. code prohibition of 'paid time' for presentation of controversial issues, in answer to a denunciation of it made by President Neville Miller previous Sunday afternoon over CBS, Columbia, which allotted Lawrence a half hour (Miller broke for 15 minutes), apparently has decided to give question a thorough airing. Announced at conclusion of Lawrence's address that Edgar L. Bill, of Peoria, Ill. (WMBD), chairman of code compliance committee, would broadcast at same time Nov. 5. Lawrence's talk bore evidence of careful preparation, with arguments, philosophical, legalistic, well marshalled and graphically phrased. Even mentioned WJW's announcement on cancellation of an Akron union labor program. Because of code and immediate protest to FCC by president of United Rubber Workers' Union.

WNEW, N. Y., CANCELS RED; FCC GETS SAWKAW

WNEW, New York, cancelled a civil last week, giving as its justification the fact that the travelers to Moscow were without legal recognition on the ballots of the state. This was protested as censorship by the American Civil Liberties Union in a letter sent in duplicate to station and FCC. Communists themselves are reported taking the position that any group movement fostering a written campaign has standing in the political party and no radio station can arbitrarily rule it out of existence.

KFYR to John Blair

KFYR, Bismarck, N. D., goes on the station representative list of John Blair & Co., Nov. 12.

The shift is from Gene Furgason & Co.

BERT LANE GETS TITLE

Kansas City, Oct. 31. Arthur Church has promoted Bert Lane to assistant program director at KMBC. Has been member of the announcing staff since Dec. 1938 and was previously at KYGO and program director at KCMO, Kansas City.

Program department at KMBC remains under Felix Adams. Gene Dennis, formerly of KSOO, Sioux Falls, S. Dak., is a new spic at KMBC. Lane is currently appearing in the President theatre production of 'Kiss the Boys Goodbye.'

Don Parker, formerly with WKCR, Cincinnati, new to announcing staff of KSO-KRNT, Des Moines.

Boy, My Frigh Wig

Charleston, S. C., Oct. 31. Station WSCS broadcast a fantastic program 'Ideas' by Orson Welles and got telephone calls just like the now-famous 'Mars' panic program.

This one concerned a fictional announcement in news style that a death-dealing anti-aircraft ray had gotten beyond control in the coastal defense area!

Virgil Evans Denounces New Station, Predicts It Will Never Hit Air

Spartanburg, S. C., Oct. 31.

Virgil Evans, licensee of Station WSPA, and a member of the South Carolina State Legislature, created a sensation here last week when broadcasting over his own station a blast against a proposed competition for station which local interests the week before had obtained FCC approval. Predicting 'an electrifying' contest between the two stations, Evans told his listeners, 'among them local newspaper reporters' that the new station, in his opinion, would never go on the air.

Evans previously had announced in a note published in local newspapers that he would speak on 'Taxation,' presumably in connection with his legislative aims and duties. In his address he declared: 'Approval of the Spartanburg Advertising Corporation's application for a new radio station in Spartanburg was no surprise to me or my attorneys. I have known for two months the application would be approved. Characterizing the application and efforts to obtain another radio station here as the result of a long political fight against WSPA,' he said 'I wish to assure the people that no radio station will be built here. It will be fought through every court in the land.'

WSPA is the oldest radio station in South Carolina. It has worked many years and spent thousands of dollars building up this station. Spartanburg cannot operate two radio stations. There is not a town in the United States (the size of Spartanburg, 12,000 population) with two radio stations.

Charles O. Hearon, former Spartanburg newspaperman, is president of the Spartanburg Advertising Corp. A. B. Taylor is treasurer and Donald Russell is attorney.

Seattle Times Concedes Radio May Be News

Seattle, Oct. 31.

Seattle Times, formerly inattentive at radio, gave broadcasters here a pleasant surprise in its Sunday edition when it burst forth with two pages of air news under the full column title, headed 'radio department. Under it another banner proclaimed 'this week on the networks; songs, fun, drama.' Radio rubbed its eyes.

Understood that publisher finally gave up the staff members who sold him on the idea that majority of citizens took as much interest in this sort of entertainment as any other form of amusement would be. Publisher, told the boys he hoped they were right but it not-out-look here.

New York's Most Popular Non-Network Station

the appointment of JOHN BLAIR & COMPANY

311 Madison Ave., New York
520 N. Michigan Ave., Chicago
New Center Bldg., Detroit
Chamber of Commerce Bldg.,
Los Angeles
Rue Building, San Francisco
422 Pap Brown Building,
St. Louis

NEW YORK NATIONAL SALES REPRESENTATIVES (Effective November 1, 1939)

SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY—10000 WATTS BY NIGHT
1250 KILOCYCLES

Independent
representatives
accepting
orders and
mailing

'Economic Injury' Plea Rejected By D. C. Court

Washington, Oct. 31.

Chances that the District of Columbia Court of Appeals will somewhat on the matter of the FCC to listen to evidence about 'economic injury' faded perceptibly last week, though the judges again refused to upset the Commission's sensational power boost grant to WMBX, Boston, and the reversal of the WMBX grant.

In a court decision noting no new issues had been raised, the judges pointed to their opinion, dressing down the regulators, in the appeal brought by John Shepard, W. The remaining challenge, raising other questions about the Commission's authority, is that of WFLA-TV, Nashville, which contends its service area will be reduced if the Boston plant is allowed to stamp out. Still insisting that competition should be maintained, the Commission has hurt, the Commission continues to hope for judicial recognition of its fourfold increase in total number of stations (legal theory under which injured parties are not to be compensated for economic hurt) and is pressing the contention in other litigation before the Court of Appeals.

Dallas News' WFAA's Facsimile Broadcasting

Dallas, Oct. 31.

Regular facsimile transmission of a newspaper was started yesterday (30) by WFAA, Dallas News Station. Eight facsimile 8 by 9 inch pages, three of WFAA local spot news and the rest of feature comics, John Knott cartoon, AP wirephotos and News Service pictures, are sent from 2:40 p.m. daily, including Sunday, from WXXGR, experimental transmission.

Gene Wallis, formerly business editor of News, edits the radio edition, which has no home for text.

No commercial receivers sold here yet, but WFAA and News executives have units in own homes for test purposes. Receivers for the general public are placed in News lobby, WFAA reception room, Baker hotel lobby and in several large downtown business houses, including Postoffice-Courthouse, RCA distributor here.

ASHEVILLE STARTING

Station WISE on Air This Week—
Rival in Same Family

Asheville, N. C., Oct. 31.

WISE, constructed and operated by the Asheville Daily News (weekly), went on the air Friday (20) as an independent station, with two full-time workbooks. It will be a bonus station, linked with WPNB, Greenville.

Same operator has WNBC, which is affiliated with CBS. News announced its WISE undertaking in front page scarehead in last week's issue reading, 'NBC RETURNS.'



**TONIGHT
TOMMY RIGGS
AND BETTY LOU!**

on the "QUAKER PARTY"

The fastest moving variety show on the air. Fun for the whole family. Don't miss air. You'll love Tommy Riggs' amazing little make-believe character, Betty Lou. ... Fred Rogers' greatest Quaker Orchestra ... and new guests. Tune in ...

**NBC RED NETWORK
5 to 5:30 p.m. E.S.T.**



**TODAY
AND EVERY DAY
... MONDAY
THRU FRIDAY
"GIRL ALONE"**

The love-swept adventures of one girl! Thrills, laughter, tears! Don't miss Betty Winkler, N. B. C. star, in this record-breaking daytime serial.

**NBC RED NETWORK
5 to 5:30 p.m. E.S.T.**



**CASH \$\$\$\$\$\$
FOR OLD JOKES**

Prize Money Awarded Every Sat. Night

**TUNE IN
"STOP ME IF YOU'VE
HEARD THIS ONE"**

STARRING MILTON BERLE

Newest laugh fest of the air. Make Sunday night a merry time by remembering to tune in Milton Berle and his Gag Busters ... the new fun test that's sweeping America. Remember ... Saturday night tune in ...

NBC RED NETWORK at 8:30 p.m. E.S.T.

From the Production Centres

IN NEW YORK CITY . . .

Gerald Holland has joined the NBC scripting staff, replacing Tom Langan, who went to the Coast to write for the Texaco show. Holland is from St. Louis. . . Ronald MacDougall and William Roney, of the NBC staff, were at Hot Springs, Va., last week, to put on the entertainment for the annual Association of National Advertisers convention. . . Canada Dry will add ingredients and call it a party Nov. 14 to celebrate one year of 'Info Please'. . . Helen Walpole, actress-writer, has joined the NBC staff.

Charles Reginald Jackson has left the CBS scripting staff and is writing magazine fiction. . . Major Bowes' gesture of free trees for St. Patrick's Cathedral topped by giving the Westchester estate to the Lutherans. . . George Green carrying on marimba orchestra on NBC Sundays at 8:15 a.m. following brother Joe's death.

Richard Crooks succeeds Margaret Speaks on 'Voice of Firestone' on NBC. . . Ed Byron will direct 'What's My Name?' show with Arlene Francis, Budd Hulek and Harry Seltzer's music. . . Pacific coast transcriptions, 'Beyond Reasonable Doubt', being cut in Manhattan with Nick Dawson, Arlene Francis, Norma Chambers and Frank Lovejoy, with organ background by Charles Hall. . . Don MacLaughlin replaced Richard Janover on Mueller Macaroni's 'Thunder Over Paradise' over NBC. . . CBS has the valve tied down on publicity for its educational programs. . . Letitia Ide, in Boston, dancing with the Jack Cole modernists, was surprised over week-end by hubby Vic Ratner traveling with the baby and its nurse. . . Joe White tenoring Wednesdays, while Eugene Conley carries on every other day with 'The Wise Saver'. . . Charita Bauer, James Sherman, Gertrude Annen, Irene Hubbard, Lillian Russell and Agnes Young now answering present to director of 'Young Widdler Brown'.

Morton Gould of WOR will compose music for one 'Good News' program Monday evening. . . WMAZ WOR local program from Sunday to Friday night soon. Program will go Mutual net. . . Mark Warnow teaches luncheon for songwriters at the Ambassador Hotel, N. Y., Nov. 30. . . Plot of 'Elmer' Queen show on CBS past Sunday (29) called for a hot phonograph record at a house party. . . Symphonic band couldn't play that way five members of Raymond Scott's band became the 'record'.

Herbert Simon is p.a.-ing Ayres-Prescott, Inc., new radio production firm. . . Ed Wolf parting 'Hilltop House' cast today, 2nd ann. . . Pamela Cavness, 15-year-old protégé of Betty Davis to appear with Billy Halop in Arch Oboler's 'Young Mr. Trouble' over NBC Nov. 4.

IN CHICAGO . . .

Extensive renovations and remodeling under way at WLS studios. . . Stella White's WIND program, 'Working Wife', slated for expansion to a half hour week-end. . . Ron Metzger, radio chief of Chi Ruthrauff & Ryan agency has had the 10th and 11th shows accepted by Agner, Yellen & Bornstein publishing house; the tunes, written with Dan Dougherty and Ben Ryan, being titled 'The Baby' and 'One Cigarette for Two'. . . Ray Ferris, WLS music department head, is also a songwriter, his new tune, 'Down the Lane of Memories', being recorded by Cole. . . Les Atlas, CBS Chl v.p., still trying to get away for a visit to the Coast.

FLAMM NO. 1 FCC'S MODEL FOR BIZ

Washington, Oct. 31. Charges that WMAA, New York, violated the secrecy clauses of the Communications Act by airing messages to German and British ships were filed 'for future consideration' last week when revocation threat was dropped with hint that Donald Flamm's fitness to hold a license will be brought up again. Regulators meanwhile let Flamm off with a brisk reprimand which also served as a general warning to the entire industry, the press and the public to be careful about revealing confidential communications.

Threat to review the testimony about the war broadcast incident at some later date was contained in the final paragraph of a 10-page order in which the Commission said it 'is of the opinion that grave doubt has been cast upon the licensee's qualifications to operate its station in a manner consistent with the public interest.' Apparently planning to distill out a record containing several other complaints, regulators explained that the report on the eavesdropping 'must be of cumulative weight in determining the disposition to be made upon any future examination into the conduct of this station.'

IN BALTIMORE
IT'S
ON THE NBC RED NETWORK

CONGRESSMEN ONLY APPEAR BEFORE FCC FOR AND AGAINST STATION LICENSE

New WFAA-WBAP Accts.

Dallas, Oct. 31. WFAA-WBAP new national accounts this month include:

Custodian Toiletries, Inc. (Custodian Face Powder), 195 spot announcements, through H. W. Kator & Sons, Chicago. . . Thomas Leeming & Co. (Baume & Mercier), 254 spot announcements, through William Esty & Co., New York.

Pacquin, Inc. (Pacquin's Hand Cream), 70 spot announcements, through William Esty & Co., New York.

Washington State Apples, Inc., spot announcements, through J. Walter Thompson Co., Chicago.

Pinex Co. (Pinex Cough Syrup), 80 spot announcements, through Russell M. Seeds Co., Chicago.

Folger Coffee Co. (Folger's Coffee), 256 'Judy & Jane' transcriptions, through Lord & Thomas, Inc., New York.

Swift & Co. (Brookfield Sausage), spot announcements, through J. Walter Thompson Co., New York.

Mantle Lamp Co. (Aladdin Lamp), 26 'Andy Walker' transcriptions, through Presta-Fellers & Presta, Chicago.

Ford Motor Co., spot announcements, through McCann-Erickson, Inc., New York.

Safeway in Southwest

San Francisco, Oct. 31. Safeway Stores, Inc., will plug its

Julia Lee Wright bread in a national campaign to be launched Nov. 1 over 12 stations in Texas, Oklahoma and Kansas. One-minute announcements will be used.

J. Walter Thompson office in San Francisco handling the account.

Washington Radio Circles Buzz as Frank Condit Contrasts With Capital's Usual Gumshoe Tactics By Friends of Main Street

Washington, Oct. 31. False whiskers were removed from Congressmen backing up applicants for radio facilities when three House of Representatives members appeared Thursday (25) to voice conflicting views on request of Orville W. Lyster for a new local plant at Herrin, Ill. Open-participation of legislators in regulatory litigation provoked much tongue-clucking among the bar and obviously embarrassed the FCC, which ducked a ruling on the legality of such tactics.

The representatives using the fraud did not, instead of the former practice of applying heat via telephone or conferences behind closed doors, raised the question whether the FCC has set a new precedent in legal operations. In the past, Congressmen have showed up as witnesses and spokesmen for constituents at administrative hearings, before numerous Federal bureaus as well as the FCC, but participation as an 'associate counsel' is exceptionally rare. Furthermore, there is a statute which usually prohibits lawmakers from accepting remuneration for such activities, law which the parties in this instance say they were careful not to transgress.

Issue arose when Congressman Kent Keller, appearing to urge favorable action on Lyster's plea for the right to operate a station on 1310 kc. Immediate objection was registered by George O. Sutton, representing WEDQ, Harrisburg,

Ill., and KFVS, Cape Girardeau, Mo. Although the formal protest normally would bring an immediate ruling, Acting Chairman Paul A. Walker merely noted Sutton's squawk and permitted Keller to express his opinion as to the need for the new transmitter. Tipped off in advance as to what would be attempted, Sutton took the wraps off a pair of substitute barltenders and had Congressman Orville Zimmerman, of Missouri and Claude V. Parsons of Illinois, both Democrats, tell why they think another plant is unnecessary.

Quizzed about his novel action, Keller explained that he had a deep interest in the application because present stations in Southern Illinois and northern Missouri don't give adequate local service in his district. Apparently aware of the law prohibiting appearance for compensation, he insisted he would not accept a fee but was merely rendering a public service.

Political influence on the FCC long has been a grave problem, occasioning whispered charges of improper action on the part of the regulators and leading former Chairman Frank R. McIninch to announce upon accession to the driver's seat that the rear alley would be closed and a goldfish-bowl procedure would be instituted. While some barltenders felt it is preferable to drag the Congressmen into public sight, others wondered how a lawmaker supposed to serve all the people of his district can justify taking sides in a controversial fight of this nature.

Yesterday... November, 1920, broadcasting began with KDKA.

Today... November, 1939, KDKA begins another Era with a complete NEW TRANSMITTER PLANT, most modern in the world . . . located only nine miles from Pittsburgh's Golden Triangle. SIGNAL STRENGTH INCREASE . . . over eight times . . . throughout the Metropolitan Airca.

Tomorrow... and all the Tomorrows to come, KDKA will continue to be THE FIRST STATION.

WESTINGHOUSE 50,000 WATTS • 980 KILOCYCLES
KDKA
"The Only Master Key to The Master Market"
PROGRAMMED BY
NATIONAL BROADCASTING CO.

LaGuardia Revives 'Fixed Percentage' Of Time for Culture 'Radio Bugaboo'

Washington, Oct. 31.

New efforts to force present broadcasters to allot specified opportunities to educational groups or to obtain fixed percentage of radio facilities for non-commercial purposes may be launched unless the FCC backs down on its rule discouraging rebroadcasting. Possible reopening of the old fight was seen after last week's FCC hearing on petition of Mayor LaGuardia of New York for change in present regulations so WNYC, municipally-owned plant, can pick up programs from other "cultural" stations. Issue was taken under advisement.

after day-long hearing at which LaGuardia by implication revived the idea which educators have entertained for a long time. Little direct reference to the desire to have time for non-commercial use, but the plans of the New York executive and other witnesses offer a logical excuse for resuming the attack.

What LaGuardia wants is freedom to avoid casting land lines in order to set program for WNYC. Under present policy, permission to pick up programs from other stations is granted only because of peculiar situations, such as the lack or unreasonable cost of wires.

Support for the relaxation proposal came from Walter S. Lennen, head of WorldWide Broadcasting Corp., which operates international radio stations from New York City station. Additional argument by Prof. William J. Elliott of Harvard, S. Howard E. Koster of the National Committee on Education by Radio, and Frank Schoefer of the National Association of Educational Broadcasters.

Chief objection is technical, with W. Y. King, a Columbia engineer, fearing interference and reduced efficiency. The rule ought not to be changed without a thorough study into possible consequences, he maintained.

Rudy Vallee on Coast

Hollywood, Oct. 31. Rudy Vallee, who is to emcee four Chase & Sanborn programs in absence of Don Ameche, is here. He takes over when Nelson Eddy departs Nov. 12.

Ray DeLoe With Camay

Chicago, Oct. 31. Camay soap serial has added one more drop of five characters. Ray DeLoe is the newcomer. Elimines include Leddie Stearns, Madeline Wolfe, Madeline Pierce, James Krieger, Katherine Stevens.

Flashes From Boston

Boston, Oct. 31.

Abe Schechter, NBC director of news and special events, spoke today (Tuesday) at weekly luncheon of the Advertising Club of Boston, his subject being "Radio Cover the War."

Ray Gard, WEEL staff man, had a birthday last week, and also celebrated his 10th anniversary with the station.

Charles Carter, WEEL's musical director, will do the numbers on the Morning Promenade Saturdays at 10:15. Carl Moore emceed.

Caroline Cabot, shopping and fashion advisor on WEEL, has several men's shops seeking to capture citizenship through their wires. Program is now 13 years old.

Fire gutted the basement of the three-story apartment building in which lives WBZ-WBZA chief announcer Bob White and again, a week later, fire swept through the top of the same building, consuming the roof.

WBZ has new sustaining program called "Texas Trailers" with the McNeil Family of Corpus Christi doing the routine.

WEEL and the Columbia staff will give a cocktail party and reception for the Barbicoll Wednesday afternoon before his concert that evening with the New York Philharmonic.

Tight Squeeze

Cleveland, Oct. 31. Williams Shaving Cream's touring quiz show tagged "The Quiz Show" will emanate from Cleveland's Masonic Hall Nov. 6. WHK, which it here, to feed half-hour to NBC's blue network.

Although capacity of hall is about 2,000 seats, station is giving away 4,000 ducats for radio broadcast.

Thorson Plays Tom Mix

Chicago, Oct. 31. In the Ralston serial over NBC, "The Adventures of Tom Mix," the ghost player for the western hero is now identified as Russell Thorson. DeWitt Lewis is playing the sheriff and Curley Bradley the character of Sundown.

Thorson's director from Charles Zaxewski's script.

Network Premieres

WEDNESDAY, NOV. 1

CINERBROUGH MFG. CO. (Vaseline preparations). WABC-CBS, 10 to 10:30 p.m. "Dr. Christian," with Jean Harsholt, Rosemary DeCamp, Camryn Emery, and Dorothy Barnhart. Originates from Hollywood. Hookup, 61 stations.

MONDAY, NOV. 6

CALIFORNIA FRUIT GROWERS EXCHANGE (Sunkist oranges, lemons). WABC-CBS, Monday, Wednesday and Friday, 8:15 to 8:30 p.m. "Hedda Hopper's Hollywood." Lord & Thomas. Announcer, Arthur Barker. Originates from Hollywood. Hookup, 29 stations.

TUESDAY, NOV. 7

PHILIP MORRIS & CO. WIZ-NBC, 8 to 8:30 p.m. "Breezing Along," with Johnny Green's orchestra, Beverly and the Swing Four. Dramatic cast. Producer, Walter A. Tibbals. Announcer, Charles O'Connor. Originates from New York. Hookup, 43 stations. (Formerly on Mutual.)

WISV'S THEATRE TIEUP

Ample Rehearsal to Offset Amateurs Stagefright

Washington, Oct. 31.

Springboard for ambitious kids arranged between WISV, Monday, Wednesday and Friday, 8:15 to 8:30 p.m. New York, Oct. 27. He had appeared, by a fall from the platform. After an investigation the police suspected suicide as the motive and expressed the belief that the fall had been due to sudden illness.

Scudder who was born in the Orient, worked on a Shanghai newspaper and was Far Eastern correspondent for Associated Press. He was a member of the National Association of Broadcasters. Scudder who was born in the Orient, worked on a Shanghai newspaper and was Far Eastern correspondent for Associated Press. He was a member of the National Association of Broadcasters.

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WRITER SCUDDER DIES IN SUBWAY MISHAP

Raymond Scudder, 38, on the NBC continuity staff since 1929, was killed by an Indiana subway train in New York, Oct. 27. He had appeared, by a fall from the platform. After an investigation the police suspected suicide as the motive and expressed the belief that the fall had been due to sudden illness.

Scudder who was born in the Orient, worked on a Shanghai newspaper and was Far Eastern correspondent for Associated Press. He was a member of the National Association of Broadcasters. Scudder who was born in the Orient, worked on a Shanghai newspaper and was Far Eastern correspondent for Associated Press. He was a member of the National Association of Broadcasters.

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THE SMOOTHIES BABS-CHARLIE-LITTLE

HELD OVER 2nd WEEK

STRAND, NEW YORK

Thanks to Hal Kemp, Ed Cashman, Alie Haiden, Arsh Bernheim, Bernheim, Callahan & Pierce and the Griffin Co.

THIS SCRIPT WRITER'S COPY GETS RESULTS

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KAY THOMPSON

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for ETHYL

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CBS Every Monday, 8-8:30 P.M., EST

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WILLIAM MORRIS AGENCY

TED STEELE

Musical Director for

ROGER WHITE DUCTIONS

New Playing

"SOCIETY GIRL"

CBS Daily 3:15-3:30, Mon-Fri, Ind.

'THE O'NEYS'

By JANE WEST

NOW RADIO'S MOST POPULAR

FAMILY BRINGS YOU MORE

LAUGHTER TEARS AND HEART-THROBS

Presented by Ivory Soap - 99% in pure

LISTEN TWICE DAILY

NBC Red Network, 12:15 to 12:30 P. M. EST

IN COAST TO COAST

MET. DR. COMPTON ADVERTISING AGENCY

100 E. WOLF - RKO BLDG., NEW YORK CITY

TOMMY LYMAN

AT THE 'HEDGES'

Just Off 5th Avenue

6 EAST 48th STREET, NEW YORK CITY

Special Material and Chatter by Milt Francis

Washington, Oct. 31.

Germany's appreciation of the value of radio good-will tops the French, while working conditions in the Reich are far pleasanter than in other European spots. This is the report of Hjalmar R. Baukhage, trouble-shooting speller for NBC.

Baukhage has just come back from six weeks' microphone duty behind the front lines.

Refuting the yarns about stringent control in Deutschland, Baukhage reported last week that disguised and indirect censorship in the United States is far more real and considerably more effective than these regulations and propaganda activities of the Nazis.

He says the American listener, rather than either the Government or the station operator as the individual who pulls the plug that kills in one-sided reporting and gives play to bias and prejudices. The American radio auditor and newspaper reader, tolerant stuff he doesn't like or which disagrees with his preconceived ideas and sentiments.

Awareness of this condition is a serious hurdle for both the press and radio in the U. S. In the view of the NBC gabber, puts this country on a par with the foreigners, since American commentators and interpreters are bound to exercise censorious restraint. Baukhage does not make any complete indictment, though, and admits the opportunity to speak out exists on this side of the water.

Swiss Are Tough

Switzerland is about the toughest country for microphonists these days, as far as Baukhage is concerned. (He didn't try spilling in other neutral nations, however.) In desperate attempts not to offend anybody and remain at peace with all their battling neighbors, the Swiss have gone to great lengths to enforce impartiality on radio reports. Scripts must be submitted for intensive checking and no deviation is permitted.

While his observations were made at the most excited period behind and right after the guns sounded, the former Farm and Home hour m. c. feels the Nazis are leaps ahead of the French in using radio to the advantage. Atmosphere for an American radio man is far pleasanter in Germany—Baukhage observes, "You have some human relations in Berlin; you can argue with the Nazis but the French order you around and are wound up in red tape—and the Hitlerites, knowing they need friends, go to great lengths to be accommodating."

German censorship is no serious handicap, Baukhage said. Scripts had to be approved and advertising was frowned upon, but the editors

would listen to reason and had some understanding of the problem faced by alien commentators. Little attempt to force propaganda down the throats of visiting announcers, although officials frankly and openly admitted they were giving their best efforts to formalize their own views. Baukhage, however, conceding they wanted to get Germany's views across to American listeners.

Chief restraint in Germany is voluntary and almost instinctive on the part of the radio and press correspondents, in Baukhage's estimation. By putting the writers and speakers on a par with the foreigners, since American commentators and interpreters are bound to exercise censorious restraint. Baukhage does not make any complete indictment, though, and admits the opportunity to speak out exists on this side of the water.

Swiss Are Tough

CONGRESSMAN CITES MAIL ON WLW

Washington, Oct. 31.
Oratorical attempts to force an FCC reversal on the matter of super-power broadcasting were resumed last week with another political blast on behalf of Powel Crossley and WLW, Cincinnati. Results of a personally-supervised poll by a congressman were called to the attention of the House and the Commission Thursday (28) by Rep. Martin J. Sweeney, a Democrat from Cleveland, in a speech repeating declarations that failure to lift the 50 kw lid on clear-channel stations contributed to the "senseless" silence of the dreamless dusk.

While the issue has been finally settled by the FCC with promulgation of new rules retaining the present power restrictions, Sweeney sought to obtain reconsideration on the strength of 2,500 post cards from dial-spinners in 14 states showing WLW is the overwhelmingly favorite station in West Virginia, Florida, Ohio, Indiana, Kentucky and Virginia.

Giving a detailed analysis of the responses to his mail-bag questionnaire to rural listeners, Sweeney submitted percentages showing that the Cincy plant is the second choice of persons depending on near-channel service in Mississippi, Louisiana, Arkansas and North Carolina and the third favorite in Missouri, Michigan, Kansas and Alabama.

Survey, which was almost a duplicate of check by the FCC in 1935 and 1937, according to the Congressman, showed in several instances that WLW was at the top for first, second, third and fourth choice of the rural audience. Sweeney interpreted the replies as further evidence of the contention that more juice is imperative to give the thinly-settled districts reliable reception, pointing out that many of the cards urged restoration of WLW's 500 kw permit.

TOSS CHICAGO PARTY TO INTRO CALLAHAN

Chicago, Oct. 31.
Walter Callahan, Chicago manager for Transamerican Broadcasting & Television Corp., sales reps for WLW and WSAI, Cincinnati, was introduced to local agency execs at a cocktail party tossed at the Blackstone hotel Friday (27). About 150 persons were on hand for the event. Delegation out from Cincy included Jim Shouse, Bob Duvall, Dewey Long and Cecil Carmichael.

WBZ Staff Realignment

Boston, Oct. 31.
Bob White, WBZ's chief announcer, has relinquished Special Events to Bob Evans of the staff, but continues with the morning 830o Newscasts, daily bulletins and sports. Charles Gilchrist, former radio editor of the Chicago Daily News, handles these last three during the afternoon and evenings, also doing publicity, while promotion is in charge of sales promotion.

The whole department of publicity, sales promotion and news continues under the management of George Harder.

CALLED FOR DARKNESS

Outdoor Television Runs Into the Advancing Autumn

Football telecasts are providing another dilemma for NBC's television department. With darkness setting in so early during fall afternoons, last quarter of the games consist—in the video receiver—of white spots on a black background. Now the program department wants to know shall it continue telecasting anyway? Shall it stop the telecast but continue to broadcast so that listeners at least know who wins? Or shall it cut off the whole thing when the field gets too dark?

CBS TELEVISION MOVES AN INCH

Columbia Broadcasting System has reached the point in television experimentation where it is on the air. Just when isn't publicized, CBS television is the number four button on the RCA sets, but to get a line on what's being put out a constant wage is necessary.

Test patterns will continue intermittently with CBS now apparently peddling, television style, to a regular program schedule in another two months, as time is reckoned in CBS television.

It's a well-known fact that CBS isn't bursting its suspenders through into the vague and costly field of television.

NBC-RCA Television

Wednesday, Nov. 1

2:30—Elizabeth Watts, fashion expert on "The Right and Wrong of It," with Bergdorf-Goodman creations.

2:45—Film serial, "The Lost Jungle."

3:05—Film, "Oberon Overture."

3:15-3:30—Alton Skipworth, interviewed by Patricia Murray.

5:00-10:30—To fill.

Thursday, Nov. 2

2:30-3:45—Film, "Two Minutes to Play," with Herman Brix, Eddie Nugent and Jeanne Martel.

8:30-9:30—Crosby Gaipe's Cooking Scandals, Remo Bufano's marionettes, and a Style Show by the Harbizon Studio of Fashion Modeling.

Friday, Nov. 3

2:30-4:00—"Forty Girls and a Baby" (French film with English subtitles), starring Lucien Barriere.

8:30-9:40—Film, "Young and Beautiful," with William Haines, Judith Allen and John Miljan.

Saturday, Nov. 4

2:30-3:00—Football, New York University vs. Lafayette College.

8:30-9:45—"Treasure Island," dramatized by Donald Davis, with Dennis Hoey, Billy Redfield, William Balfour, William Podmore and Robert Allen.

'Info' Clicko

Canada Dry has renewed for its "Information, Please" program on the NBC-blue for another 52 weeks, effective Nov. 14.

Deal involves 62 stations.

Zenith Head, Television Skeptic, Still Thinks NBC Rates 'Break'

(Eugene F. McDonald, Jr., president of Zenith Radio (sets), was the first president of the National Association of Broadcasters, 1923-25 inclusive, as the then-operator of a Chicago station. Recently he has been chief spokesman of the view that television use, by its ballyhoo, presenting a premature threat to radio set sales.)

Chicago.

Editor, VARIETY:

I can't help commenting on the news in your Oct. 18 issue about the stumbling blocks Actors' Equity and the Screen Actors Guild are placing in the way of television development. I note that Equity requires a full week's pay for the cost of any stage production that is televised and that the Guild is setting up high minimum wages for any movie comes that are incorporated into television talent shows.

While Zenith does not recede one inch from its position that television is not yet ready for the public, I believe that those who are willing to invest large sums of money to try to prove that it can be made a success in New York should receive better cooperation from those who will benefit from television when it gets here on a full-time basis. The very fact that the future of television is somewhat in doubt, today, makes it all the more important that those interested in making it a suc-

cess should pull together at the beginning.

Back in the early days of radio, when Zenith operated its own station, WJAZ, for the Chicago area, Claudio Muzio, Lazari and Margery Maxwell were glad to contribute their services gratis to our infant industry. Radio is deeply indebted to them and it is because of their helpful attitude and the assistance of many others that radio was able to prove itself and become one of the leading users of talent today.

Conditions today may require that Broadway artists receive more income for television appearances than early radio stars received, but whatever is demanded should be reasonable or the advent of television on a commercially successful basis, with thousands of spectators instead of hundreds, will be shoved off into the still more distant future. Certainly, in that event, the performer will suffer as much as anyone.

The whole music industry has benefited from radio, both directly and indirectly, and the stage can benefit from television if it will help to get it started.

E. F. McDonald, Jr., President, Zenith Radio Corp.

Lord & Thomas, San Francisco, has Fox Radio, as a new manager following transfer of John S. Whedon to Chicago.

Meeting a Necessity In Radio

Used Daily
By
Agencies,
Sponsors,
Program Directors
and
Station Executives

1352 Pages • \$5 Per Copy
On Sale at these Stores and Offices:

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VARIETY
154 W. 46th St.
BRENTANO'S BOOK STORES
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HOLLYWOOD
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1620 No. Vine St.
G. SCHIRMER MUSIC STORES
737 So. Hill St.

PHILADELPHIA
BRENTANO'S BOOK STORES
1726 Chestnut Street.

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

stages in primary area.

Joe Morris Music Co., New York has been dissolved. Papers to that effect have been filed with the Secretary of State by Arthur L. Fishbein, New York City.

Understanding and Compromise May Give Union Penn Contract

Rainy Day, to Metro.

Night Club Reviews

CHEZ PAREE, CHI

Chicago, Oct. 28.
Abe Lyman, Ork, Joe Lewis,
Tamara, Rose Blanc, Wally & Ver-
gus Stapleton, Paul Haskon, Maria
Monterez, Fred Evans Ensemble.

This lineup has practically every-
thing in the way of bang-up enter-
tainment, from a corking orchestra
to stand-out production numbers.

Abe Lyman's orchestra holds over
from the previous show and has what
it takes. Ork, who has a large num-
ber to itself and is a powerful
click, also playing niftily for the
show and dancing. Lyman as a per-
former does much to put over the
individual acts with his occasional
crescendo and clowning.

Joe Lewis, practically a Chicago
institution, born and bred here, is
surefire. He has reached a new high
in both material and delivery.
Paul Haskon adds genuine nifti to
the show with his ballet work.
He's doing a slightly longer routine
than ordinarily, but the audience is
tiring out of his mits. Best item, as
ever, is his Portuguese sailor dance.
Tamara is a neat looking and gra-
cious singer, more recently in "Leave
It to Me." She sells on distinctive
and heartening appearance, building
on this foundation with satisfying
tonals and a selection of songs that
are united ideally to her voice and
personality. Rose Blanc is a regu-
lar warbler with the Lyman orches-
tra and also sicks home her pop
wining numbers.

The Stapletons, dancers with
wailing set of productions by
Fred Evans, who comes through
with a string of numbers that bring
betty applause. In these productions
good costume and lighting help
enhance. In the closing "Tambour-
number," in which a radiant effect
is used, Maria Monterez, who is
what is labelled as an authentic
native dance. It's neat on the ever,
Gold.

BOWMAN ROOM, N. Y.

(HOTEL BILTMORE)

George Olsen and Ork (19) with
Tanner Sisters (3), The Bachelors
(4), Patsy Parker, Ann O'Brien, Jean
Blair, Vera Verne.

George Olsen, like his predecessor,
Horace Heidt, brings a miniature
band and company of entertainers into
the Hotel Biltmore's Bowman Room
and gives out with a good job both
ways—for dance and for variety. To
begin with, the 4 Bachelors, long an
Olsen unit, but trying it alone for a
pell, are back with the band, doing
their zany songs and comedy in nice
style. Bonnie Mansfield, Jack O'Brien,
Bob Rice and Bobby Boyer
comprise the male quartet. Mansfield
is in Fran Frey's groove, clicking
on his own with tenor solos of
operatic excerpts, and in double
pianolows with Jean Blair, personally
brunt soprano.

The Tanner Sisters (Betty, Mickey
and Martha) are in the accepted
modern idiom of hotcha vocalists.
Patsy Parker is a jutebutterque
her own, and Viola Verne, a
lone interlude not with the band person-
nel.

Olsen per se is an affable con-
ferrer and bantoneer, relinquish-
ing the stick to Rice only after the
show has been put through its paces.
An electroneering bit opens.
The Tanner girls do muck scatology like
"Ade Belongs to Daddy." Bonnie
Mansfield tenors "One Alone" and
then the quartet goes through their
bookish pieces, including an elaborate
routine to the now somewhat dated
"I'm a Belong to Daddy." The
Indian Love Call and "My Hero" are
solo clicks, and Miss Patsy Parker
sings "I'm a Belong to Daddy."
The Bachelors have a satire on
"The Great Gatsby" and their
broken-record version of "Ti-Pi-Tin"
is another stand-out. Final satire
outlet routine, wherein the girls
hands do the business behind the
scenes.

boys-in-bud is a strong under-
standing. Band and girls are in the
same striking odd costumes—dinner
jackets and dinner dresses.

Bowman Room has been nicely re-
decorated, including added capacity
with the new seats. Big crowd and
Olsen a strong draw for this spot.

House of Murphy, L. A.

Los Angeles, Oct. 26.
Frank Gallagher, Julie Ballou,
Bob Murphy, Korra Wilcox, Colleen
O'Brien, Gordon Bishop.

It was only natural to expect that
Bob Murphy's estery out on the rim
of Beverly Hills would soon be
under the influence of entertainment
and it's been so. Murphy, who has
Fast-Fastifast bonafide trod the vaude
boards for years and had to live up
to the spot to cash in on the late night
play.

The dominant, portly personality
of Murphy pervades the establish-
ment, and combined with costume
and a few tricks for one of the polli-
est spots in town. Fun is purely informal
and it's much catch-up with the
way, which is the way Hollywood
does it. Murphy and his band
gets such a heavy call from the pic-
ture mob.

They are the of the strolling trou-
badour type, with Murphy leading
the band and some of the songs
as he makes the rounds. Beverly
Hills station KMPC has a line
on the radio.

Frank Gallagher, the vocal
conductor, is a strong draw. He
a particularly warm appeal for the
show. Bob Murphy and his band
soot. Julie Ballou (Carlton and
Billow) nairs out a few ditty, and
Colleen O'Brien, who is a strong
makes it a night for the Irish. Karen
Wilcox, who is a strong draw, is a
strong draw. Gordon Bishop presides
at the bar.

For short years as Murphy
nibbled a straight steak house, tak-
ing a little bit of the business from
the corner beef and cabbage was added
to the regular. George Olsen, who
of the regular. George Olsen, who
naird out now the spot has a
strong draw. This is a strong draw.
a fine Flirt Room upstairs. Din-
ner, 10 and 12 and the bar tariff
starts at 35c.
Murphy's big jobs are re-run.
Big is that good.
Helm.

OASIS, BALTO.

Baltimore, Oct. 24.
Willie Grey, Ginger O'Day, Alma
White, Evelyn Gray, Anne Deiker,
Virginia Clark, Helen Burke, Jack
Havert (5).

"Sheriff" Max A. Cohen's spot has
been steadily running and
winter, for 14 years with summer
in fall. Utilizing the reverse
of the showman's style, Cohen has
wisely cashed in on the entertain-
ment possibilities of his nondescript
layout, playing up its dimensions
and making them decided assets. A
stage above his basement stage
reads, "Walking down one flight and
back up." It's the tipoff to the
joint.

Current edition of the "loudest
show in town, but the best in the
world," is made up of the same
material that has always been part
of the place. Willie Grey, m.c.,
has been on the job more than a
decade and some of the chorines in
the opening layout 14 years ago are
still in the job—actually.

The show, which goes on inter-
mittently and until it's exhausted,
has in it, besides the line of 14, in
assorted sizes, shapes and person-
alities. Ginger O'Day, Evelyn Gray
and Virginia Clark in exotic dances;
Alma White, vocalist; Jack Havert,
Deiker, who does tear-jerking songs;
and Helen Burke, statuesque blonde,
who joins for Grey's antiquated "My
Music for show and dancing is su-
perior. Jack Havert, a two-way
poet, a's a hectic combo heavy on
brass and cymbals.

No cover or minimum at any time
and menu prices are moderately
scaled. Marketers and restaurateurs
of wine list as celebrated as the
methodical operation of the spot.
It's a mighty haulout for theatrical,
professional, sports and political fig-
ures, and does mostly well. Burn.

SHOW BOX, SEATTLE

Seattle, Oct. 28.
Sally Rand Revue, with Alan
Carmey, Mickey King, Harger and
Mayo, Caprio Sisters, Rosemary
Barnes, Jimmy Murphy Ork.

This show is among tops in a
Seattle nifty. Production, specialties
and Sally Rand help make it that
way. This is the nudist's first en-
tertainment since her unfortunate
experience at the Frisco fair. Revue
does next into the Opheum theatre,
Portland, Ore., with a two-week
stay indicated by the swell bit.

Production is well wardrobe, has
an element of swank and at these
prices isn't miss. Operatic play
Lynna takes only 42c at the door.
Supping was cut out after a trial
a few weeks back, proving the patrons
didn't come to eat.
Personnel includes nearly all gals.

except Bert Harger, who paces the
dance numbers with Miss Maye, Al
Carney, the versatile m.c., He
fuses and impersonates to fine effect.

Nifty gal lookers, a veritable style
parade, a dog show, songs, dance,
chatter and a clever gal on the rope,
Mickey King, make this a varied bill
that moves briskly. The setting,
with the gals as the main props, are
in the themselves.

Carney keeps things moving at a
smart pace. His impersonations of
Larade, a dog show, songs, dance,
chatter and a clever gal on the rope,
Mickey King, make this a varied bill
that moves briskly. The setting,
with the gals as the main props, are
in the themselves.

Miss King does a body-roll up a
rope that is managed with a real
arm-swing. Rosemary Barnes
has a neat dog act while Harger and
Maye's dancing is started and
Caprio Sisters go over with their
songs. The main band, the
bubbling posing are done with her
usual artistry. Spot is giving five
shows daily, two in the afternoon
and three nightly.

CENTURY ROOM, N. Y.

(HOTEL COMMODORE)

Sammy Kaye Ork (16) with
Tommy Ryan, Clyde Burke, Three
Barons.

For the second consecutive year
Sammy Kaye makes a stand at the
Commodore. However, he returns
this semester to a renamed and re-
decorated night that's a decided im-
provement over the former line-up
and supper layout. In redoing the
room, the management seems to
have taken into consideration the
type of band it is housing. Kaye's
smooth rhythms fit it like a glove.
Set off in pale rose that contrasts
pleasantly with gold ropes and simi-
lar rooming. Physical layout is
been shifted to conform with the
leaving of four New York hotel
spots towards terracing. It rises in
two tiers at each end, with the band
stand maintaining its position in the
center directly opposite the entrance.
Lumbersome chandeliers have been
removed and four indirect lighting
spots half the height of the room
substituted.

Kaye's outfit gives out with a
brand of dannaation designed for
smooth dancing, and it seemingly
moves popular with the type of
patronage that frequents the Com-
modore. Band has added several
men since exiting from last
spring, one a particularly fine trumpet
player. Tommy Ryan, who has
Borde handle vocals, Ryan having
fully recovered from a bad throat
cough. Charlie Wilson and Jimmy
Brown make up the Three Barons
and occasionally there's a quartet
composed of all four.

Cuisine starts at \$2 and there's a
75c and \$1.50 convert after 10 p.m.,
former during the week and latter
on Saturdays.

PERSIAN ROOM, N. Y.

(HOTEL PLAZA)

Eddy Duchin Ork, Paul Draper
with Dave LeWittner, Jane Pickens,
etc.

This excellent setup for the Plaza's
Persian Room is boxoffice as attested
by the consistent pace from the
start. It's the only place that has
been since the DeMarcos and Duchin
held forth here, and they were sure-
fire.

Duchin seemingly goes with the
Persian lease, and it's a dandy show,
case for this sweet-hot combo, with
front at the helm. Per usages, a
Sherwood, Stanley Worth and
Johnny Harker, a strong draw.

Duchin, who is a strong draw, literally
knocks himself out with his un-
stinted ploys. He runs the gamut of
infatigable, setting his show off
nifty with an interesting musical
show, two in the afternoon
and three nightly.

Repp.
accountant for Draper's difficult
business. He does a vest-costume
effect, in the modified Spanish motif,
with a stock tie, which somehow
isn't as aesthetic as it's intended to
be. The impress nerds that he left
cost coat for all the cronesness of
the setup.

Jane Pickens, of the Pickens Sis-
ters, is a charming case floor per-
sonality. A bit of a looker, and said
to have great ambition. Her
streamlined songstress does all right
with her sons that came from Over
the Rainbow to operate takeoffs on
"Can't Get But Love, Baby" a la Warner, Donizetti, et al.
Her "Gypsy Makes Vinyl Cry" is
done in a grand opera that is
manner, and her mosquito-beet
with a stock tie, which somehow
isn't as aesthetic as it's intended to
be. The impress nerds that he left
cost coat for all the cronesness of
the setup.

If Miss Pickens really aspires to
serious singing, she'd bring an s.a.
no more grand opera that is
consistent with recent trends of per-
formance. Seemingly a saunch
and grand opera need no longer be
synonymous. Miss Pickens has made
lots of progress since she cut loose
from her other two sisters, later re-
lived by marriage. Abel.

EL MOROCCO, N. Y.

Ernie Holst and Chiquito orches-
tra.

This season, El Morocco marks
some sort of a milestone in its plu-
divan career, and is newsworthy
in so-called case society annals be-
cause, for once, its boniface, John
Perona, is hustling hard. Those who
hark back to the yesterday's royal
palace and cabaret—as corny as
those nomenclatures may sound to-
day—might well wonder how it has
continued on page 35.

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LONDON, WEST END

[illegible]

Football

By Dick Fishell
(WHN Sports Commentator)

Army-Notre Dame

The Soldiers do not have anything like the Notre Dame team in the field. There's no punch in the West Point attack and there should be a difference of two touchdowns.

Fordham-Rice

The Rice team has been a tough luck all year. The Rams have gotten the smell of victory and they'll continue to stay on the right side of the ledger by gaining an edge over Rice.

Cornell-Columbia

The Cornellians are at the top of the class, while Columbia's just shuffling along. Unless it has a severe letdown, Cornell romps home with this one.

Penn-Navy

The sailors have shown no sustained tackle and have proven vul-

Texas A&M-Arkansas

Texas A&M, as it's proven itself to be one of the finest.

SMU-Texas

Here's a close one, but Southern Methodist has the soundness system. There would be one touchdown separating the two.

Baylor-Texas Christian

The Southwest Conference battle, with neither team being too tough. TCU gets the nod because of the coaching of Dutch Meyer.

Stanford-Santa Clara

Stanford and its double-wing back are making no progress, while Santa Clara has come along in a hurry and is ripe to take the Indians.

UCLA-California

Cal. is in the doldrums while the UCLA's, paced by speed boys, have

Probable Football Winners And Proper Odds

(November 4)

By DICK FISHELL

GAMES

WINNER	ODDS
Army-Notre Dame	12-5
Fordham-Rice	11-10
Cornell-Columbia	11-10
Penn-Navy	12-5
Syracuse-Michigan State	Michigan State 12-5
Yale-Dartmouth	Yale 8-6
Alabama-Kentucky	Michigan 12-5
Georgia Tech-Duke	Duke 12-5
LSU-Tennessee	Tennessee 11-5
Michigan-Minnesota	Michigan 12-5
Harvard-Princeton	Princeton 2-1
Minnesota-Northwestern	Minnesota 2-1
Ohio State-Indiana	Ohio State 2-1
Texas A&M-Arkansas	Texas A&M 9-5
SMU-Texas	SMU 7-5
Baylor-TCU	TCU 7-5
Stanford-Santa Clara	Santa Clara 9-5
UCLA-California	UCLA 9-5
UCB-Oregon State	UCB 9-5
Oregon-Washington State	Oregon 3-1

nable to an enemy aerial game.

With Frank Reagan losing, Penn will sink the Navy.

SYRACUSE

Wacky Nolan

Hotel Goodenough

High school

Bonnie Blue

Hotel Syracuse

LeBron Brown

Maxim & Galt

Hotel Le Beau

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Various Factors Block 'One Big Union' Theory, Especially Equity; Interchangeability Also Unsolved

Ever since Equity started cutting back, resulting in the formation of the Screen Actors Guild for picture player organization and the American Federation of Radio Artists for radio, such procedure has been questioned. It is the formation of those two unions in particular that has stirred the plan for 'one big union,' in addition to which Equity is against such a merger for varied reasons.

Recently reported that the active affiliates of the Associated Actors and Artists of America, except Equity, would move into Broadway offices, with a central switchboard and other service offerings, but that idea has been shelved. Decided that the economies in operation which might result from such a move, the possible diminution or loss of each union's identity. Only one to change quarters is the American Guild of Variety Artists, which Monday (30) moved into the same building on 45th street as quartering AFRA.

Four A's officials have been striving to solve the radical possibility of membership cards without success. Matters pertaining to the jurisdiction of which are interlocking, have been muddled over, but not solved either. Those who have studied the problem in the manifold angles admit they are unable to work out the puzzle.

Specialist Wanted
An expert or expert in reorganization who could clarify the situation would be welcomed. Concededly, that they cannot solve the problems themselves, the Four A's leaders are now trying to find the answer from outside sources, but are skeptical that the solution will eventuate even if such a specialist is obtained. Situation of the union labor ranks, there being a mix-up between the branches of the trades that has given ground for so many years, with no solution in sight.

One move considered was to incorporate Four A's into affiliated voluntary associations, such as Equity, but during discussions over a procedure, the possibility of risking the progress of those unions was recognized. SAG, one of the incorporated unions, has a contract with Hollywood studios for 10 years and the agreement might be voided if its operating plan were upset. Another is AFRA and it is figured that, if merged, all the contracts it obtained as it rapidly developed might be scrapped. That part of the plan was expected to solve the legal barrier, which does not permit an incorporated body to be fused with a voluntary organization.

While those working on the 'one union' idea haven't gotten to first base because of what may be regarded as theoretical, the possibility of doing with the treasuries of those affiliations which have surpluses has not been touched. Equity has the biggest reserve in the Four A's, Chorus Equity and SAG are okay pretty much, but AFRA and AFRA and AFRA are in the hole for the three which have assets. The money placed that advantage for the purposes of organization.

The 'one big union' may be formed eventually, but for the present it looks odd. It is not clear whether it will not sacrifice its headquarters property unless some development makes it advantageous. In the meantime, the various memberships will continue to follow the same interchangeability of cards is finally worked out.

25¢ Suit vs. Kirkland Suit On Floradora Sextette

Suit of April Productions, Inc., against Jack Kirkland for \$25,000 was revealed Friday (27) in the N. Y. court, presided by Judge Kaufman to examine Kirkland before trial.

Suit claims the unauthorized use of the Floradora Sextette, "Floradora" in "I Must Love Someone," which Kirkland produced on Broadway last winter. Plaintiff entered a general denial, but admits the use of the plaintiff's material.

Guild Scouts Plays

Theresa Helburn and Lawrence Langner, directors of the Theatre Guild, and Warren P. Munsell, general manager, go to Toronto this week to see the two Shaw plays, 'Geneva' and 'Charles the First,' being presented by the Colbourne-Jones company. Figure on stopping off in Boston next Monday or Tuesday (6-7) to see Paul Osborne's 'Mornings at Seven,' which Dwight Wiman is producing. The Guild may sponsor it as a New York subscription.

Although the Guild hasn't produced Shaw's last few works, the organization recently has had his plays in the U. S. and still has first prize in his writings. 'Geneva' and 'Charles' in Canada as Government-sponsored plays, but if the directors consider them suitable for the U. S., the Guild would do them here.

Traffic Jam On Broadway Musical Shows May Ease Up

Switches in Broadway bookings may solve the problem of tenning the musicals now in sight. Principal aim appears to be 'The Lady,' for which the Shuberts gave a contract to B. G. DeWitt. Neither of the two theatres mentioned (Shubert and Imperial) appears to be a possibility, although the Shuberts are not slated in until early next month.

'Nice Girls,' the Laurence Schwab musical, is booked into the 46th Street, where the manager, mostly with Frank Mandel, scored top successes. While the showman is known to be partial to that house, it is not clear whether 'Nice Girls' will place 'Go in' into the Belasco, which the Shuberts are booking. If the Shuberts deal it will have a \$4,000. Belasco had one musical success, 'Hit the Deck.'

Deal by the Shuberts to book the 44th Street is odd. Boris Said, who operates that house and the St. James, asked for a guarantee, but no dice. Later house is also designed for musicals, but relights this week with a straight play, 'Summer Night.' Said has booked Maurice Evans with the full length musical, 'The Sign of the Cross,' dependent date is for five weeks starting Dec. 5.

Deal by the Shuberts reverts to legit next week when 'Scandals' moves in from the Alvin. Shubert deals may bring back the Broadway to some degree.

Abbott Mulls Road Co. of Click 'Girls'

If following the strong press and excellent business down by 'Too Hot to Handle' on Monday (30), George Abbott office is considering sending another company of the 'Too Hot' girls on the road. It is just an idea at present. Said that it is just an idea at present. Show has been making money, but no success the more usual, and no unusual player strength would be required for a road show.

Fabrication of a major musical for touring has not been attempted for several years. Street financing a 'Roaders' would not be a problem if the Warners are backing the original, as reported.

Mildred Fenton Back

Mildred Fenton returned to the east of 'Leave It to Me' Monday (30) night, after the opening in Washington of the third week of the show's current road tour. She replaced Evelyn Weyforth. Miss Fenton last season in New York succeeded Mary Martin.

Not A Bad Chisel

An Associated Press editor approached the boxoffice of the Ambassador, N. Y., last week to ask for passes. The managing press agent Joe Flynn was to have left them for him. Treasurers called through the phone to Eddie Scanlon, house manager: 'There's an A.P. man who says Flynn was to leave him passes.'

What's that guy Flynn doing now? In the circus, grating groceries?

Stoges Quit 'Scandals'; Show's Scale Dropping To \$3 In House Switch

Three Stoges are out of George White's 'Scandals,' which moves from the Alvin, N. Y., to Warner Hollywood theatre next Monday (6). When the comics signed up with the show, it was stipulated that they have the privilege to withdraw at the end of October because of the show's Saturday night (28). Stoges' bids in the theatre have been mostly to Willie Brown, Eugene Howard and Ben Blue.

The Stoges (Howard, Brown and Howard) may return to the east in a month or so, after doing several shorts for Columbia.

Upon rental, the scale for 'Scandals' will be dropped to \$3.30 top. The show, which has had the added capacity of the Hollywood name can gross more than at the time when the two Stoges were in. In the new spot the original Hollywood name will be retained and the direct Broadway entrance use.

The Warners installed another entrance around the corner and called it the 51st Street front for legit usage. Plan to use the long Broadway lobby for a store has been dropped. Engagement of 'Scandals' at the Alvin has been turbulent, with a number of backstage flurries reported, particularly between girl members of the outfit. At least one of the girls' encounters with the dailies and the producer held up his end by getting into a socking match at the Stock club.

'Very Warm for May' is slated for the Alvin Nov. 15. Hard short for the show last week for some re-staging during the Washington date. New Max Gordon musical is supposed to have a cast of 28, but no chorus line. However, dances were staged. The show is expected to have been planned in from the Coast to re-direct that department.

Boln's New Ballet

Hollywood, Oct. 31. Adolph Boln is en route east to organize a new ballet with Michel Fokine, who is coming to New York. Outfit opens in New York early January and then goes on tour.

Todd vs. Equity in Return But, This Time He's Bonding for Road Tour

Michael Todd is again having a set-to with Equity over certain requirements attendant to the road showing of 'Mikado,' which he is making a legit engagement at the Hall of Music, World's Fair. Boston is the eastern end-out, but Todd objected to a bond guaranteeing salaries or coin for return transportation. He said that he had no cash or property for 40 weeks, and there is no reason to believe that, there would be any.

Indicated that Equity would insist on having fares from Chicago for the touring company on hand 'on Saturday,' there was a partial reduction booked so far. Indicated, however, that the bond or cash equivalent would not be insisted on, because Todd, in association with Marty Perkins and Edith Robinson, had furnished a letter of guarantee. Both the latter have an interest in 'Mikado,' Robinson being star.

It was necessary for the colored dailies to take over on new continuing for the do's engagement at the Broadhurst, as his percentage of the takings were for the show. Robinson, who is for Perkins, his manager, Equity pointed out that Robinson could not be held responsible for the show's case of default. Because of the Associated Actors and Artists of America, set-up, he would be unable to

Uncertainty of Ticket Code Brings On Gyping La Guardia Ribs Mgrs. And Brokers on 'Lousy Shows'

54 Days to Xmas

'Philadelphia Story,' Philip Barry's comedy at the Shubert, N. Y., and through the week of Dec. 10 and through Christmas Day, re-lighting Tuesday, Dec. 26. Action has been virtually decided by the Theatre Guild, in response to requests from the cast. Show has played continuously since last February without any missed performance. Players want a short vacation and the management figures a brief layoff will tend to retain the show's edge.

Katharine Hepburn, the featured lead, will spend the vacation at her parents' home in Hartford, Conn. Shirley Booth will fly to Hollywood to visit her husband, Ed Gardner, who is in the theatre. The company have various plans.

The uncertainty of the code's continuance is reported to have resulted in plenty of gyping by the brokers. The smaller brokers are said to be mostly at fault. Charging more for tickets in violation of the code is mostly the fault of the premium is made in violation of the code time because of the new hits in town. Heavy demand has been created so great a demand for tickets that excess prices are easily obtained by those brokers who are not following the rules, or who have dug out tickets and are outside the code.

A delegation from Equity called on the managers of the Broadway shows to ask a number of brokers who are called to the League's offices and asked about certain evasions of the code. The infractions were said to be of a minor nature. Two managers are also said to have been asked to stop the alleged violations.

Equity asked the managers to make provision for stiff penalties for violations. The League's report has been given through the motions of enforcement, since no penalties were indicated, although violations were not fully proven.

Recommended continuance of the code, which was not followed, was not particularly favorable to the idea unless proper enforcement was made.

Managers' suggestions were made up of 17 proposals, aimed for such things as the code's enforcement, minor changes in the code set forth. Delegation said it would present the code to the League.

Continued on page 42

Shuberts Extend Musical Plans; Casing 'Grass'

One of the new musicals on the Shubert production schedule is 'Keep Out the Grass,' which is being assembled by Harry Kaufman and Silvers has been engaged to deliver the skits and is slated for the cast. Jimmy Durante is a possibility as the top player. 'Peanuts' Bohm, of the stock burlesque at the Gaiety, N. Y., also among those engaged for 'Grass,' which is due to have a score from Jimmy McHugh.

Another Shubert musical to come is based on 'Tonight or Never,' scored by Harold Adamson.

Slated for next spring is 'Land of Siles,' mentioned for production for some time. It is expected to star Jan Kiepura after the closing of the Metropolitan opera, with whom he is under contract.

J. J. Shubert is also giving attention to musicals, probably as the result of Lee's success with 'Land of Siles' and 'Hallelujah' and 'Streets of Paris.' He is re-staging 'Three for the Road' which was called 'The Girls,' and announces a tune version of 'Cyrano de Bergerac' long on the Shubert list.

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Continued on page 42

Lamb Deny Slighting Waring; Most Popular Officer in Several Yrs.

Report that Fred Waring, new Shepherd of the Lambs, did not get a standing reception upon his inspection recently was denied. The apparently left to latecomers taking the place of the old guard. Those of those standing in the Lambs that Waring is the most popular officer the club has had for a number of years.

When Waring was called on for a speech, he went to the microphone and said that, although the celebration did not occur, he was apparently left to latecomers taking the place of the old guard. Those of those standing in the Lambs that Waring is the most popular officer the club has had for a number of years.

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Woman Brown Outside Dramatists' Agreement

'The Woman Brown,' which is slated for Broadway production in December, is the first major presentation in more than a year to be presented outside the terms of the dramatists' agreement. Play was written by Dorothy Cumming McNab, a non-union writer, and was presented by Margaret Hewes and Bernard Kilwans, non-signers of the agreement.

Warners, which purchased the screen rights, has likewise not signed on new continuing for the do's engagement at the Broadhurst, as his percentage of the takings were for the show. Robinson, who is for Perkins, his manager, Equity pointed out that Robinson could not be held responsible for the show's case of default. Because of the Associated Actors and Artists of America, set-up, he would be unable to

Chi Hefty; 'Mamba,' 'Steed' \$115,500, 'Children,' 'Tonight' Okay at \$10,000

Chicago, Oct. 31.—All four shows in town last week did well.

'Mamba's Daughters' gulps the crowd on Thursday (2nd week) and 'Tonight We Dance' screams the Harris the same night after four good weeks.

Replacing will be the unbridled 'Mamba' with Maura Evans, at the Grand, and the Katharine Cornell for Comedy, at the Alcazar.

'White Steed' turned in good money in its initial week as the first presentation of the American Theatre's Society-Theatre Guild local season. Tickets for two more weeks at the Erlanger and then depart for Springfield for Henry with Edward Everett Horton.

'Leave It to Me' enters the 4,000-seat Auditorium Nov. 20 while 'Abe Lincoln' rides into the Grand on 8, with a new cast booked between the 'Hamlet' and 'Lincoln's' shows.

Estimates for Last Week

'Mamba's Daughters,' Grand (4th week), \$1,000; \$275. Age 18, season currently after fine stay. Held to fine \$115,500 last week. To St. Louis next.

'My Dear Children,' Selwyn (4th week), \$1,000; \$275. Age 18, here for the holidays easily at present pace, holding to solid \$100,000 last week.

'Tonight We Dance,' Harris (3rd week), \$1,000; \$275. Age 18, season profit at \$11,000. Currently in bow-tie.

'White Steed,' Erlanger (1st week), \$1,400; \$275. In for a new season. The Harris is pulling American assistant money for initial period at \$115,500.

'COMEDY' SOCK \$26,300, 'Time' \$7,000, DETROIT

Detroit, Oct. 31.—Detrollers shelled out over \$20,000 last week for the new Cornell's 'No Time for Comedy,' at the Cass. The new 'Holmes' is 'The Time' at the Wilson.

The Cornell opens, held out at a smash \$26,300.

'Time' gathered in close to \$7,000.

Cass has Maurice Evans' 'Hamlet' and 'The Merchant of Venice' at the San Carlos Opera Co. currently. Later is in for 15 days.

Estimates for Last Week

'No Time for Comedy,' Cass (1st week), \$2,000; \$330. Katharine Cornell already has smash here. Time no exception at \$26,300.

'The Time,' Wilson (1st week), \$1,000; \$275. Held up good \$7,000 despite opposition.

Crix Stock Pastoral,' N.G. \$3,000 in Balto.

Baltimore, Oct. 31.—Two openings in one week in this town, which enjoyed only seven weeks of legit all last year, is attracting considerable interest.

'With Father,' dramatization of Clarence's story by Howard Lindsay and Russell Crooks, is currently in its pre-Broadway run at the Maryland. The Group Theatre's 'The Crix Stock Pastoral,' which was 'Tower of Light,' will open a three-day stay at Ford's Thursday and Friday.

Both houses will again be opened Nov. 1 when the new cast will present George M. Cohan in 'Hamlet' and 'Will You Walk,' by the new cast at Ford's. George Abbot will bring his newest effort over, 'The Glass Menagerie,' to the Maryland.

Estimate for Last Week

'Pastoral,' Ford's (1st week), \$222. New Bonfils and Sonnet's venture by W. Holton gives a rough going-over by local critic and mild treatment. Ticketed for less than \$3,000 for five days last week. Comedy being worked over for Broadway attempt.

Lunts-Shrew' Tame St. Loo for Night 1836

St. Louis, Oct. 31.—Despite midsummer temperature during first four days of 'Taming of the Shrew' ended one-week run at the American theatre's legit here, Saturday (28) with only \$116,500. Play was first on subscription sheet of \$100,000 in St. Louis.

'Married an Angel' started one-week date last night (Monday).

Estimate for Last Week

'Taming of the Shrew,' American (27th; \$2,000). Lunt and Fontanne are still big town. Last eight performances garnered nice \$18,500, aided by raves of critic.

'FARM' SOCKED BY PITT DROUGHT, NABS \$9,500

Pittsburgh, Oct. 31.—New shows still remain boxoffice anathema here. That was proven last week when Ethel Barrymore's 'Farm of 1890s,' to the Nixon and got a run rep here after a million coin. Drama drew mostly raves.

The Nixon has Edward Everett Horton, for the Springtime for Henry and follows with 'Leave It to Me,' first musical of season, for which mail orders are sky high.

Estimate for Last Week

'Farm of 1890s,' Nixon (1st week), \$275. New Ethel Barrymore show stands first-rate chance of clicking right here. 'Farm' is a new play, but won't go for a tryout. They demand a run rep here after a million coin. Drama drew mostly raves.

'LINCOLN' TOPS HUB WITH 20C

Boston, Oct. 31.—'Abe Lincoln' topped the town last week after a bad start opening night against a sellout benefit for 'Nice Night.' 'Kiss the Boys Goodbye' is holding strong, and 'Outward Bound' is a fair.

Kenny Nicholson and Charles K. Robinson, authors of 'Nice Night,' which the musical 'Nice' was adapted, have been working on the book of the show. Eric Vicki Cummins is out of the show, with part of the show, and the show is being reworked. The show is being reworked.

Arithmetic, city center out or supplied with new, pre-estimated, and these former method, planning to bring it back next year if and when the show is ready.

Michael Todd brings 'Hot Mikado,' to the Alcazar. 'The Merchant of Venice' on Monday (6), with good advance sale already reported. 'Very Warm for May,' 'Morning at Seven' are other entries that will be seen.

'Will You Walk,' by late Sidney Howard, starring George M. Cohan, comes into the Colonial Nov. 27. Premiere of 'Young Man with a Horn,' starring Burgess Meredith, is slated for late house on Christmas night, presented by Vinton Freedley.

Estimates for Last Week

'Abe Lincoln in Illinois,' Opera House (1st week), \$1,000; \$275. Opened at medium gain, but capacity holds in the week finished show \$9,500.

'Nice Girls,' Shubert (1st week), \$1,000; \$275. Opened at medium gain, but capacity holds in the week finished show \$9,500.

'Kiss the Boys Goodbye,' Wilbur (2nd week), \$1,227; \$275. Profitable with new, pre-estimated, and these former method, planning to bring it back next year if and when the show is ready.

'The Merchant of Venice,' Alcazar (1st week), \$1,400; \$275. Topped opening week held out for \$20,000. Second week looks more hopeful.

'Very Warm' Cool 1836 In Washington Territory

Washington, Oct. 31.—Season's first big musical here, 'Very Warm for May,' National (1st week), \$1,000; \$275. Opened at medium gain, but capacity holds in the week finished show \$9,500.

Current account, with William G. Cohan, topped cast, will be followed by 'The Glass Menagerie,' by Laurette Taylor and Florence Reed, as second American Theatre Society subscription offering. Ethel Barrymore's new vehicle, 'Farm of 1890s,' will open Nov. 13 at the A.T.S. play.

Estimate for Last Week

'Very Warm for May,' National (1st week), \$1,000; \$275. Reviews say show should be a success. Ticketed for \$10,000 in shape. Trust gross down to approximately \$18,500.

'HENRY' \$7,000, BUFF Buffalo, Oct. 31.

Edward Everett Horton, 'The Springtime for Henry,' drew nearly \$7,000 in three days here at \$2.75 top last week.

Shows in Rehearsal

'Three After Three' (The Gibson Girls)—Shubert.

'The Two Georges Abbot'—Mead.

'Madam Will You Walk'—Playwrights.

'The Bode to Golds Her'—Alfred de Liagre.

'They Draw a Horse'—W. A. Brady.

'Arise Is Rising'—Irving and David.

'Swingin' the Dream'—Erik Charell, Jean Rodney.

'The Seven Dwarfs'—Dwight D. Wiman.

'The Outward Room'—Sidney Kay.

'Dubarry Was a Lady'—B. G. De Sylva.

'Sea Dogs'—Clarence Taylor.

'Cavalcade' 656, 'Folies' \$3,340 Set Records at Finale of Frisco Expo

San Francisco, Oct. 31.—Folding of the Golden Gate Exposition left natives with practically nothing. Only thing on the cards this week will be 'Prelude to Paradise,' a new play by the city, scheduled to premiere at the Alcazar theatre tomorrow (Wednesday).

'The Golden West' and 'Folies' succeeded in breaking previous records for last week's Frisco Expo.

Estimates for Last Week

'Night in Mouth Range,' Curran (17th; \$275). Camepish from the Alcazar, the week at the fair, no fair, no fair, especially when prices and prices are compared. Take of \$1,000, \$275.

TEASERLAND

'Cavalcade' (36th final week), \$1,000; \$275. An extra performance was added to the week, with the exception of two of the early matinees, which were available and thousands were turned away.

'Folies,' California Auditorium (12th-final week), \$3,340; \$275. A record for the week, with the exception of \$3,340 for week ending Friday (27th). 'Cavalcade' took in \$6,000.

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FOUR L. A. LEGITERS LIGHTED; 'ANIMAL' 36

Los Angeles, Oct. 31.—Four of town's legit houses will be in full swing by middle of this week. Billboard Saluted last night (28th) with repeat engagement of the 'Falling Star' by the Alcazar, which was run at the Curran theatre, San Francisco.

'The Male Animal,' new comedy by Elliott Nugent and James Thurber, billed Saturday night (29th) at the Mayan where it was presented by the American Theatre Foundation.

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Visitor Influx Keeps B'way Happy; 'Girls' With \$29,000 Contends For Musical Lead; 'Dinner' Big \$19,600

Not all the shows that have arrived in this city to date this week are successes. Some are unquestioned standouts, but others are getting the 'heat' from the stage.

'The Foresters,' Lyceum (2d week), (D-1018; \$3,300). Goes off Saturday, Sunday, and Monday, but will be the return to the metropolis of exiles, while an influx from South America is on by wealthy people who usually go abroad in the fall.

The final rush to the World's Fair, which closed yesterday (Tuesday), may account for some drop in the gross of several shows last week. Decline in the number of conventions in town also figures in the drop.

'The Foresters,' still excellent first one reaction to generally improving business. Still, except for a slight drop, the week's gross was not brought forth much in the way of new money.

'The Who Came to Dinner' is the top attraction in ticket demand, and the 'Musical Box' is the straight would lead straight-show grosses.

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able press, only one severe panning in dailies; quoted around \$10,000 for first six performances with help of subscription; grossed \$19,600.

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Inside Stuff—Legit

Miami Stock House

"Is your skin *soft and smooth?*

then you're bound
to be attractive!"

says

*Carleen
Whelan*

HELP YOUR COMPLEXION
STAY LOVELY WITH
LUX TOILET SOAP'S
ACTIVE LATHER. I USE
IT REGULARLY

*Carleen
Whelan*

IN REPUBLIC PICTURES'

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TAKE HOLLYWOOD'S TIP—use gentle Lux Toilet Soap every day to help your skin stay smooth. Its ACTIVE lather cleanses *thoroughly*—removes every trace of dust, dirt and stale cosmetics. With Lux Toilet Soap care you don't risk Cosmetic Skin—the dullness, tiny blemishes, enlarged pores that come from improper cleansing. Use cosmetics all you like—but be sure you give your skin the protection of gentle ACTIVE-lather care.

9 out of 10 Lovely Screen Stars use Lux Toilet Soap

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48 PAGES

NEW YORK THEATRE

Pix Must Skirt Censorial Pitfalls Abroad; Thus Preserve Foreign B.O.

Hayfs office wants to avert as many bannings as possible in foreign countries, since it is highly pertinent that every possible foreign market be taken advantage of at the present time. That and other production code matters, arising from the present foreign situation, were taken up by Joe Breen, head of the MPPDA production code division, on his visit to N. Y. the last few days.

Hayfs office hopes to save producers coin by advising on the elimination of topical gags before the film goes into work. While ordinarily such quips might not prove offensive, they held objectionable under present wartime conditions. Hayfs officials are to issue clear-cut data to all producers on the Coast regarding probable difficulties in the foreign field on certain types of films, bearing in mind the number of recent bans imposed by censors in foreign nations. The war has developed new situations and sentiments and Hayfians believe it is smart business to tip off producers about foreign censorial pitfalls in advance.

New Invention Would Aid Native Comprehension of Foreign-Language Films

Shanghai, Oct. 20.

The Grand theatre embarks on a unique experiment to facilitate Chinese patrons understanding English dialogue. Management is wiring seats with three-way head receivers, operating from main cables running along all aisles from sound control room, where Chinese girls translate into three dialects, Mandarin, Shanghai and Cantonese. Patrons have option of switching on any of three.

Adjustments are so fitted that dialogue machine can be turned out, but mechanical effects still will be heard, such as pistol shots, music and other loud sounds. Listeners may switch on and off at will.

Inventor is said to be a Russian, with patents pending. Dialects are not fit because superimposed subtitles never have been satisfactory, being strain both on foreigners and English-speaking Chinese. This equipment would be naturally adaptable for South American theatres and others where dubbed pix have been found unsuitable because of dialectic difficulties.

'Fed Up' With Trouping

Minneapolis, Nov. 7.

Appearing as soloist with the Minneapolis Symphony here last week, S. P. Bachman, pianist, announced he will retire to his Connecticut home at the conclusion of his present tour. He said he's 'fed up' with trouping.

'MENTION RUBY'

Included in Johnson's Okay of Arthur Boran's Impersonation

Boston, Nov. 7.

Arthur Boran, Boston mimic heard stories series (WBZ), wired Al Johnson for permission to impersonate him. Johnson wired back: 'Okay, if you mention Ruby Keeler's name.'

That was the day after Ruby sued Al for divorce.

HOW GESTAPO TREKS DOWN DX RADIO

Montreal, Nov. 7.

Dr. A. Frigon, assistant general manager of the Canadian Broadcasting Corp. recently gave Rotarians an inside on methods used by totalitarian countries to prevent nationals from listening to foreign broadcasts. In contrast to policy of Canada and Britain in maintaining well-balanced schedules including a large proportion of musical and light entertainment programs, Dr. Frigon cited Russian, German and Italian completely propagandized radio.

Frigon said that totalitarian governments jam foreign broadcasts at the frequency of the station whose programs listeners are prohibited from hearing. A number of low-power transmitters, installed at strategic points, create more effective interference. Frigon also charged that Germany broadcasts the sound of bells or other signals so that if somebody tunes in on a foreign station the parasite sound accompanying the reception is the sound of the door of the offending listener. Dr. Frigon pointed to the universal tipoff which may lead the Gestapo to the door of the offending listener. (Continued on page 39)

TRYING IT OUT ON THE DOGS, MAESTRO'S IDEA

Hiring dancers to dance to a band in rehearsal, in order to gauge their reactions, is a new idea invented by Johnny Williams, drummer who recently led Raymond Scott's Quintet to form his own band. Williams has a team of shagsters, fox trot duo, and a rumba pair, hopping to his embryo tempos to help him set proper paces, make suggestions, etc. Williams claims it aids the band too. Says it makes 'em feel more relaxed to have somebody dancing while they experiment.

WOULD ENLIST FOR'S SUPPORT

Federation of Arts' Idea Is to Have President Appoint Commission for Unbiased Study of Federal Theatre Prior to Congressional Action — Senator Pepper's Bill Not Along Relief Lines

FLANAGAN'S RESEARCH

Washington, Nov. 7.

During the next session of Congress, due to convene next January, several measures designed to create a national theatre, if not revive the Federal Theatre Project, are due for consideration. Senator Claude Pepper, who favored a Government-backed theatre on a number of occasions, will introduce a bill to establish a Bureau of Fine Arts which would include the stage, but not along regular lines. Plan is similar to the so-called Coffee-Pepper bill of last year.

Remedial proposals to bring back Federal theatre support are being carefully prepared by the Federation of Arts unions, which function— (Continued on page 34)

First Revue on Ice Set to Open on New Arena Winter Circuit

Philadelphia, Nov. 7.

First show set to circulate around the recently formed Arena Managers Assn. string of arenas is 'Ice Vanities of 1940'. Including a lineup of name skaters, it opens at the Philadelphia Arena today (Wed.) and is booked almost solidly until April, next year. Duesquene Carstens, Pittsburgh, follows Philly.

Ice show carries Robert Dench and Rosemary Stuart figure champs of England; Anne Taylor, film stand-in for Sonja Henie, and Gene Gestloff, partner of Miss Henie in her last picture, 'Second Fiddle'; arena skaters, Czechoslovakian star; Calie Skaters, Viv-Ann Hutten, Guy Owen, Lois Dworschak, Alfred Trenkler, and a 24-girl line.

Phil O'Brien produced, General American Corp. agent.

Eight Are Relatives

Lincoln, Nov. 7.

With the band big on the mushroom, it's hard to find ways to be different anymore. Johnnie Johnson, a bandleader from Pittsburgh now touring the midwest, has a different kind of a band.

Eight of the 10 members are related to him, no one further removed than a first cousin.

NBC Inaugurates First Shortwave Commercial Radio Internationally

STILL ASKING

\$25,000 For Rose Bowl Football Rights Is Demanded

Hollywood, Nov. 7.

Rose Bowl football game on New Year's day is being offered around to the networks for exclusive broadcasting rights. Price is \$25,000. Grid classic has gone begging at that figure for three years.

Another exclusive being peddled is the Santa Anita \$100,000 handicap for \$10,000.

No takers or nibbles on either.

WAR FILMS B.O. POISON TO FEMMES

Chicago, Nov. 7.

With news of the conflict abroad beginning to get monotonous, war films are threatening to do a quick blackout. That they are quickly getting to be boxoffice poison is suggested by a sudden drop in interest among the fans, notably women.

Theatre observers report that plenty of men, more interested in the war stuff than the women, are being dragged away from boxoffices in the face of the managers and steered somewhere else. Theory is that the women want no part of the war or films pertaining thereto, preferring lighter entertainment that removes the thought of gas masks, bombings, swording, etc.

Recently managers have noted that (Continued on page 47)

N. Y. FAIR'S BONDS 75% OFF IN WALL STREET

When the New York World's Fair was announced next May it was announced that the corporation was in excellent financial condition so far as cash on hand is concerned, but the main obligation, a matter of more than \$23,000,000 in outstanding bonds, was not mentioned. Among bondholders are several stage unions, including Equity, International Alliance of Theatrical Stage Employees and the American Federation of Musicians.

Equity is known to have invested \$10,000 in Fair Bonds, which were quoted over the counter Monday 70 in Wall Street at 25 bid and 26 asked, meaning that the present value of the securities are 75% under par. Opinion downtown is that if the war is ended during the winter Fair bonds and other types of securities will rebound.

NBC's shortwave facilities in Bound Brook, N. J., namely WNBI and WRCA, go commercial Nov. 15 with United Fruit as the first account. It's a 52-week non-cancelable contract, calling for a quarter hour a day, seven days a week. The programs will be musical and the palaver will be in Spanish. The United Fruit commercials will make the first emanating from an international shortwave receiver in the United States. NBC expects to tie up several more such accounts in the next few weeks.

The programs will be broadcast under a ruling handed down by the Federal Communications Commission early this year. The continuities, according to the ruling, are limited to the name of the sponsor and general characteristic of the product, although in the case of United Fruit, it is indicated, the objective will be primarily good-will building among people within the area of supply.

The FCC ruling also provided that the product must be regularly sold or promoted for sale in the open market in the country or countries to which the program is directed. WNBI's main frequency is 17,000 k.c., 16.8 metres, while WRCA is on 9,670 k.c., 32.02 metres.

Byrd's Antarctic Expedition All Set On Its Film Shows

Boston, Nov. 7.

Single feature bills, plus first run and no blockbooking will be the policy of the Byrd Antarctic Expedition, according to Roger Hawthorne, office in charge of film entertainment. Hawthorne, former Associated Press reporter in Washington, will host press and radio relations at Little America for the expedition.

Producers have donated 84 features, 52 shorts (no travelogs) and 12 newscasts. Plan is to have a weekly short at every of film houses (1,000 miles apart), constituting a new problem of bicycling prices. Most popular films will be repeated for each group during the year and a half.

Producers of dishes each man will get a bag of peanuts and a candy bar before each film show commences.

Verdi's Niece Swings It

Frances Verdi, great grand niece of Giuseppe Verdi, Italian composer of operas, is being trained by Aileen Stanley, former in vaudville player, in swing waltzing.

Miss Verdi was born in Brooklyn. She is set to warble with a Broadway.

La Guardia Wants to 'Carry the Ball' Himself in Campaign to Bring Back \$25,000,000 Annual Pix Prod. to N. Y.

With much interest in giving more production to the east, and financial circles are interested in why this campaign be forced, the campaign to give N. Y. a break in film-making is understood to be one in which Mayor F. H. LaGuardia is very seriously concerned on a follow-through at the earliest possible moment. He is said to be quite determined to bring back some of the filming that is now concentrated on the Coast, even if it is only 10%.

A late report is that Paramount may be the first to heed the appeal of Mayor LaGuardia, shifting the production of some of its this season's (1939-40) pictures to the east. The last company to give up producing in the East, and the last to be determined to come back to the Atlantic Coast to turn out a few features, it probably would be able to obtain sufficient facilities to make from five to 10 pictures during the coming year.

Mayor LaGuardia is expected to approach the producing companies themselves with a view to obtaining help. In many instances, where officials have been active in the campaign to give N. Y. more film production, it is understood that the mayor, prepared to lend every forceful argument he can, wants to "carry the ball" himself. In many instances, where officials have been active in the campaign to give N. Y. more film production, it is understood that the mayor, prepared to lend every forceful argument he can, wants to "carry the ball" himself. In many instances, where officials have been active in the campaign to give N. Y. more film production, it is understood that the mayor, prepared to lend every forceful argument he can, wants to "carry the ball" himself.

A meeting was held between the mayor and union officials during the past week to discuss the situation. The mayor's grounds for whatever action is deemed most advisable. No definite plan of attack is known to have been formulated as yet, since the initial steps are largely in the hands of the mayor.

(Continued on page 46)

Major Distributors Want To Know How They Fouled Consent Decree

Los Angeles, Nov. 7. Requests for clarification were filed by 13 major distributing companies in the Government's action charging them with contempt of court for alleged violation of the 1930 consent decree. Defendants deny the original action fails to inform them how they violated the decree. Hearing on motion is set for 11:30 before U. S. District Judge Campbell E. Smith.

Zukor's Latin Sector TREK STARTS NOV. 20

Adolph Zukor is going to Mexico City for Paramount's Mexican sales meet there Nov. 20. He doubles back to Hollywood Dec. 10 and after a short stay heads for Cuba, Central and South America.

Small Takes on Kenton

Hollywood, Nov. 7. Erie C. Kenton moved into the Edward Small outfit yesterday (Mon.) as an associate producer. Contract calls for two productions under Small's supervision.

CASSELL'S NEW MOVE TO HALT RKO REORG

Washington, Nov. 7.

Attempt to upset reorganization of RKO was carried to the U. S. Supreme Court this week when minority creditors asked for rulings on several highly-technical points involving constitutionality of 77B. Attorneys for H. Cassell & Co., owner of defaulted debentures, petitioned for a review of the proceedings by which the house-cleaning has been effected.

Naming Atlas Corp. as a defendant on the ground the financial house supported the reorg plan, the Cassell group (Hugh Cassell, Carl Nathan, Jacob Heller, Justin Condon and Ignatius J. Cassell) charged the "solvent debtor" and inquired whether 77B can be invoked in such circumstances. Petitioners who were joined by RKO (also a respondent), are secured creditors with a claim for \$300,000 representing face value of debentures and unpaid interest.

The questions which the Court was asked to answer are: 1. Can secured creditors be deprived of security and compensated with common and preferred stock on a "par for par" basis?

2. Is it adequate compensation to pay secured creditors of a solvent corporation with stock less valuable than the face amount of their claim?

3. Is 77B constitutional if it permits payment at less than the value of the claim?

Attorneys for the bond-holders insist that valuable property rights were destroyed when the reorganization scheme received approval, holding that compensation was inadequate. Arguments are highly technical, with the baristers charging numerous inconsistencies between the RKO case and other 77B proceedings.

DICKER UA TO DISTRIB INDIES' J. C. THOMAS PIC

Deal for United Artists to handle reels of several films to be made this year by the new producing firm of Sig Schlager and George Green is expected to be consummated this week. Schlager, who is currently holding the compensation strictly adequate. Arguments are highly technical, with the baristers charging numerous inconsistencies between the RKO case and other 77B proceedings.

No actual negotiations on a distribution deal with the Millicent and Ted Harris have taken place yet, Silverstone said Monday (6). He has been approached informally, it is understood, but talk is still in the vague stages.

BIGGEST GROSS FORECAST FOR '40

Sectors Supplying War Needs Can't Help Benefiting—Especially East of the Mississippi

75% OF REVENUE THERE

"If peace doesn't break out," as one theatre operating executive of a major producer-distributor puts it, the arms embargo sector should react to the benefit of film boxoffices within two or three months and, on a continuation of the war, send 1940 into the year's highest gross since the 1929 sinking.

The fact that the great majority of receipts come from communities east of the Mississippi that are important in the field of manufacturing or produce (wheat, cotton, oil, etc.), makes it doubly conclusive that if the arms embargo expires, the reaction of the box, on war prosperity could be very important beyond the river.

The experience of the last war was that the theatres didn't begin to feel the boom that was developed until about six months of fighting had passed. That experience was duplicated this time, also, as manufacturing progress and growing get deeper under way in the face of increased market demands.

Grosses are now running ahead of the last year's but reported in theatre statistical quarters that the tendency during the past three weeks has been to show signs of weakening.

While the failure of grosses to forge ahead at this time is causing the uncertainties that exist, the weeks of consideration of the arm embargo repeal in Washington and, possibly, for a time yet, the doubt as to what the repeal will mean to business generally.

It is confidently believed that if it is boom is come, neither Washington nor anything else can cause a profit and the soaring of prices, all of which would redound to the benefit of the theatre and the supply of picture here and there. What would greatly re-color the situation when the country is taken as a whole and very low ebb for years. This would also be true of farming communities which have suffered.

Bobby Breen Quits Pix While Voice Is Changing

Hollywood, Nov. 7. Bobby Breen, currently a free agent, is retiring from pictures for the next two years, to attend a military academy during the regular summer and study drama in New York during the summers.

Sol Lesser, to whom the boy actor was under contract, recently paid up his option rather than risk injuring his voice while it is changing.

Teddy Rides Again

Hollywood, Nov. 7. "Teddy Roosevelt and His Rough Riders" gallops before cameras Nov. 10. As the next of Warner's series of historical shorts.

Sidney Blackmer heads the cast.

Important Philly Ruling Favors Vineland, N.J., Indie vs Warners; Holds 'Master Contracts' Illegal

Capra-Rishin's 1st

Hollywood, Nov. 7. First picture by the new producing outfit of Frank Capra and Robert Rishin will be "Life and Death of John Doe," by Richard Connell and Robert Presnell.

Outfit recently took quarters at Seitnick-International studio.

PAR'S FARM-OUT POLICY TO EASE NUT

Hollywood, Nov. 7.

Farm-out plan to ease the expense of carrying contract players between home-tot jobs is being intensified by Paramount, with four of its high-priced thespians on loan to other studios and a dozen more deals awaiting action.

Dorothy Lamour is cast in two outside roles, one at 20th-Pox in "Johnny Apollo," and at Goldwyn's in a untitled South Seas feature. Fred MacMurtry is on call at Columbia for "Too Many Husbands," and later at Warners for one picture. Ray Milland goes to RKO next week for "Irene," and Susan Hayward steps out on a six-week personal tour with Louella Parsons. Paramount's contract list totals 63, with 18 more under two and three-picture deals.

Expect Over \$3,000,000 Paramount Net Profit For First 9 Months

With the expectation in Wall Street that Paramount third quarter earnings will show a pickup over the preceding three-month period this year, the financial statement for the first nine months, due out tomorrow (Thursday), may show nearly \$3,000,000 net profit.

Paramount reported net profit of \$2,100,000 for the first half of 1939, covering the six months ending June 30. While second quarter earnings of \$330,000 dipped below the initial three months, the August and September business enjoyed by Par is reported to have shot up earnings to near \$1,000,000 for the third quarter.

The financial report, second major company statement to come out covering any period since the European war started, will be watched closely to see if domestic business managed to overcome any dip in the foreign market.

Par declared its first dividend on the new common (15c) this year and maintained payments on both classes of preferred issues.

SEE GOLDWYN HIATUS FROM FIRST YEAR ON

Possibility that Samuel Goldwyn may follow other producers in dropping production staffs during the usual seasonal lull at the beginning of the year is reported.

Bert Block, eastern story scout, is understood taking an enforced vacation of several months. Goldwyn studios are well-stocked now with properties and hesitate to invest any more coin in new material.

Philadelphia, Nov. 7.

In one of the most important court decisions since the picture industry ruling in recent years, Federal Judge William H. Kirkpatrick on Monday (6) ruled that "master contracts" giving chain theaters preference over independents in the matter of feature runs were violations of the Sherman and Clayton anti-trust laws.

Judge Kirkpatrick made this ruling in U. S. District Court in granting the petition of the Landis Theatre, Vineland, N. J., for a preliminary injunction restraining the major producers and distributors and the Warner Bros. theatre chain from continuing their contract pending a final hearing.

Actual issuance of the injunction was stayed, however, when the 13 defendant companies filed an immediate appeal to the U. S. Circuit Court of Appeals and posted a \$100,000 bond to protect the Landis from suffering any financial damage pending the final outcome of the appeal, the higher courts sustain Judge Kirkpatrick's stand.

Because of the nationwide effect of the ruling, it is believed the case will be carried swiftly to the U. S. Supreme Court.

Mayor John C. Gittone, of Vineland, and other municipal officials, who head the Landis Theatre Corp., filed two suits in the federal court attacked the legality of the contract between the Warner circuit, which includes the Landis Theatre, and the major distributors.

"In Restraint of Trade"

Judge Kirkpatrick sustained the contention of the plaintiffs and declared the contract "in restraint of trade" and violation of the Federal anti-trust laws.

"If the existing course of conduct is allowed on the part of the defendants to exist, the Landis theatre will in all probability be forced into the hands of its creditors," Judge Kirkpatrick said.

"If it survives at all it will be as an unprofitable second-class theatre, its pictures for the most part one-run films or undesirable firsts."

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THE BATTLE OF THE BELL

Brandt's Code Proposals Might

Incept a Flock of Similar Ideas

A bombardment of trade practice code proposals embracing clearance of arbitration is feared from all parts of the country as result of the movement on foot by Brandt, Rand, exhibitor leader, to formulate one of his own for distributor consideration. In the event that Brandt, who is president of the Independent Theatre Owners' Assn. of N. Y., succeeds in getting agreement of distributors for a code which he elicits but that other organizations will follow suit.

Position of the distributors is a dubious one in view of the rejection of the trade practices pact which was drafted for the entire industry and subsequent efforts, in an individual way, to provide a portion of relief without being incorporated in the code killed by the Dept. of Justice. The question involved in acquiescing in any code with a single exhibitor association is whether that may in any way jeopardize a distribut in the anti-trust suit and whether or not special privileges might not be available to one exhibitor while not to another. Intent of the code was that it would be industry-wide and no exhibitor could have it, though if he didn't want to take advantage of the benefits thereunder, he didn't have to sign up.

Following the death-blow struck by the trade practices pact by Washington, numerous important attempts have been made to the ITOA to supply disapproval of the code. While increased cancellations and other items were regarded as very desirable, the distributors mourned the loss of clearance and arbitration the most.

Some of the distributors are providing for arbitration on an optional, voluntary basis but along lines that do not approach the detailed and effective manner in which machinery of the ITOA is set up. In the minds of the majority of exhibitors, arbitration and the clearance problem are of the same importance in effecting more harmonious dealings between distribut and the exhibitor.

Strongly in favor of the code, Brandt is said to be proceeding on the theory that if a distributor wants to agree on a means of handling clearance disputes and setting up an effective arbitration than now existing in certain film contracts, there should be nothing to go against that agreement. Only stipulation made by Attorney General Frank Biddle, when Brandt submitted his plan, was that the exhibitor not use agreement on any code devised by Brandt as a defense in the U. S. suit.

A deluge of similar code proposals by other exhibitor organizations might complicate the situation, however, it is believed in trade circles. Distributors are not making their position clear in the matter, pending further developments and a study of the program to be made them by Brandt.

The probability is that the major picture distributors will not stand taken when the code was proposed for presentation to the industry. It was felt that the code, as written, was not acceptable to the exhibitors. They would take their chances on the U. S. suit.

Pa. Censors Pass Hitter

Film Which N. Y. Xixed

Philadelphia, Nov. 7. "Hitter, the Beast of Berlin," from New York, received an O. K. from the Pennsylvania board of censors Wednesday (1) Mrs. Edna Egan, board chairman, said Pennsylvania law does not require a license. She denied the picture was "obscene," as alleged by the N. Y. censors.

"The picture is almost documentary and states the facts as they are declared. It is my belief that only the persons who want the measure to fail will be able to make it go to sea. I don't believe it will hurt them."

Would Reclassify Extras

Hollywood, Nov. 7. Screen Actors Guild last night (Monday) asked producers for reclassification of various wage brackets for extras. Under the proposed revision the \$5.50 a day check would vanish, with many who are now drawing \$8.25 lifted into \$11 classification.

If their request is rejected, SAG may ask for arbitration.

BINGOMASTER NABBED FOR WINNING

Rochester, N. Y., Nov. 7. LeVere Fuller, WSAV radio announcer, and Charles E. Miller, operator of bingo games here, were arrested Tuesday, Nov. 7, Friday as fugitives from justice and held in \$25,000 bail each. Monroe County District Attorney Daniel J. O'Mara ordered their arrest after investigation of bingo games conducted in the Roller Dome in Rochester. He charged that on three successive weeks \$500 top prizes went to individuals provided by the management with master cards, and who turned back the money to the operator for return for a small remuneration. At least one \$30 prize and one of \$250 had been in the same manner, O'Mara charges.

It was indicated the pair would fight extradition to New York State and officials are taking steps to bring them back.

Result of his probe caused O'Mara to put a county-wide ban on bingo. Theatres immediately quit all money games and reportedly were glad of this way out because they had become of questionable value. Furthermore, the adverse publicity was bound to make it 'touchy.' Most noses were using money games, but three main downtown houses never had tried it.

Philadelphia, Nov. 7. Two weeks ago a local indie started a new giveaway at his house—a can of coffee.

"What, no doughnuts?", a smart aleck patron remarked.

The next day the indie started giving away a bag of doughnuts with each can of coffee.

Film Eds Nix Move

To Align With IATSE

Hollywood, Nov. 7. Society of Motion Picture Film Editors last night (Monday) turned down a proposal to affiliate with the IATSE and to vote 374 to 28. It also adopted a negotiating committee to press demands for a 10% wage increase in all classifications.

Affiliation vote was split between remaining independent or aligning with some strong group other than I. A.

Chertok's Busy Sked

Hollywood, Nov. 7. Jack Chertok, recently upped to the status of feature producer at Metro, has five stories lined up for future shooting.

Meanwhile, he will continue in charge of the shorts department, chiefly in an advisory capacity.

Enlarged Cancellation Privilege Was Conditioned

Upon Acceptance of the Code by All — RKO, Columbia, U. Rep and Mono May Defer It Until Next Season

DIFFERENT ANGLES

Companies which have not as yet worked out an enlarged cancellation privilege, plus other trade practice reforms patterned after the code that have been adopted by four of the majors, are working the situation carefully before moving, and it all believed in some quarters that not all of the distribut will do anything at this time. This is predicted partly on the delay in distribut camps that are continuing on the old basis of a flat 10% exclusion to the exhibitor. "As result, the code's proviso may be stalled until 1940-41 for many months."

While RKO, Universal and Columbia had agreed to the code and arbitration as finally set up, with Col. A. B. Montague one of the most active members of the distribut negotiating committee, this agreement as signatories was conditional upon acceptance of the code by the industry. However, although these three majors are ardent supporters of the code, they have not yet made up their minds on the code's points in their sales contracts, the belief is that they will not be coming along, plus Republic and Monogram.

Being virtually sold on 1939-40 now, with other companies not having granted an enlarged cancellation until they also were well under way in the selling season, if RKO, Col. U, Monogram and Republic do not want to be forced to do it when it comes time to begin approaching accounts on the 1940-41 product.

RKO, which is incorporating a long clause in its contracts calling for optional arbitration, has been discussing an increased cancellation clause for some time and what system by the code, based upon rental averages of its accounts.

Columbia is understood to be mulling over the matter on arbitration and other trade practice changes, with exhibitors being sounded for reaction. Monogram and Republic, whose distribution problems differ somewhat from those of the Big 8, are not yet ready to make up their minds as to whether to have given code points much consideration to date. These two companies, though, national and distributor are to select a new code, with franchised exchanges, are not members of the IATSE office nor do they have an invite Mono and Rep to come in.

W. M. Warners, Paramount and 20th-Fox all established much good will toward the voluntary code, with a 20% cancellation ceiling, with recent reflection in sales on the '39-40 product.

Under RKO's optional arbitration clause, when disputes arise the exhibitor and distributor are to select an arbitrator each and then a third, a neutral, from outside of the industry. The exhibitor and distributor both sides fail to agree on the third member, the American Arbitration Company is to name him. The decision or award of the arbitration panel shall be final.

Studios' Request for Cancellation

Of 10% Wage Tilt Up to Bioff; Producers Rule Out Any Increases

4 Bells for Katzman

Sacramento, Nov. 7. Sam Katzman filed incorporation papers for a new outfit known as Four Bell Pictures, devoted to the filming of action melodramas.

First film on the slate is "East Side of New York," with Bob Hill assigned to direct.

SAG EXTENDS AGENT PACT EAST

Hollywood, Nov. 7. Next move by Screen Actors' Guild for a complete encompassing agreement under the new licensing agreement is to extend the drive to New York. Ken Thomson, SAG executive secretary, said he is hopeful of bringing eastern percentages under provisions of the contract. Although the Coast agents, within two weeks.

Although new covenant limits contract to picture, the representation agent may negotiate a separate arrangement for radio and other theatrical work. Main provision of the licensing pact concerns right of actor to void pact if agent fails to provide him with 18 days' work within any period of 120 days.

PAINTERS DEFER 15% DEMANDS UNTIL DEC. 6

Hollywood, Nov. 7. Action on their demand for a 15% wage increase was put over by the Studio Painters until Dec. 6, following a strike yesterday (Monday) with the producers' committee.

The local 644, is expected to vote next week to vest full authority with Herbert Sorrell, biz rep, to take whatever action he deems expedient to end the painters' increase after studio base agreement conference in Newark.

Eastern SAG's Annual Meeting Last Fri. (3)

Eastern branch of the Screen Actors' Guild held its annual membership meeting and election Friday (Monday) at the Hotel New Yorker in addition to voting down a proposal to limit eligibility of its advisory board. The vote was 100 to 10 in favor of the annual report of Mrs. Florence Marston, eastern representative. About 300 were present.

New members of the advisory council elected were Stephen Kent, Frank McMillen, Robert Philip Ober and Bert Wilcox, for three years; Ethel Curtis, John H. Frank, McMillen, Robert Lynn and John Lynn and John Hyland, for two years; and Joseph McInerney, Florence Auer, Florence Richmond, John Dale and Edward Lawrence, for one year.

The proposed rule regarding eligibility to the council would have barred members whose parent organization is one of the other Associated Actors & Artists of America affiliates. Its defeat was viewed by certain council members as a move to cement relations with, various Four A's affiliates and advance the formation of "one big union."

No definite action on wage-and-hour negotiations with studio crafts will be taken until William B. IATSE Coast rep, reports on the producers request that IATSE voluntarily relinquish the 10% increase granted last September.

Studios have notified machinists, plasterers and other independent unions that no wage increase is possible at this time, and it is useless to start negotiations. Public works are also deferring contract signing with Screen Publicists Guild until after contacts on a new agreement.

Although a 10% kickback by IATSE is opposed by some members, it is understood that the majority of the committee members are willing to abide by any decision recommended by IATSE.

The three talent guilds, which declined to attend a meeting with producers last Saturday, are being sounded by the Bioff for some expression on the producer request. He was to meet Tuesday with Ken Thomson, of Screen Actors' Guild, Screen Writers Guild and Bioff that reserves the right to negotiate directly and independently.

Closed shop on indie studios is indicated by the okay of the National Labor Relations Board in IATSE control of technical workers in that field. Walter Spreckels, NLRB regional director, issued a formal certification of IATSE as bargaining representatives for workers was not necessary, as inasmuch as there were no opposition to the claim of majority. It was understood control of several indie studios, including the plants, sometimes running as high as 1,000.

Rule Dissolution Last 37

IATSE won a decision in Superior Court when Judge Emmet Wilson rejected the motion of the exhibitors that organization from dissolving Technicians Local 37. Judge ruled that the exhibitors' motion was premature and that there was no evidence that the by-laws had been broken. Ruling gave IATSE legal right to dissolve Local 37.

Plan to provide work for unemployed members of the Screen Publicists Guild in handling freelance accounts is being worked out by John P. Miller. Money secured in this manner is to be apportioned among members out of work. Unit would be made up of exhibitors known as the Guild Bureau, operating separately from SFG.

Screen Actors' Guild approved the by-law amendments recently adopted by the board of directors. The amendments were rejected for another year. They are Frank Morgan, president; Kenneth McGowan, executive secretary; James Cagney, first vice-president; Joan Crawford, second vice; Edward Arnold, third; and Humphrey Bogart, secretary. Porter Hall, treasurer.

Members of the board of directors are William B. IATSE, William Douglas, Ralph Brier, Pedro de la Cruz, J. Edgar, Digges, Willynn Henry, Hugh Herbert, Jean Harlow, John H. Frank, McMillen, Robert Lynn, Boris Karloff, Claude King, Peter Lorre, Noel Madison, Frank McHugh, Walter Catlett, John H. Frank, McMillen, Jean Muir, George Murphy, Brin O'Brien-More, Irving Pichel, Elsie B. Biddle, Edward Lewis, Edwin Stanley, Gloria Stuart, Franchot Tone, Dorothy Tree and Morley.

Full meeting of the Producers Assigning a contract with the Screen Publicists Guild was discussed at a three-hour conference at which the producers were represented by William B. IATSE, William Goetz and Matty Fox. Spokesmen for the stacks were George Bode, Edward Lewis, Lester Manton and Don King. Sitting in on the session were Pat Casey and Fred Pelton, producer labor contacts.

14 States Snagge \$10,000,000 In Amins. Taxes on Top of \$19,000,000

Washington, Nov. 7. Tax grabbers from 14 states rack in \$10,000,000 on top of the federal income tax's \$19,000,000 haul in the 1939 fiscal year, according to special Commerce Department study of state levies. The states' share was considerably greater, since some of the states lumped their administration share with other forms of revenue.

California headed the list, taking in \$3,001,000, of states bolstering their income with specialized taxes hitting amusements, and got almost 10% of its total revenues from this source. Florida came second, taking \$2,001,000, with Ohio the only other state in the seven-digit bracket, pocketing \$1,751,000.

Total state receipts from amusements were \$12,530,000, a drop in the bucket compared with the aggregate of \$3,169,000,000. But it mounted up in several states, even disregarding the Federal Government's grab of \$18,471,000 in the 12 months ended June 30.

Amount taken in six states was not obtainable because bookkeeping methods included the general sales tax. In two instances, the states' share from racetrack betting was reported along with amusement levies.

The states where the amounts could be broken down showed the following income attributable to levies on amusements:

Connecticut	\$12,000
Ohio	72,000
Ohio	1,751,000
Illinois	629,000
Michigan	3,000
Wisconsin	4,000
South Carolina	47,000
Florida	2,001,000
Kentucky	646,000
Mississippi	3,000
Arkansas	74,000
Washington	1,751,000

*Estimated.

Indie Minnesota, Mpls., Trying Everything In The Book to Get Over

Minneapolis, Nov. 7. In a desperate effort to put over a second-best Minnesota picture with its heavy operating nut the Paramount Northwest circuit came up with a double bill. Director Gordon Green's "Boys" is for everything in the showmen's show. He's taken a double bill of features one night a week. He also has cash gift nights twice weekly, dancing in the lobby Friday night and five extra stage acts on dull Mondays.

Unable to obtain any major screen stars, Green now is going after the biggest stage names available and a theatre's admission is boosted from 30 to 40c top. John Boles this week is drawing about \$2,000. When he played the same house two years he bowed out with \$5,500 for the week.

Theatre uses four vaudeville acts on show and one on the stage. It is piece operated and 12-girl line. It's being operated for its owners, who were unable to obtain a lease, and no rent is charged against operations. Despite this advantage, however, it is losing money because of adverse business conditions aggravating its problems.

Sherwood's Film 'Abe' May Yield Him \$400,000

Hollywood, Nov. 7. Robert Sherwood's share of the production of his picture "Abe Lincoln in Illinois" by RKO may run to about \$400,000.

To date the author has been paid over \$200,000 out of the \$120,000 made by RKO for the play. One-fifth of the balance went to the five founders of the Playwrights Company. Sherwood's cut is on a percentage of the gross which studio figures will hit around \$2,500,000. Film cost about \$1,200,000 to produce.

Picture gets a roadshow run before general release.

Hugh Herbert Extends Personais; Air Dicker

Newark, Nov. 7. Hugh Herbert, who set the record for his tour during his sojourn in east, but now he does not. He will stay in New York for a flock of vaudeville personalities. His only definite commitments are for the Metropolitan and Universal before April 1.

Comic is flirting with radio, which would not interfere with his studio work.

WB Theatre Not Held Liable For Freak Accident

Albany, Nov. 7. The Court of Appeals has set aside awards in three actions against the Stanley-Mark-Strand Corp. (Warner Bros.) showing out of court settlements at the Broadway Strand, N. Y., on Oct. 10, 1938, in which a series of explosions of two, three and four men over the rail around the mezzanine and caused one of them to strike a patron. The court, in a decision written by Chief Justice Frederick E. Crane and concurred in by three associates (two dissented) held that a theatre owner cannot be expected to anticipate someone will fall over a 32-inch rail.

The opinion stated construction of the Strand was similar to several others in New York and elsewhere; that a well-known architect had prepared the plans; that the owner had the approval of the N. Y. City building department and they were similar to other classes of buildings; that the theatre as built had been in constant use for many years. Under these conditions, there was mere fact of an accident was not sufficient to cast responsibility for faulty construction upon the owner, the prevailing opinion ruled.

While conceding that theatre patrons should be placed in no extraordinary through someone or something falling from above, Judge Crane said that the Strand's record of 100 weeks have been run if a person jumped over the rail. Accident was "one of those unfortunate occurrences, which the law provides no remedy."

Cooper's Month's Swing Over His (Par) Theatres

J. H. Cooper, Paramount theatre partner in Oklahoma, Nebraska and Colorado, who headquarters in the east, leaves tomorrow (Thurs.) on a month's tour of the west, accompanied by Joe Phillips in charge for Cooper at Par home office, Bert Turpin, who formerly was in charge of Cooper theatres from Oklahoma City, is now in the east handling the business of the theatre from Cooper farm at Milbrook, N. Y. He is bringing his family on from Oklahoma City this week.

The permanent partnership between Par and Cooper, long in work, has not yet been finally set, but is expected that it will be completed shortly.

Sparks, Florida theatre partner of Paramount, and Fred H. Kent, Sparks' attorney from Jacksonville, are in New York for an indeterminate visit conferring with some officials on circuit matters.

In addition to discussing the refunding of bonds, steps are being taken for the bringing of smaller contracts subsidiary to the Sparks circuit.

Calling All Carpenters

Hollywood, Nov. 7. Construction of seven theatres on seven sound stages at Metro has put to work 200 carpenters.

They are being readied for "Florin," "Earl of Chicago," "New Moon," "Coco Maie" and Broadway Melody of 1940.

ROACH AFTER 2 PLAYS

'Young Man With Horn' for Meredith
'Life with Father' for Yerkes

Having Burgess Meredith under contract for another film, Hal Roach is anxious to purchase screen rights to "Young Man With a Horn," in which Meredith will appear on Broadway. Latter, just completed, "Of Mice and Men" for Roach.

There's an unusual set of circumstances around the Dorothy Baker biopic, "Six Rehearsals." It was written on a Literary Fellowship award to Norman M. Krasna, the writer who retained the film rights except for a minor percentage designated for Mr. Baker. They sold the rights, shortly after publication two years ago, to the American Pictures Co., of which Edward A. Blatt is the principal.

Blatt is now working with Mrs. Baker on the film's dramatization. Therefore he could not sell the film rights to the play without her approval. Although he could not sell the rights, Blatt said yesterday that he would sell his rights only at an exceptional figure as he desires to produce the film himself.

Roach is also interested in purchasing "Life with Father" as a vehicle for young Robert Young. Play now optioned by anyone, although Warner Bros. wanted to put money into production. It opened in New York on Broadway under an indie legit producer's sponsorship—Oscar Serlin, once with Paramount in the east.

E. Pat Phillips, Head of Par's Realty Dept., Killed in Auto Crash

Killed in an auto crash while touring Minnesota on business for Paramount, funeral services were held at the home of E. Pat Phillips, head of Par's real estate department for several years, at Stapleton, N. Y., Monday afternoon. Phillips, 46, was killed Sunday (5). He was 45.

Phillips was killed Wednesday afternoon on his way to work. He was driving a 1938 Ford sedan. Phillips, Par Minneapolis executive, when their auto was sideswiped by a truck. The truck was a 1938 Ford, was virtually torn in half, with Phillips and Muller, on the side that was struck, killed instantly. Muller was 45.

L. J. Ludwig, co-operator with Phillips in the ownership of western theatres, and Charles Burton, in charge of the Par maintenance department at the h.o., were in the car on the other side of the car, escaped with injuries. Ludwig the more serious, but he is believed to have escaped a serious concussion. He is hospitalized at Waesche, Minn., where the accident occurred. Burton is expected to leave the hospital this week (Wed.) and will recuperate at the home of relatives in Wisconsin. Ludwig makes headquarters at Minneapolis, where Muller was in charge of maintenance and purchasing for Par.

Phillips and the other three men were making a tour of northwestern Minnesota. Phillips was in charge of consultation on contemplated improvements to the theatres in the Par Minneapolis circuit. Phillips was in charge of the Minneapolis to Sioux Falls, S. D., Phillips and Burton having arrived from Minneapolis on Monday. Phillips, a accounting executive, leaving New York the same day, went by train to Minneapolis. Phillips was accounting station in Minneapolis. Recent ill health prevented him from making the tour.

Coming to Par about six years ago, Phillips formerly was with the Irving Trust Co. He had been in the western circuit in the United States circuit. Phillips was in charge of the Par circuit in the United States circuit. Phillips was in charge of the Par circuit in the United States circuit.

Phillips, a major in the balloon corps during the war, had flown thousands of miles abroad and in this country. He had been in the United States circuit in the United States circuit. Phillips was in charge of the Par circuit in the United States circuit.

20th-Fox's 9-Month Net Profit Behind 1939 at \$3,152,595; RCA Pars Last Yr.

Warners Speeds Shorts For Year's End Washup

Hollywood, Nov. 7. Production of shorts at Warners is being speeded to finish its entire 1939 output by November 15, and 60 single-spots by Jan. 1. By that time Norman H. Moray, Vice-President, they will be here for studio holidays.

Burbank studio has only six more briefs to make. They are "Alex in Wonderland," "The Great Virginian," "Pony Express," "The World's a Stage," "Teddy Roosevelt and Hugh Hughs Riders," and an untitled western musical.

Chrysler Stake A Victory to Par's Detroit Setup

Leon Netter and Leonard Goldenberg, who own the theatre in Detroit, leave for Detroit the end of the week to confer with Earl Hudson and George Trendle, heads of United Artists Theatres on current problems, progress being made, etc.

Intention of Paramount being to open the Detroit string of houses itself, Hudson will continue in charge, together with the organization of the theatre. He is interested parties, local and from other parts of the country, have approached Par on a partnership. Hudson, who's now in charge, was g.m. for George Trendle, who resigned last year. He is now in charge of the theatre.

One of the problems affecting Detroit is the Chrysler stake. Chrysler, throwing thousands out of work. Any strike of proportions, usually hits at the box office in the auto town immediately, although at present activity in other manufacturing lines following war about is counteracting the difficulties brought about by the Chrysler lockout.

Returned to N. Y. a week ago from a long tour of the south, including Atlanta, New Orleans, Birmingham, Dallas and Houston, Tex. He was in Atlanta on the Lucas & Jenkins partnership renewal which has not as yet been concluded.

SPLIT BY A WHISKER

Goldwyn and Selwyn Row Over Brennan's Flawly Chalice

Hollywood, Nov. 7. To shelve or not to shelve; that was the question that wrecked a friendship of 25 years' standing between Samuel Goldwyn and Edgar Selwyn. The innocent cause of the feud, which has been running, remains unexplained and is raising a fine crop of spinach.

Trouble began when Brennan started his own production company, "The Whiskers," in which he played the role of Goldwyn's "Vinegar." The whiskers were sprouting luxuriously when Selwyn renewed a call for his services in his Metro production, "Joe and Ethel Turp Call on the President." Brennan, on a Los Angeles, had played an important role in the Turp picture, without whiskers.

As one old friend to another, Edgar suggested to Sam that Walter be sent to a barber shop and have the whiskers shaved. Selwyn, however, Sam replied that whiskers on the Brennan chin were an absolute necessity for the picture, and that shaving was included out.

"Let him wear a false beard," said Edgar.

"False whiskers in my million-dollar production?" Goldwyn roared.

That was the last of it. Selwyn left in 1914 when Sam and Edgar first organized Goldwyn Film Productions, was wrecked.

Prior to Phillips joining Par, the head of that company's reality department was Young, who was killed when he backed his car off an unprotected dock on Long Island and drowned.

Net profits of 20th-Fox for the first three months of the present year were \$1,469,000, behind the net profit of the first three quarters last year. Statement of the company's November 8, showed net operating profit at \$3,152,595, after all charges including Federal income tax, less \$1,000,000, or \$2,152,595 for the first 39 weeks of 1939. An noticeable dip in foreign revenue did show up markedly in the third quarter report for the three months ending Sept. 30. On the contrary, the decline as compared with the third quarter last year showed an upturn in domestic business.

Third quarter this year showed \$27,000 consolidated net operating profit as against \$1,202,433 the quarter last year or a decline of more than \$775,000. This meant that the first two quarters this year for 20th-Fox represented a decrease of more than \$1,000,000 or about \$500,000 per quarter.

After allowances for preferred dividends of the first 39 weeks, the company showed a profit on operations to \$120 per share on 1,741,889 common shares outstanding, as of Sept. 30. No dividends were declared for 20th-Fox represented a decrease of more than \$1,000,000 or about \$500,000 per quarter.

The statement of 20th-Fox revealed that the company's gross income from sales and rentals of films and accessories. Company set aside \$27,000 for the first 39 weeks of the quarter. Operating expenses of production, head office and administrative expenses, including interest items were figured at \$1,052,549.

Roxy Theatre, Inc., directors declared a dividend of \$1.00 per share on outstanding preferred stock. Divvy is payable Dec. 1 to stock on record as of Nov. 15.

RCA Same as 1938

Radio Corp. of America net profit for the first three months of 1939 is running neck-and-neck with that reported for the same period last year. The company's net profit for the first three months of 1939 was \$4,066,425 as compared with \$4,141,205 in the first three quarters of 1938.

This slight dip of around \$74,000 was revealed for the first nine months of 1939. RCA's gross income from operations or more than \$4,000,000 greater than in the same period of 1938. Cost of goods sold, general operation, development, selling and administrative expenses were \$700,000 less than in 1938.

Company saved about \$100,000 in interest charges, reduced the depreciation on its plant and equipment the same amount and showed about \$90,000 less outlay for federal income tax.

The net profit, after paying \$2,418,914 in preferred dividends, was \$1,647,511, or nearly 12c per common share.

RCA showed a big pickup in revenue for the third quarter, net being \$1,894,224 as against \$1,616,449 in the same quarter of 1938. The company's net profit for the first three months of 1939 was \$4,066,425 as compared with \$4,141,205 in the first three quarters of 1938.

K-E-A-O and Keith Profile

Decrease of more than \$100,000 in net profit for the first three months of 1939, as compared to a similar period last year, is revealed in financial results recently reported by Keith-Allen-Orpheum and subsidiary companies. Profit up to the end of Sept., 1938, was \$568,000, while this year's figure is \$476,540. This amounted to \$92,460 less year on the year. The company's net profit for the first three months of 1939 was \$4,066,425 as compared with \$4,141,205 in the first three quarters of 1938.

Jolson's Freedley Musical Palaver

Al Jolson is visiting New York for a planned London stay, but is considering several proposals that may keep him east during the Christmas season. Freedley plans a musical starring the former stage favorite.

Jolson, who is dickering a radio offer which would not necessarily keep him in New York.

UPRISING

'Uprising' Ploom In Pittsburgh Draws Press and Radio Help

Pittsburgh, Nov. 7.—'Allegheny Uprising' premier at Penn theatre Friday (3) was handled by Lou Allenman, Carl Wingard and Charles W. Brown, Jr. of RKO; Joe Feldman and Jim Tolman, of WB, and Charles W. Brown, Jr. of Loe's Penn, who sold it like big stuff and collected heavy newspaper space.

As a matter of fact, considering the budget, results were remarkable. Doubtful if whole affair cost RKO, WB and Loe's combined more than \$7,500, and they couldn't buy the space they grabbed, even locally, for five times that amount. Premiere itself was sponsored by Allegheny Centennial Committee of 160, which took over the house and peddled tickets at \$2.50, giving the Penn theatre, where opening was held, \$4,000 for the night on basis of \$1 for each seat. House wasn't completely sold out for the premiere, but sales had been running high, and at last minute Centennial committee decided to let few back rows in balcony go at a buck.

Promised invasion of flock of RKO studio people didn't develop and only one Trevor, who was in the picture, put in an appearance. She was a big hit here for three days, made first appearance, gave out a mass radio interview, led a pioneer parade, participated in dedication of KKKO's new station, held a tea at a department store for 200 clubwomen, met the newspaper gang at a cocktail party and guest-guested at an affair of the city of honor-offered after the picture at a supper and ball sponsored by the Centennial Committee, presided over by William Penn. At latter affair, Edward Everett Horton, who was appearing in picture in "Springtime for Henry," and Marjorie, who had in appearances.

Some newspaperman at speaker's table. He was Kaspar Monahan, critic of the Press, who suggested "Uprising" summer. "Allegheny" premier should be given to Miss Nell Swanson, former local newspaper woman who wrote "First Rebel" from which picture was made. Trevor came on from Baltimore as RKO's answer for the opening. Pittsburgh ladies threw their pages open to Miss Trevor and "Uprising" for the whole week and pretem got all the breaks.

TUTORING SHOW BIZ

MGMT. AT SYRACUSE U.

Syracuse, Nov. 7.—Film house management has gone collegiate in a public course being offered by Syracuse University School of Education, directed by Frank Falk, director of dramatics. Course includes lectures on theatre operation, third, fourth, and fifth years. First lecture last week had Arthur Schmidt, of Loe's publicity executive, and a combination of Edward Case, former local house manager, chairman.

Information' Film Quiz

Plugged by Art Tien

Dallas, Nov. 7.—Waller Henshel and Forrest Thompson put on a special campaign for "Information" (RKO) short, that topped grosses markedly with the following line:

Special service on screen selling the short one week in advance with regular feature trailer; Exchange banner mounted on special piece in lobby and used week in advance; also used at front of theatre during the week; placed in station KKKO and Canada Dry used in inner lobby currently; special one-minute three-act short shown in afternoon papers day before opening, and in morning currency, and in combination with Exchange column and art in Dallas News prior to opening, and advance story in Dallas Dispatch-Journal and Uncle Jack's Sports News on opening day.

Space and current plugs were used over KKKO which carried the program regularly and a stipend at

EXPLOITATION

By John C. Flynn

These Colonial pioneers certainly had a tough time considering the hard work of farm work and the constant threat of having one's scalp lifted by unfriendly redskins. The early settlers seldom performed themselves out of reach of their long-barreled guns. If they neglected the first, they starved; if they misplaced their flint-lock, they were likely to be massacred.

By one of those strange coincidences which have frequently in show business, two feature films of Revolutionary War period are being released simultaneously to first runs by competing companies. Darryl Zanuck is offering "Drums Along the Mohawk," a more than average effort involving the services of John Ford as director and the radiance of technicolor photography. It also is importantly cast, with Claudette Colbert and Henry Fonda co-stars. From RKO comes "Allegheny Uprising," based on Neil Swanson's novel, "The First Rebel," with Claire Trevor and John Wayne in the top spots. William Seler directed.

Although "Uprising" is less pretentious on the production side than "Drums," it starts its theatre bookings broad-based, a large portion of the book-reading public acquainted with its characters. That is, if exhibitors succeed in telling them that the book, "The First Rebel" is the film titled "Allegheny Uprising." Why RKO tossed away the ready-made value of a known title for the uncertainties of a new one is just one of those things that happen around film studios.

"Drums," therefore, gets the edge in showmanship at the moment, but "Uprising" is doing better. It was close to the top of best selling lists for its month, and 20th-Fox is capitalizing heavily on its

Both companies launched the films with special premieres. RKO took "Uprising" to Pittsburgh, and in the city, Miss Trevor, who was in the picture, put in an appearance. She was a big hit here for three days, made first appearance, gave out a mass radio interview, led a pioneer parade, participated in dedication of KKKO's new station, held a tea at a department store for 200 clubwomen, met the newspaper gang at a cocktail party and guest-guested at an affair of the city of honor-offered after the picture at a supper and ball sponsored by the Centennial Committee, presided over by William Penn. At latter affair, Edward Everett Horton, who was appearing in picture in "Springtime for Henry," and Marjorie, who had in appearances.

TOM READ ORGANIZES ATLANTA'S SPINSTERS

Atlanta, Nov. 7.—Tom Read, mgr. of Lucas & Jennings, 1400 Peachtree St. N. E., fathered movement that resulted in organization of Atlanta Unit No. 1, Amalgamated Ass'n of Old Maids, in connection with screening of "The Old Maid" (WB). Week before picture opened Read sold idea to Georgia's oldest theatre and newspaper went for it big, running daily stories and membership coupon to be filled out by old maids and mailed to theatre. Stories were run with art of show from film.

More than 500 coupons to send out by spinsters, and first 100 to fill them were in invited by theatre management to dinner at Henry Grandy's residence. "The Old Maid" opened. Feature of dinner was selection of Atlanta's most glamorous.

To spinster awarded most glamorous title went honor of cutting movie's first ribbon. At 7:30 p. m. wedding cake sliced she had missed because of slipping shoe. Theatre and newspaper added free slice of cake, which contained about 300 prizes.

Stunt paid dividends in patronage and, well, at boxoffice.

'Smith' Billing in Pa. Given Local Twist

Harrisburg, Nov. 7.—Banners on "Mr. Smith Goes to Washington," current at the State here, are making what may be considered a political prediction, with the names of the co-stars and picture are printed so that the locals can read "Arthur James Goes to Washington," James Earle Ray, Penn. gov. is rumored to be badly bitten by the presidential bee.

Announcements get the name of the film, "Mr. Smith Goes to Washington," the power politician Edward Arner at the top of the film, "Mr. Smith" is a fellow by the name of Taylor.

brief sketch of film dialog opened by Fonda and Miss Colbert. While all this was taking place on the west coast, four of the Zanuck women players were being shuffled, behind police escorts, between the uptowns of Albany, Schenectady and Troy. They were going to the theatre, as the crowds of curious were everywhere, but the opening receipts all the towns they went to were high and listed the inconceivable of attempting personal appearances in half a dozen places on a single day.

AWAY FROM BWAY AND H'WOOD
Handling of the first showings of "Drums" and "Uprising" best illustrates the radical change which has taken place within the past year in film showmanship. For many years the idea of launching a film, representing large financial investment, from any spot except Broadway (and later, Hollywood) was regarded as hazardous.

Starting with the "Dodge City" sendoff in the western Kansas town of similar name, the exploitation staffs of the film companies have continued successfully the stunt of preeming their important pictures in some city as a sidekick with the story of locale or some other angle of geographical interest. The "Dodge City" excursion, handled by Warners, assumed aspects of a newspaper controversy as the boys and girls who write pictures about films took time off to make the trip by special train.

Thereafter, the opening of DeMille's "Union Pacific" was made the excuse for a big celebration in Omaha, with thousands of citizens participating in recreating a pioneer stamper and dancing on the streets and a widespread strip of Mardi Gras.

Nearly all the film companies since last spring have been making more and more of the Broadway premiere. Capra lately took "Mr. Smith" to Washington. Universal had the newspaper writers on self-audited expense accounts on a trip to New York and Manhattan. "Young Mr. Lincoln" premiered in Springfield, Ill.

Now it is Metro's turn, and preparations are being made to take the picture to the White House. The picture will take place next month in Atlanta, Ga. How far the invitation list will be extended to newspaper and radio, and whether the local crowd, which will be invited, will be in due time by Metro's publicity department. The ballyhoo buildup is aimed to make Atlanta the place and forever that Sherman ever marched to the sea.

The out-of-town premieres unquestionably have stimulated public interest in films. In the last few months, they have dramatized the film bit in the inland cities and towns where the mass of customers reside.

Surprise, Surprise

Baltimore, Nov. 7.—Neil Swanson, managing editor of the Baltimore "Evening Journal," author of "Allegheny Frontier," is planning a world premiere in Pittsburgh for "Uprising."

Swanson is planning to attend the preem by planning a trip to Pittsburgh. He suggested that Swanson should go with Claire Trevor, sketched to make the trip via Baltimore.

Swanson is a rave about her part in the film. She said she would be made to order for the part and that Swanson would not had her in mind when he wrote the picture.

"But there is no girl in my book," explained the author. "There was no answer to that one."

Competing Houses Join For Bergman Buildup

Seattle, Nov. 7.—The Bergman campaign for personal appearance at the Fifth Avenue, at opening of "Jamieson Inn" (RKO) was a fast and furious one. She reached town at 7:30 a. m., was interviewed by the newsmen, made a radio talk, and then appeared on stage at 7:45 and 9, leaving at 11 p. m. for other dates.

But the campaign was not busy to join the campaign of selling more Washington apples. She sent a box of apples to President Roosevelt at the White House. She also placed in the papers. It attracted to her the attention of the public and she ship more papers in a vie due to stoppage of exports on the part of the European war.

Gus Gauntlett and Eddie Rivers, space-makers for Hamrick-Evergreen Theatres, are putting over a series of pictures which were produced by the Metropolitan, all for the glory of Ingrid Bergman. She is coming to the city in "The Sign of the Cross" (UA), debuting her Hollywood career; also to the Met in the Swedish picture "The Emigrants" (RKO). Hamrick-Evergreen is distributing circuit advertising "Jamieson" and also putting on a series of pictures featuring the foreign screen star. Gus Bachman is the sponsor of "The Sign of the Cross" and has a Scandinavian newscast on KJR daily.

SMELLING SALTS FOR 10 FT. WORTH FILM CRIX

Port Worth, Nov. 7.—Lowell Bedford and Charles Murray, of Interstate, know how to promote a "Donald Duck Jinx Show" as witness the campaign on this, their latest setup.

A trailer on the screen for a month in advance; four ghost Jinx drawings; each with sheets and costumes; the theatre; pass-out checks; smelling salts to critics for stories; shocking machine in lobby; heavy lobby talk at the ball game and downtown; want ad seeking to hire a live ghost; plugs for the Nite drawings; radio plug of thirty minute broadcast from the theatre; 20,000 programettes; street club story in the Port Worth Star-Telegram on Donald Duck one week in advance; paper-mache cat head and costume; downtown lobby; underline in daily one week in advance; story in "The World's Shoppers" one week in advance; mammoth Donald Duck painted on the sidewalk in front of the theatre with copy covering the entire outer lobby ten days in advance; 32 signs on the jinx show over the marquee two weeks in advance.

COMMERCIAL SUBJECTS ON COLUMBIA RELEASE

Columbia Pictures is releasing in the "Happy Hour" series two short subjects which were produced under commercial sponsorship by Ideal Pictures. The Building of a House, directed by Bruce C. McKim, and the commentators are Lowell Thomas and Clem McCarthy. The subject is the building of the Book of Books, financed by the National Bible Press, and relates the story of the making and printing of the Bible.

WB's Sales Meet in N.Y.

A three-day sales meeting to discuss Warner mid-winter product, including plans and another sales drive for next spring, went into session at the home office yesterday (6) at the New Sears premiere. "Sears brought in all his district managers for the session.

Nat'l Admen Instructed To Emulate Show Biz Bally Methods for the Future

Publicity and advertising chiefs of America's leading industrial firms were tipped off to study both motion picture and radio advertising techniques if for no other reason than to be ready to cash in on television when it arrives. Publicity-ad experts were told this at the National Association of Accredited Publicity Directors luncheon last week.

The strides that the screen has taken as a medium for exploitation, advertising or publicity were pointed to. One speaker said that the tipoff on the popularity of this type of bally was the fact that nearly 1,000 such pictures were made during the last 12 months, although there were few highly organized channels of distribution which could place the product in theaters.

Television, which represents the wedding of radio and motion pictures was cited as the reason why public relations and advertising men should study both methods so they could combine them efficiently on the new medium. The speaker said perfect sales message conceived for television would be the one which featured stories claimed to be of which means the expert in both fields would be the company creating the picture.

Because so many industrial firms have been placed on the spot by the Government, in the eyes of the speaker, the speaker said was reason enough why these same large corporations start studying the picture industry, that they might give the pleasant side of the business word to the public.

Hayden Spokesman hinted that the Motion Picture Producers and Distributors advertising seal would be far different from the commercial pictures used with audiences. The seal, he said, would tip off an audience that the subject was intended as an advertising or exploitation reel and thereby rally sales claims. He said that nobody likes to be taken in and he hates twice as much to be made the fool of them. His idea was that the body likes to be taken in and he hates twice as much to be made the fool of them. His idea was that the body likes to be taken in and he hates twice as much to be made the fool of them. His idea was that the body likes to be taken in and he hates twice as much to be made the fool of them.

'DRUMS' BEAT SOFTLY AT UPTATNE PREEMS

Albany, Nov. 7.—In contrast to smack-rump exploitation of Hollywood's premier of "Drums Along the Mohawk" was the soft, quiet preem of "The Valley" (WB) picture of this was so puny as to cause comment. It was the one which was brought to Albany by the Valley phase of this was so puny as to cause comment. It was the one which was brought to Albany by the Valley phase of this was so puny as to cause comment. It was the one which was brought to Albany by the Valley phase of this was so puny as to cause comment.

Announcer Tip Corning stalled by reading terms of publicity about the picture. Five copies of the picture were brought to Albany but they had not seen "Drums," their contributions were not made. The picture was a Fabian direction; Larry Cowan, manager of Grand, and C. R. Rosberry, editor of Knickerbocker News, spoke briefly. Excitement of a premiere was not reproduced for loud speaker response.

WABY carried a network commercial following half hour, but 8:30 p. m. slot could have been used. The picture was not due to make a Palace p. a. until 9:15. They were in Schenectady while lobby was in Albany. Although in Albany on off for two days, foursome did not make it to the city. The picture was not due to make a Palace p. a. until 9:15. They were in Schenectady while lobby was in Albany. Although in Albany on off for two days, foursome did not make it to the city. The picture was not due to make a Palace p. a. until 9:15. They were in Schenectady while lobby was in Albany.

TODAY

Special M-G-M Flash!



Radio City Music Hall gets the Lubitsch touch Tomorrow!



"Balalaika" means Wine, Women and Song!



The applause was deafening!

NEW YORK, N.Y.—The suspense is terrific! The eyes of the nation are on New York! GARBO'S "NINOTCHKA" goes into the Music Hall tomorrow. Scarcely a man, woman or child in all America who hasn't read in newspapers or magazines or heard over the air about M-G-M's delicious comedy. Keep building up the enthusiasm for your play-date. Tell them that "NINOTCHKA" has now been selected by the world's largest theatre for the World Premiere. It's smart to whet their appetite when you have such an eagerly-awaited entertainment! Never has there been such a build-up for any picture! Keep Them Hotchkas for "Ninotchka"!

POMONA, CAL.—The greatest musical that M-G-M or any company ever made was sneak-previewed here this week. The picture is "BALALAIKA." It is Nelson Eddy's best role since "Naughty Marietta" and it launches a glamorous personality in Ilona Massey. Audience reaction tremendous!

CULVER CITY, CAL.—A second Preview group has returned to the M-G-M Studios confirming the exciting reaction to last week's sneak showing of William Powell and Myrna Loy in "ANOTHER THIN MAN." The opening flash on the screen of these two popular stars literally brought down the house. The applause was deafening. And now the Preview Post-Cards are pouring in. Seldom have so many been received by the Studio. The overwhelming opinion of the fans is that "ANOTHER THIN MAN" is the best of the entire series. Following immediately after the sensational Preview of "BALALAIKA" at Pomona and in view of M-G-M's succession of hits, this new triumph has set the Film Colony buzzing with talk. Out here the tip-off is "Watch Leo—M-G-M is on the march!"



M-G-M

BRITISH FILM INDUSTRY TENDS TO BE MONOPOLISTIC, SAY THE LABORERS

Not Only Do GB, Assoc. British, Odeon Control Key
1st Runs, But Another Group Heads 2 Largest
Studios—Banking Interests Involved

London, Oct. 22. According to laborite claims, tendency in the British picture industry is toward merging of important agencies to bring them under a single control.

Not only do the three large circuits, Gaumont-British, Associated British and Odeon, control the majority of key first-run theatres throughout the country, but the Odeon-Link never-absent probability, but on the production side a group of interests controls the two largest studios and has ensured that a third will not be used in competition against them. Last reference is the merger of Denham and Pinewood, plus the independent action of J. Arthur Rank in buying into the Amalgamated outfit to prevent it from going into John Maxwell's hands.

According to an analysis issued by the Association of Cine-Technicians, from which above facts are quoted, the studio merger alone represents a vast pooling of financial resources. One direct result is that for months many producers have been able to regard Amalgamated, press statements attribute to Rank a policy of "empowering its producers with there is no pressure on space at Denham or Pinewood." That E. H. Rieu, member of the board of A. P. Studio, is joint secretary of the Prudential Assurance Co., is a close association as is the demonstration of the close bond between the City ("London's Wall Street") and the industry.

U. S. Distributors Are Factors
Dependence of British producers on American distributors is held a further factor in turning the business into a huge trust. All major production here, says labor, is backed by contracts with Americans, and independence of British production is largely illusory—"in point of fact, it is simply a branch of Hollywood." As evidence, it is shown that of 162 British features registered in 1938, 118 were distributed by the nine major U. S. release through one of these distributors is essential if production costs are to be fully amortized on big-scale pictures.

Proof of tendency of big business to control the entire industry is surveyed thus:

Pinewood, Denham and Amalgamated are under a single control; closely linked with them are British & Dominions, which owns shares in Pinewood and nominates six members of the board.
Rank, director of D. & P. (which governs Denham and Pinewood) and Chairman of Amalgamated, is Chairman of General Cinema Finance Corp., which controls General Films, which controls Rank's British & Dominions, and which also controls of Leger Films, which will produce for General Cinema release, and is a member of the board of which are Woolf, Zoltan Korda (brother of Alex), Berrington Harold Brown.

Further, General Films is closely linked with GB, which, in turn, has been concerned in negotiating a merger with Odeon Theatres, Rank and L. W. Farrow, directors of General Cinema, have, and have been, concerned in negotiating a merger with Odeon board. Ramifications of General Cinema in the City are suggested by disclosure that members of the board hold 75 directorships in big-scale financial and industrial undertakings.

GB Interests
GB interests include studios at Shepherds Bush and Gainsborough (concerned in production deals with the U. S. for films released by GB News, Baird Television, GB Instructional, GB Equipments, Bush Radio and the Associated British Picture Co.). Link U. S. affiliation is secured through 20th-Fox interest in GB, which is emphasized in the quota product for 20th, or, at least, did so until outbreak of the war.

Second main group concerned is Maxwell's Associated British and its

many ramifications, which also cannot be regarded as separate from the other, since Maxwell's will tend to grasp control of GB.

"Film business being big business means big money, and big money means mergers," the association warns the workers, "and it is by no means unlikely that since Maxwell's will tend to grasp control of GB, the two main categories listed above will be brought still closer together with a view to establishing one single, unified control of the whole industry. Such a policy may appear eminently satisfactory to the stockholders, but will hardly inspire any great enthusiasm among the employees."

WAR LAGS, COL- LAPSES RESUMES BRIT PRODUCTION

Hollywood, Nov. 7. Columbia is planning a resumption of film production in England within three weeks, with the departure of the company's employees on Thursday (9) to consult with Jack Cohn.

Use is to revise Asher's six-picture contract to coincide with the changed British production situation. Cohn's Asher has completed three of the six pictures required by the contract. They are "Clouds Over Europe," "Boat 39" and "10 Days in Paris."

Joseph Friedman, Columbia Picture managing director in Great Britain, arrived in New York last week on confab with Joseph M. Conville, foreign chief, and some of his executives. He was accompanied by the British Consul, and they have gone to the Coast to visit their family prior to starting back for London around Nov. 13.

Possibilities of resuming production in Great Britain and under what circumstances were discussed as Friedman gave first-hand knowledge of present conditions there. It is possible that Friedman will return on the Atlantic with Irving Asher, who plans to start up production again carry through.

Any hope by American producers of compensating for their European war losses by increasing their market in South America is based entirely on misinformation, Walter Gould, Latin American manager for United Artists, declared Monday (6).

Gould has been raised in South America and having just recently returned from a lengthy tour of the continent, he declared American executives who "go down there for three days, see the entire market from a hotel room, and then come back with hopeful speeches which they blow off for whoever will listen."

Gould declared the market south of the equator is just as adequately covered as that in North America, and he said that the American market there are exactly the same as those here. Only tilt that can be expected is a natural gradual increase in population growth and wealth increases. "The war may up the national income of some South American countries was admitted by Gould, but it has had no effect as yet and cannot be expected for some time. This continent will be more favorably affected in shorter time than S. A., he maintained.

There is also little reason for optimism as far as hope of taking markets left dry by stoppage of

War-Time London

London, Oct. 22.

Clementine Dane, whose recent book, "The Arrogant History of White Ben," is becoming a bestseller, offered her services to the Ministry of Information, and was given job as telephoneist.

"Under Your Hat," the Lee Ephraim-Jack Hulbert-Cleely "Court-night" musical, in the Opera House, Blackpool, for two weeks with option of another two, grossed \$6,500 in first week.

Rigoletto Bros., unable to get out of Sweden, have denied a rumor there. Eddy Gordon is also stuck there.

"The Lion Has Wings," the Alexander Korda propaganda picture, to which the government subscribed \$50,000, cost \$150,000. Has footage of 7,000 feet and three directors, Michael Powell, Brian Desmond Hurst and Ian Dalrymple, besides Korda, who lent a hand occasionally. Picture will be rushed by plane to New York.

With the Old Masters tucked away in vaults, The National Gallery gives lunch-hour and afternoon concerts daily.

2 SHOWS; 1 OKAY

London, Nov. 7. "French for Love," a nebulous comedy that was well played, was one of two new shows to come into the picture during the week. The other was "Runaway Love," a musical.

"French" showed possibilities as wartime entertainment in its premiere last Tuesday night (31) at the Haymarket. "Runaway Love" showed itself to be unoriginal and consequently only a short slayer at the Haymarket where it opened Friday night (3).

UA Distribb's Moxer

United Artists has acquired rights to distribute the Spanish-language feature, "La Justicia de Pancho Villa," in all Latin-American countries, including Mexico.

Film was made by the Gue Aguila Film in Mexico.

Over-Emphasis on S.A. Market By U.S. Can Only Redound Against H'wood

European production, Gould said. He declared French films were the only ones that meant anything at all in the market. "The market is Spanish pic used to do well, they have been out of since the start of the war. The Italian market, German films have had no important income for six to eight years; English pic accounts for nothing and Italian output has only a small following.

"On this continent, Gould said, what counts is the film itself. A picture like 'Mr. Smith Goes to Washington' no matter how well received here, is meaningless down there. Similarly sophisticated comedy is not worth the try. Action is what is liked, big grossers being 'Prigione di Zenda,' 'Iron Mask,' 'Gunga Din' and 'Four Feathers.'

To expect that the South American market is better exploited is a horrid word in S. A., according to Gould) is tantamount to accusing companies presently not doing a good job there, which is entirely false, he said.

He also maintained that the more hubbalo the American companies make about the importance to them of the Latin-American market, the more taxes they can expect to pay, as such things are watched closely by these comparatively poor nations.

Must Readjust British Film %

One of the several headaches handed foreign departments by the European war is the complex dislocation of the picture theatre drawing population in England and Ireland, and in the rest of Europe of nearby country spots where they would be less likely to be hit by bombers has so badly clustered up potential patronage that new percentage deals will have to be set up so that they can be worked out satisfactorily with exhibitors in Great Britain.

Typical example of this situation is the small city of Brighton, seaside resort community of 100,000. Studios have been unable to get product at cinemas in this city, but distributors have suffered because percentage deals were set according to anticipated normal populace. With many people moving out of the city, the picture business has been hurt both in London and also at the seaside community. It has meant that the terrific business enjoyed has been on small percentage deals while the better deal in London have suffered comparatively because attendance has been off.

This also has happened in other localities. What will happen, in the opinion of trade observers, is a complete rearrangement of percentage deals to exhibitors if the war continues and there is no further shifting in population.

U.S. Willing to Control Quota Prod. in England But Quality Clause Must Be Eliminated for Duration of War

REPORTED NAZI B.O. BOOM SURPRISES BIZ

Coincident with reports that the stoppage of film production in Germany, France and Italy brought about an up a lot of playing time to American pictures were cable advices received in New York that business was booming in Germany's picture theatres. Film officials were unable to account for the upsurge at the boxoffice in Berlin, Munich, Vienna and other Nazi cities, all the more amazing in face of dropping film in Great Britain and France.

Few picture executives look for any movie in South America and other countries not directly involved in Europe's war for several months, or until an official shortage of Nazi, French, British and Italian pictures develops.

Italy in New Step To Resume Yank Picture Relations

Further inkling of a more favorable attitude towards the American picture in the Italian market was revealed last week in a direct Italian inquiry regarding U. S. picture rights in prospect. The cable was made by the Gue Aguila Film in Mexico.

The U. S. film industry is inclined to view Italy as another step towards re-establishing relations with it in Italy. In New York home offices, and in prospect, the latest development is attributed to noticeable cooling of relations between Italy and Germany. Italy is light in the recent Mussolini cabinet shakeup which saw pro-Nazi officials transferred to less important positions.

Heretofore, Italian producers obtained part of their picture stock from German film manufacturers. Fact that Italy made inquiry as to supply of stock is taken to mean in picture circles that the Nazi source is to be disregarded in the future.

Italy believes that the Italian gestures indicated the Italian government will ease restrictions against American films in prospect of later returning to Italian distribution. The Yank market quit Italy on Jan. 1 when the government moved to into effect there. Back of the campaign to drive American films out of Italy is a critical production situation. Even with upped production in Italy, only 30 films more than usual can be produced this season, or 100 in all. Italian theatres are still in need of new features per year, which means that 150 have to be imported. With Germany's production of pictures production hampered, the only strong screen fare remaining, aside from the native features, would have to come from the U. S.

Reported yesterday (Tuesday) that several major companies in the

While British producers in London are exerting every means to have the quota law retained in Great Britain, U. S. distributors and representatives are bitterly opposing such production under existing conditions and the way the law now reads. They are bitterly opposing American companies to have the quality clause in the Quota Act repealed so that they can have the quota made, and to get a reduction in percentage requirements. Presently it is 20% and they think it should be halved or reduced to least 30%.

Although British producers claim that the quota law is available and should be used, they have displayed little desire to risk coin in conditions production. This would be left to American companies, which have fought most of the production bill during the last nine months or longer.

As quota law regulations now stand, there would be no assurance that a feature, once started, would be completed with the same personnel. Attitude of American companies is that they are not for quality production, they want the best scripters, directors and several names who mean nothing to the world's boxoffice. This means American talent.

All said, they would be unable to get such U. S. technicians, scripters or stars to work under war conditions production. This would be particularly, if subject to air raids. Furthermore, American companies are not willing to give up their properties or personnel. There also is the question of whether American companies are willing to let British players and studio employees could be excused from war duty to turn out a steady stream of product.

Only Logical Solution

The only logical solution, according to the American picture trade, is to quote the quality clause of the Quota Act. This would allow for any length of time running along so that, at the same time, would not mean such a heavy burden on the industry.

Virtually all name producers and much screen talent recently active from the U. S. are now in Italy. Same is true of the production representatives for American companies. The U. S. picture industry (20th-Fox) remaining. He is reported still trying to find a solution of the quota law problem as are other U. S. companies.

The last picture turned out for Italy in 1938 was "The Thief of Bagdad," and United Artists (Korda) had some difficulty getting it released because of loss of personnel.

The second year of the British quota law was effective April 1 when the percentage requirements were raised from 15% to 20%.

Week were bringing pressure both through industry channels and via Washington, looking toward an amendment to the quota law. The U. S. industry, picture companies want to dislodge their rental coin, collected from the U. S. picture companies, which has been frozen in that country ever since. Understood that the U. S. picture companies are in this effort to outline the film industry's attitude toward Italy.

THE HOTTEST NAME IN SHOW BUSINESS IS HEADED YOUR WAY!

KAY KYSER and all his
radio stars . . . with the choicest
bunch of big picture names you ever
spilled over a marquee . . . in a laugh-
swing-story sensation that'll pack 'em
into your theatre until the fire de-
partment yells "Stop!"

KAY KYSER
THE OLD PROFESSOR HIMSELF
AND
ADOLPHE
MENJOU

**IN "THAT'S RIGHT-
YOU'RE WRONG"**

with all these popular screen favorites:

**MAY ROBSON • LUCILLE BALL
DENNIS O'KEEFE • EDWARD
EVERETT HORTON • ROSCOE
KARNS • MORONI OLSEN**

and those hottest of names from radio
KAY KYSER'S BAND

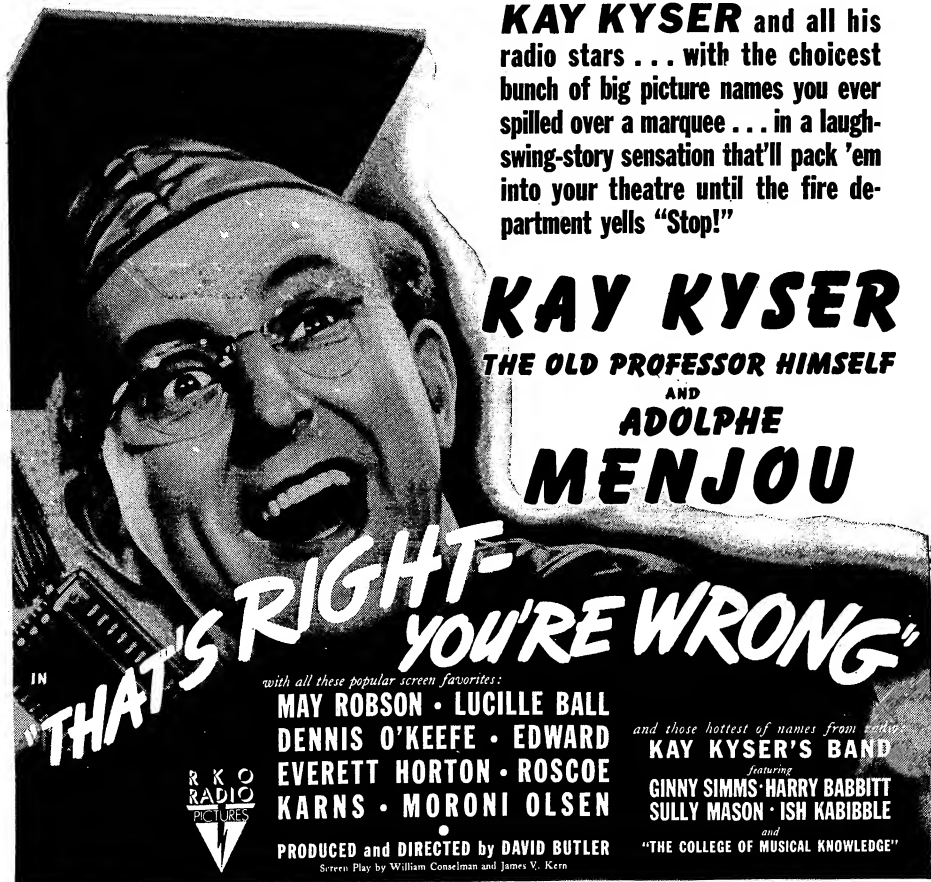
featuring
**GINNY SIMMS • HARRY BABBITT
SULLY MASON • ISH KABIBBLE**

and
"THE COLLEGE OF MUSICAL KNOWLEDGE"

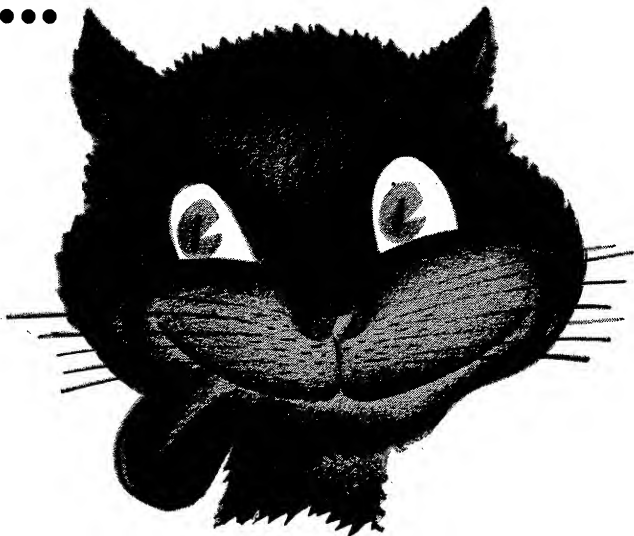


PRODUCED and DIRECTED by DAVID BUTLER

Screen Play by William Conselman and James V. Kern



Pardon me for being catty but...



What mystery picture ever got raves like these?

"A combination of mystery and comedy that will chill you to the marrow, then leave you limp with laughter. **Bob Hope's best picture!**"

—Jimmie Fidler, famous newspaper and radio columnist

"The outstanding chiller of the year. **Bob Hope at his best!**"—Robbin Coons, Associated Press

"The best mystery in years!"—Erskine Johnson, King Features Syndicate

"One of the most successful whodunits of this season."—Film Daily

"Top-notch comedy murder mystery . . . first feature on any bill." —Hollywood Reporter

"Bob Hope and Paulette Goddard a solid click in 'The Cat and the Canary'."

—Ed Sullivan, famous New York Daily News columnist

"A wedding of laugh and thrill so neatly contrived as to equal, virtually, a new film formula, inducing shrieks of terror and shrieks of laughter." —Motion Picture Daily

Paramount's

"The CAT and the CANARY"

starring **Bob Hope** and **Paulette Goddard** with John Beal

Douglass Montgomery • Gale Sondergaard • Elizabeth Patterson • George Zucco

A Paramount Picture • Directed by ELLIOTT NUGENT • Screen Play by Walter De Leon and Lynn Starling • Based on the Stage Play by John Willard



"DRUMS ALONG THE MOHAWK"

**BEATS "ALEXANDER'S
BAND" RECORDS IN
FIRST FIVE OPENINGS!
..TOPPING "THE RAINS
CAME" ELSEWHERE!
HOLDOVERS ALREADY
SET IN BALTIMORE,
PHILADELPHIA AND
NEW YORK!**



THE KEYSTONE OF YOUR FUTURE



THE NEWS

Chain Income from Time Sales

	1939	1938	1937	1936
January	\$4,033,900	\$3,793,516	\$3,541,999	\$2,681,815
February	2,746,695	3,008,053	2,335,782	2,714,300
March	4,170,852	3,806,831	3,614,223	3,007,883
April	3,550,884	3,130,585	3,277,837	2,741,226
May	3,792,102	3,414,020	3,214,819	2,551,729
June	3,382,404	3,200,569	3,003,287	2,232,455
July	3,283,552	2,956,710	2,707,450	2,429,983
August	3,312,570	2,941,099	2,784,977	2,422,431
September	3,315,307	2,979,241	2,850,581	2,686,637
October	4,219,253	3,773,864	3,539,739	3,096,495
Total	\$37,729,622	\$35,076,088	\$31,631,754	\$27,496,642

NBC

	1939	1938	1937	1936
January	\$2,674,057	\$2,878,945	\$2,576,620	\$1,901,022
February	2,241,842	2,680,354	2,264,217	1,909,141
March	2,925,084	3,034,317	2,559,716	1,172,382
April	2,854,026	2,424,189	2,563,478	1,950,399
May	3,097,454	2,442,283	2,560,558	1,748,517
June	2,860,180	2,121,495	2,476,567	1,502,763
July	2,311,953	1,807,357	1,986,412	1,292,775
August	2,397,078	1,833,065	1,955,290	1,438,598
September	2,563,132	1,601,755	2,028,585	1,883,932
October	3,366,054	2,367,395	2,505,465	2,429,017
Total	\$27,532,088	\$22,362,928	\$23,281,018	\$16,979,982

CBS

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MUTUAL

	1939	1938	1937	1936
January	\$315,078	\$209,804	\$213,748	
February	276,095	235,250	231,286	
March	395,427	287,877	267,453	
April	362,626	189,445	200,134	
May	234,764	194,201	154,833	
June	202,412	202,412	117,839	
July	216,553	167,100	101,457	
August	236,410	164,820	65,629	
September	210,268	150,268	125,867	
October	438,221	347,771	238,683	
Total	\$2,685,038	\$2,222,026	\$1,734,245	

NBC Blue Spurts, 34.6% Over Same Month Year Ago; Radio Biz Good

Outstanding fact of the showings made by the various networks in time billings during the month of October was the jump of 34.6% taken by NBC's blue link, which trails as a rule on percentage billings the other links. As compared to the like month of 1938, NBC's red link accounted for a plus margin of 25.4%; Columbia's boost figured 15.1%. Mutual was up 23.4%. NBC's overall mass was 11.6%.

CBS grossed \$3,366,554 for October. NBC's total came to \$4,219,253, with \$3,221,128 credited to the red link and \$898,125 to the blue network. Mutual chalked up the biggest monthly gross of 1939, namely, \$4,232,211, as the result in a large measure to its handling of the World Series broadcasts in behalf of Gillette Razor.

On the comparative first 10 months of the year CBS is up 71.5%, NBC, 9.1%, and Mutual, 20.8%.

C. Lawton Campbell

May Eventually Broaden Beyond Radio Dept.

Report that C. Lawton Campbell, v.p. in charge of radio at Ruthrauff & Ryan, is being groomed for another assignment in the organization was described Monday (6) by an official of the agency as quite premature. Campbell, who may be moved out of radio for a more expansive participation in the agency's business, will be continuing his long use of his advertising and merchandising background, but there may be little chance of his taking place for a few months.

Campbell came to R & R from General Foods, where he was in charge of sales and advertising on Jell-O products.

Armstrong With Columbia

Hollywood, Nov. 7. Sam Armstrong has withdrawn from Armstrong-Conlon agency to join Columbia management. He will handle the picture for pictures.

STATION WORKERS, SAT, NBC FAVORED

Delicate Problem Growing Out of Tums' Pot O' Gold Program — Local Broadcasters Had Alouds Killed Similar Stunts — Hair-Splitting Legalism as to Cash Giveaways vs. Lotteries Races

ADMEN EAGER

Washington, Nov. 7. Banks, bingo, lotto and whatnot, all new substitutes for entertainment, have done well in film theatres and now begin to loom large as the next "radio-trend." Repairs from NBC advertising agencies suggest that the merchandisers are all-ears now that, for the first time, there is apparent willingness by the Federal Communications Commission to look into the matter. Hereafter it has been generally assumed by sponsors and stations that a lottery was a lottery no matter how much art or camouflage went into the scheme.

Disinclination of the FCC to rule on the "Tums Pot O' Gold" program at the hands of the FCC lawyers, along with the developing all-out tangents with the oldest of all the moral dilemmas of many churches who are theoretically opposed to lotteries and gambling but running bingo games in their own basements these days.

Tums question was laid before the FCC and side-splitting last week after one station, which dropped a similar raffle in order to avoid trouble with the regulators, won word how NBC gets away with it. The transmitter was propositioned by the web about carrying the delicate hand-out stunt and felt it was the victim of discriminatory treatment at the hands of the FCC lawyers.

Numerous barriers are thumbing through the case histories, checking aspects on rulings of the Post Office Department on contests and other chance games which have been barred from the mails as fraudulent in an attempt to answer bewildered clients. Meanwhile, rival agencies and advertisers, as well as envious webs and stations, are hoping something will happen to aili them.

The direct query to the FCC produced no satisfaction. Formal answer that the commission had been tucked away in the appropriate file, which may indicate that the commission is building a record that will serve as reason for calling a hearing to determine the legality of the Tums' contest. In the meantime, the FCC is playing favorites after frowning on other similar programs and threatening other stations in the past are answered by assertion that in recent years no lotteries except in the most flagrant cases. While inquiries have been being made, the agencies who were carrying comparable programs, there have been no denials. It was said at the Commission. Broadcasters who feel they were intimidated into scratching their claws have gone a long way, stretching the statutes to the breaking point, to fix the elements of the "Tums" which is one of the basic elements of a lottery. But there have been situations where the same schemes have gone untouched. For instance, the postal department is quoted as having been—far so prominent in 1935 when persons put the pieces in the mail in order of getting back to the office—has a lottery and not dismission to the mails.

HUSKIES TO EXPAND, 'YOUNG DR. MALONE'

Having had a test on KFJ, Los Angeles, KFBZ, Sacramento, "Young Dr. Malone," Huskies' dramatic serial, will receive further spot attention for the 11-11.15 a. m. period to becoming a blue network program. The five-time-a-weeker is set for the 11-11.15 a. m. period for which General Foods recently contracted. The hookup will be basic for the time being.

WTMJ Curb Show to P.&G.

Milwaukee, Nov. 7. WTMJ's "Sidewalk Revue," which has been bought for five-week airing by Procter & Gamble to promote White Knappe. Coincident with this booking by Compion Advertising Inc., New York, the agency plans that "The Day I Gave Up" will add a schedule of 156 spots on WTMJ for Crisco and Dux, respectively.

Broadcast from the rounds of the Franklinton Arena, the Milwaukee, the sidewalk show is conducted by George Compton and Bill Evans. Procter & Gamble is sponsored by Quality Biscuit Co. and Schiff Sausage Co.

Race Tips May Be Air Grief

Washington, Nov. 7. Broadcasters may become embroiled in a lot of legal trouble with the Federal Government as result of the campaign to end Moses Annenberg's monopoly on the race track business and punish him for maintaining an illegal wire service for maintaining a wire service for results from competition between hay-burners. Too early so far, though, to say whether Uncle Sam's crusade will take the shape of a general campaign to protect the public morals by eradicating bookies throughout the nation.

The unprecedented action against the Illinois Bell Telephone Co., ordered last week to cease flashing odds and results to betting parlors, has occasioned some concern as to whether the FCC may be enlisted in the drive against gambling. No moves yet, with the commission leaving everything up to the Justice Department and not anxious to take on such a headache.

Despite feeling that the job of stamping out horse-race betting is as hopeless as enforcement of the Volstead Act, there is a possibility that stations will feel the paddle. Because if the D. J. succeeds in breaking up Annenberg's General News Service by applying heat to the American Telephone & Telegraph Co., those transmitters who serve the wagers and bookies then would be the logical next target in a moral clean-up. As it is, in some spots radio already is the only way the general public has of finding out news, without going to the track, how their favorite may fare. Only alternative is to buy the newspapers, which the more impatient bettors don't like to do.

The attitude of Attorney General Murphy is causing some shivers. Zeal of the new prosecutor suggests the drive may not stop when the Philadelphia publisher is criticized for his attitude.

Radio stations could be put in an exceedingly uncomfortable position, though it generally is expected they will play ball whenever pressure is applied to get them to cease airing odds and results to betting parlors. Before that, however, it is believed likely the A. T. & T. will cut off service to the transmitters which feature race results. But if the stations attempt to continue, they will be charged with participating in an offense, since they are as much disseminators of race news as the wire services.

The A. B. is almost sure to do anything, even though the new code bans lotteries. Armstrong Scratch Sheets, lately sponsoring the race programs, has contracts which were in effect before the code began operating. The A. B. cannot direct its members to drop the broadcasts.

The FCC has paid little attention in recent months to stations which sell odds and results. Four or five years ago, criticism was voiced of several operators who played up to the bettors, but lately there have been almost no such reports. The FCC has been lax in its programs. It may become fashionable again, however, to cite operators who are helping the bookies. That's what some lawyers are worried about.

WMCA Harlem Amateurs, WHO DROPS % AS HEADACHE

After five straight years as a sponsor on WMCA, N. Y., the Harlem Amateur Hour, aired from the stage of the Apollo theatre, picks up a sponsor with tonight's (Wednesday) broadcast. Backer is the Fruit Wines Corp. Deal set direct.

Different bands on tap each week at least, figure as a matter of course in the broadcasts, backing the various amateurs. With the picking up of a sponsor, the status of the bands changes as they're taking part in a commercial broadcast. How they are to be carried on being worked out with the union.

Program is known as one of the noisiest on the air, from an audience viewpoint, as the latter makes no bones about booing and catcalling the performers. They dislike, and resist, the idea of being taken off their own toes and colored crews. Charlie Barnett's day outtings were of Dec. 1.

Des Moines, Nov. 7. WHO, Des Moines, has discontinued its Artist's Bureau which has booked many persons for years and for hillbillies. Irving Grossman, in the Fruit Wines Corp. Deal set direct.

KMBC'S ARTISTS DEPT. HITS ACTIVE PACE

Kansas City, Nov. 7. KMBC, Kansas City, calculated that the success of its Texas Creak Follies unit played Falls City, Neb., the 1,000,000 cash customer at 25 and 40¢ a pop, has gone into business for himself as an independent booker.

Most of the income from the percentage was not commensurate to the headache.

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3 Men On Horse for Radio

Radio rights to "Three Men on a Horse" owned by Alex Wiley, are being offered by the author. The film, "Plan is for the agency purchasing the rights to the letter to set up a series of radio spots. The episodes which aren't necessarily out of the play itself, but carry on the story of the three men and money boys using the intuition of a meek fourth to pick winning ponies. That's the formula of the "Henry Aldrich" series, continuation of the play, "What a Life."

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By EDGAR A. GRUNWALD

KOA's staff has nine members who have seen 10 years of KOA service, and seven members who have seen 15 years of KOA service. Bill Meyer has been with KLZ for 13 years—in fact, ever since the Reynolds interests (who owned KLZ then) decided to quit selling radio sets and concentrate entirely on broadcasting. William D. Pyle, CEO of KOA, says the radio business so long that the dates go into deep antiquity and practically become meaningless. Gene O'Fallon's KFEL harks back 16 years, and even non-commercial, church-owned KPOF has been around for 11 years.

As becomes this sort of job adhesiveness, politeness and friendliness among competing managers are the rule, not the exception. Each manager says his competitor is a great fellow, has a fine station, and deserves a lot of business. When good fellows get together, it will be in Denver.

And yet Denver, a city of about 300,000, does not do a radio business commensurate with its prestige or importance. In fact, the whole Mountain Region, according to the latest statistics, has a radio business that is only one-tenth that of the work business than the city of Los Angeles. That means that Denver is relatively in the same fix as another city which Denver resembles in many ways—Portland, Ore. In its population, it is not only the state capital, but also, in the home of such federal bureaus as the Reclamation Bureau, Bureau of Mines, and the Forest Service, it is the headquarters of a large transient tourist clientele. And like Washington, Denver is the cultural center of a wide area. Historically, an English element (the famed "remittance men") was culturally dominant, and the city has been a magnet for an naturally attracted to the town, and with wealth came educational and cultural yearnings. The city has music schools, symphony orchestras, and a number of excellent theaters. It has the same kind of similar laws in other common regimens.

From the radio angle, Denver is particularly favored for several reasons. First, the great local emphasis on music, drama, etc., makes it an ideal town for the creation of new talent. Second—and this is where Denver has the edge on Washington—the city is the focal point for manufacturers' representatives working up and down the Continental Divide. Third, all the city's stations are network-affiliated, a fact which must certainly have beneficial reactions on the total level of the listening audience.

The Denver Post popularized this story more among time-buyers is simply due to the fact that genteel Cabots and the opportunistic Barnums seldom fraternize. Showmanship is not a virtue in the eyes of the aristocratic Cabots, who put great store by their physical equipment. But the current picture is soon due for a change. Two of the stations—KVOD and KFEL—have recently been separated (they previously had been a single entity) and are now going their own way after national business in a healthy way, now that they have left the elbow room. Meantime KOA has a new manager in charge, and he is expected to make a change in the station's format. He is expected to make itself felt. KLZ needs little comment in this department, for, being affiliated with the Oklahoma Publishing Co., it is expected to make a change in Oklahoma City, securing an endless stream of promotion.

But when Denver will begin to assert itself in the national spot field, it will, like Washington, have many assistants as the result of its quieter days which will stand it in good stead in the long run. The longevity of station management is an omen of good fortune and stability in the advertising business. It is a mark of a sound and sane environment. And so is the preoccupation with civic and government events (old standbys in programming). Denver stations furthermore have had to fight not against each other, but against one of the toughest and strongest daily papers in this end of the U. S., and that has made the industry here a more solid and sturdier paper than the radio camaraderie itself would otherwise indicate.

KOA, 50,000-watt NBC Red outlet, is operated and programmed by the National Broadcasting Co., but owned by General Electric which built the station in 1924. Its transmitter, located east of the city, was intentionally designed as a showpiece and fulfills the requirements 100%.

KOA'S AGGRESSIVE ARTISTS BUREAU—25 ACTORS FOR HIRE

Programmers designed to take advantage of Denver's native talent and thus leans heavily toward music. Once this emphasis was pretty highbrow, but currently a middlebrow road is being paved between the classics and the lighter fare. KOA additionally is one of the very few U.S. stations which sports a bona fide talent (artists) bureau, license and all. In charge of the music is Mary Ann Bureau has 25 entries in the "other contract" category. Moore is the general manager for many years. Once a singer himself, he is now grooming Patty Worth, kid singing singer; Elsa Kauerz, lyric soprano; Helen Marie Briscoe, pop singer; Lester Harding

baritone; and the 'Men of the West.' Joe Myers is sports commentator, and Bill Bender is the chief cowboy singer (cowboy stuff is indispensable even in Denver). Civic and community tie-ins are numerous. An 'Old Open House' stanza on Tuesday evenings from the Orpheum theatre showcases practically all the talent at once, while the singers and the house-band (bated by Milton Shrednik) get regular workouts—including network feeds—singly or in groups at other intervals.

Bob Owen, who helped GE build the original KOA and stayed ever since, is Lloyd Yoder's right-hand man and technical director. Al Craspy, James MacPherson and Barry Long divide the sales duties. MacPherson additionally handles promotion and keeps track of the numerous window displays planted by the station for its sponsors.

**KLZ LONG ON MERCHANDIZING.
MUSCLE-BUILDER'S BIG FAN MAIL**

KLZ, owned by the Oklahoma Publishing Co. (also WKY and KVOR) since 1935, is the CBS exponent here. A deft money-maker, the station has a younger crowd than most of the other stations, and exhibits seltzer bottle pep. Merchandising—a nine point setup with film trailers, courtesy plugs, newspaper ads, direct mail, personal contacts, and displays—is strongly pushed. Programming is in line with other stations.

Under F. W. (Bill) Meyer, KLZ manager, is Fred Allen (of the Wisconsin Allens), commercial manager, a post he's held nine years. Arthur Wuth is program director and doubles in front-office duties. Publicity is handled partly by Chuck Inglis (who also spiels the sports) and Wauhilla La Hay, a young lady whose versatility likewise extends to writing and production. Howard Chamberlain is production manager, and Les Weelans is musical director.

The day's schedule currently opens with a farm program, Capt. Ozie (hillbilly) and livestock and weather reports. Setting-up exercises, conducted by Walter Hackensonson (YMCA) are next in line, and during the past five years they have pulled 28,000 requests for permanent charts which aid school in the physical streamlining. Jack Fitzpatrick spits the news. Wes Battersea (of the Keane Advertising Agency) has a question-and-answer stint, as well as a man-on-the-street turn. Betty Lou Bemis (daughter of Ed Bemis, executive secretary of the Colorado Press Assn. gives a "women's piece" in the news report, Elliott Todhunter Dewey reviews books and the house-band knocks out some "Silver Strings" melodies.

Two additional stanzas are being plugged hard by the station. One of these is the 'Lady, Lend an Ear' variety stanza across the board every morning (participating). Talent is comprised of Rolly Chestney's house orchestra, Robert Bradley (male vocalist), Inez Pence (pop singer), and Margaret Moore (Wauhulla La Hay). The other is a 'Boner's Court' on Thursday evenings in which the entire station staff defends itself against criticisms written in by listeners throughout the week.

KFLZ has this year additionally carried a full-load of sports events. Wheaties during the summer aired National League baseball games over the station, and currently Rocky Mountain Conference football is being unraveled. Civic affairs get their due share. Music from high schools is now on the schedule for Saturday morning airings.

KFEL and KQVD, now divorced and each full time have not fully evolved future program policies. But both stations have that all-essential asset—local business—and can swing into a load of national spot from there.

DOLLED UP KFEL, A LA NAVAJO, IS GENE O'FALLON'S HUSTLER

KFEL, 1,000 watts on 920 kc., is the Gene O'Fallon station affiliated with Mutual. Prominent in N.A.B. affairs, O'Fallon has operated the place on a perky, sunny basis. That goes even for the furniture and pianos which are specially built to bear out a Navajo motif. KFEL was the first station in town to broadcast news regularly, and that policy has been maintained with emphasis ever since. KFEL is also the only station in town which operates on a single rate card. Remote lines to the state house, courts, etc., are maintained on a widespread basis, and stunts of all kinds are spotted prominently.

Gene O'Fallon runs the station, with Frank Bishop acting as aide-de-camp under the title of station director. Holly Moyer is commercial manager. Don McCaig is program director while Bill Welsh handles news and sports.

Typical of KFEL's stuntsy ether lineup are the following: a man-on-the-street broadcast (via shortwave set); a "blunderbust" in which announcers are stumped on tongue-twisters

a stale joke contest; and Norburn Smith's broadcast from the public market. Along standard lines are a musical clock conducted by Ned Lynch, and a peppy musical stanza directed by Willie Hartzel (participating). The station does a fair amount of merchandising, and works up an especially swanky program schedule for mailing to 300 agencies.

BILL PYLE GOT INTO RADIO AFTER THE WAR—THE SPANISH-AMERICAN

KVOD has no less than 1,000 watts on 630 kc. and the NBC Blue schedule. Its plant and transmitter is brand new. William Pyle, the president, is undoubtedly the oldest radio manager in Colorado. It's said that he built his first "wireless gadget" in 1902; but whatever the outcome of that remote experiment, Pyle certainly is the patriarch of the broadcast managers here. He had no less than 16 radio Springs before radio was even a "p-squeak" and like many of the old-timers, he was once a radio dealer. Tom Ekrem is his station manager. His experience with radio is relatively new—it only goes back to 1909. Rest of the KVOD staff is composed of Don Hecker, commercial manager; Joseph Finch, general director; and a publicity; and Harry Hill and Richard Leonard, news editors.

A picture of KVOD's programming will have to be reserved for a later date. Right now the old schedule is being shifted around to make room for more live talent. That means that NBC sustaining fare—now accounting for around 60% of the schedule—will be cut considerably. But undoubtedly some of the following local fare will be retained: a man-on-the-street stanza; a traffic safety program; educational programs of all kinds; the musical clock conducted by Graham; and stanza in which Harry Hill requests blood donors. The last one is on tap (particularly good for a city of this one) involving a local radio station.

THE CUSTOMERS

The following national spot accounts are represented on the four Denver stations:

[illegible]

**WCKY NOW ONE MIN.
FROM COVINGTON**

Cincinnati, Nov. 7.

Transfer of WCKY's home identity from Covington, Ky., to Cincy is expected by Dec. 1. With plans for a new and general manager, to become official Nov. 15, with FCC authority. By then the station's studios and offices will be completely set up in spacious and modern quarters in the Hotel Gibson, heart of the city, leaving WCKY's new 50,000-watt and former 10-watt transmitters a few of its only properties remaining on the Kentucky side of the Ohio river.

In announcing its call letters the station always used the line: 'Covington, Kentucky; one minute from Cincinnati.' To start off its new

Morgan Family, of the 'Hollywood Barn Dance' from KNX, Los Angeles, on the third anniversary program of the Civic Theatre. Wichita.

27,000 AT QUIZ

Al Fresco Question and Answer Rally Draws Record Crowd

The high tide of the quiz raid program popularity may have been reached here if numbers are an test. The so-called "Mr. Dodge" program (you guessed it—Dodge auto distributor is sponsor) has been playing at the Adolphus hotel ballroom with 1,000 to 1,200 persons usually present. But during the recent quiz State Fair (the program moved into the Cotton Bowl stadium) and quizizzed contestants by amplification before 27,000 persons.

Quiz program itself was free but public paid 25 cents a head to get into the fair grounds.

BOB CHAPMAN BETTER

Bob Chapman, WKY sales manager, slowly recovering after serious hospital siege.
Was operated on for appendicitis which was followed by pneumonia complications.

NBC TITLES HANDED GREENE AND BEVILL

Two new titles were handed out by NBC's sales promotion department last week. Jack M. Greene was named circulation manager and H. M. Beville, Jr., research manager. E. P. H. James, NBC advertising manager, will have charge of advertising and direct mail which have to do with network sales.

Greene has for years at NBC concerned himself with developing new ways of station and network circulation measurements and their application to network sales. Beville has been the network's head statistician and he will continue to head up this staff in addition to supervising all sales research.

WTMA to NBC

WTMA, Charleston, S. C., replaces WCSC as the local NBC affiliate Jan. 1. It will be part of the southeastern group.

WTMA operates at 250 watts on 1210 kc.

WPEN GABBER SUES

**Says Rich Man Socked Him W
On Picket Duty**

Philadelphia, Nov. 10 (AP)—Saul J. Guyer, W. J. Gabbler, died suit for \$10,000 last week against William J. Condon, a wealthy West Philadelphia real estate owner, charging Condon struck and broke his glasses on Oct. 10 when the announcer and several others were picketing the station.

Condon allegedly told Guyer, "I didn't like unions." Guyer is a member of the American Communications Association, CIO, which was out when the station allegedly locked out members of the hospital employees' union.

The men were returned to the station after the suit was filed.

The men were returned to v pending final action by Arde Bul owner of the station.

Des Moines auto show attend of over 42,000 was 20% increase last year. KSO-KRNT had ch of the program which included C Williams' band and Ray Perkin emcee. Younker Bros. depart store provided the str.

SPONSOR ANSON WEEKS
ORCH ON CBS SUNDAYS

Chicago, Nov. 7. Anson Weeks orchestra goes coast-to-coast on Columbia starting Nov. 19 for Chamberlain, hand lotion through Ramsey agency.

Will ride from 1:30 to 1:55 p. m. on Sundays on an 18-week minimum contract.

Sheep Deal II

Shoots Bankroll

New Orleans, Nov. 7.

Acting General Manager Vincent F. Cummings, of WWL, last week signed and sent a check for 20c to a New Orleans listener. Latter wrote in and said she thought station should pay for a can of beans which she allowed to burn as she listened intently to one of the station's broadcasts.

Station agreed with her—a publicity story being worth 20c—but

AND COSTS WILL GO EVEN HIGHER

NBC, CBS Bearing Most of the Cost at Present—Thousands of Schools and Colleges Will Eventually Be Equipped for Classroom Radio Programs

AIR SCHOOL

By BOB LANDREY

Educational-cultural type radio programs are getting a constantly larger amount of attention from the two major networks. At the moment NBC and CBS between them are probably spending \$200,000 a week for their educational departments and the sundry activities stemming therefrom. The growing number and tempo of such programs suggests that this is, like the planning behind the efforts, just a starter.

Apart from off-the-air programs, it is anticipated that thousands of schools and colleges will eventually be equipped with cheap, portable turntables adjusted to both phonograph and transcription speeds. Within six months, NBC, for one, hopes to start supplying classroom programs completely recorded and available at a nominal cost-plus-shipping price of around \$2 per disc. Such programs will not necessarily be broadcast.

CBS meantime has, with this season, injected new showmanship and production into its so-called "one-a-week" American School of the Air. This program is thought to have the largest audience in the aggregate of its several age levels. Students listen en masse in their classrooms or auditoriums. As with most of the educational-cultural broadcasts on the networks, there is invariably a so-called co-sponsor, some organization specializing in a particular field and collaborating with the networks.

Examples of "Co-Sponsors"

Scattered samples of "co-sponsors" of educational programs now on NBC include:

Federal Council of Churches—Sunday Vespers.

National Council of Catholic Men—Brother Leo, Paulist Choir.

University of Chicago—Round Table.

Frontier Art Society—"Art For Your Sake."

Union of American Hebrew Congregations—Talks.

National Vocational Guidance Assn—"On Your Job."

Sinithonian Institution—"The World Is Yours."

American Assn. for the Advancement of Science—Dr. F. R. Moulton.

National Bureau of Agriculture—Farm and Home Hour.

Institute of Human Relations—Talks.

The scope of the material and the educational tie-ups arranged for "American School of the Air" (with its curriculum laid out a full school year ahead, but programs built as required by the weekly regular program department under Bill Lewis) indicate the elaborate preparation and research that goes into a actual scripting, directing, acting phases. This program's skeleton framework for the present season is as follows:

MONDAY

Frontiers of Democracy—Vocational and social studies. Dramatizations based on the report of the National Resources Committee on technical, social trends and political, economic and sociological implications of the machine age. Produced in cooperation with the Progressive Education Association. Manual material prepared by Margaret Morrison, Backus School, Progressive Education Association. Script, writer, A. Murray Dry. (Up-

Sugar-Coating Needed

Mexico City, Nov. 7. To get Mexicans to listen to instructions concerning the pending Government census, radio has been employed extensively by Federal authorities. Educational chatter is being broadcast between hot swing phonograph records.

The discs mostly made in U.S.

TUESDAY

Folk Music—Foreign origins of American music, regional American music, past and present. CBS Orchestra; Bernard Herrmann conducting in cooperation with the Archive of American Folk Song of the Library of Congress, the Music Education National Conference and The National Education Association. Manual material prepared by Alan Lomax, and G. D. Wilson, Ohio State University Bureau of Educational Research. Programs directed by Alan Lomax, and G. D. Wilson, and William Finefribler. (Upper elementary grades, and junior and senior high schools.)

WEDNESDAY

New Horizons—Geography and science. Roy Chapman Andrews, Director of the American Museum of Natural History, and other noted explorers on weekly visits to different parts of the geographical section of the museum. Presented in cooperation with the American Museum of Natural History and the National Education Association. Manual material and scripts written by Hans Christian Adams. (Elementary grades and junior high schools.)

THURSDAY

Tales from the New Literature. Modern children's stories of many lands, narrated and dramatized by the radio. Directed by William Tellers. Presented in cooperation with the Association for Children in Childhood, the National Education Association, the National Council of Teachers of English, and the National Education Association. Stories selected by the Association for Arts in Childhood, Radio Committee; Barbara Nolen, Story Parade; Phyllis Fenner, Manhasset School Library; Alvina Treut, New York University. (Elementary grades.)

FRIDAY

The Living World—History and current events. Dramatizations, commentaries and forums on significant events in world news, broadcast by the radio. Presented in cooperation with the National Council of Education and the National Education Association. Manual material prepared by Dr. Henry L. Shoel, author and specialist in teaching of social studies. Scripts prepared by Robert A. Smith, foreign correspondent, newspaper editor and playwright. (Upper elementary grades and junior and senior high schools.)

Both networks have encouraged the interested side of the radio by their owned-and-managed units to add either specially hired educational programs or by designating a responsible station executive given little title to educational-cultural type radio. The growing importance of this title to educational-cultural type radio is being shown by a liaison with the station. A recent CBS rally resulted in some 25-odd educational programs being shown. As they paid their own expenses this was impressive testimony to the growing importance of this phase of broadcasting. NBC will have its own educational unit and will have various additional meetings are called by CBS.

It must be noted that the importance of education in the lack of funds for sustenance, a chronic condition of the radio industry. One program from the American Museum of Natural History sponsored by Bob Emery is well regarded.

NBC's educational plan began appearing in present shape three years

ago when the ex-president of Yale, James R. Angell, became Educational Consultant at \$25,000 per year. At the time the NBC plan underscores the local station, feels that a network by its very size is not the proper place for classifying educational (CBS demurs, thinks otherwise). The expected eventual popularity of cheap-record (50,000 high frequency school band transmitters designed for broadcasting to schoolrooms in each area and according to each area's own ideas is more congenial to NBC. It also seems to drum up what it calls "classroom training." In other words, programs of social or cultural significance are called to the attention of schools directly or through co-sponsors. Teachers are to have pupils tune in that particular program as part of after-school "home work."

Central Control-Pro Actors

Columbia tends to take the position that educational programs need central control and professional actors to make them engaging. Another small difference is that NBC prefers to speak of "public interest" programs and CBS, dying from the common carrier connotation, likes "educational programs" as a label for its show.

What the networks are doing is what they plan to do necessarily. The networks have been in connection with the constant machine gun fire of criticism from persons and organizations that want, just not, get free time to speak their pieces or sharpen their axes. The great interest in "patriotic" societies poses many ticklish problems because many of them are palpably phony. The networks are not going to support any of these "patriotic" societies, many of them are self-conscious about our democratic institutions and there has been a great deal of criticism intensely, on the part of paid secretaries, for the change in the young generation and get themselves a little publicity.

The networks get the brunt of a lot of criticism but every station in the country, in lesser and local ways, knows what it is. What the networks are doing is to make the one-man or one-woman scheme that hides out behind a letterhead and a variety of subways in the show's list of honorary stabilizers.

The whirling dervishes of the new radio love-democracy give us a time to have their counterparts at the moment in an alarming increase of

A Good Precaution

Boston, Nov. 7. WBZ has notified all program directors and announcers that in preparing Question and Answer programs and forums they must make sure they know all the answers before they go on the air. Radio is the great teacher.

societies devoted to the hatred of certain classes, groups and sects. Between them they make many demands for free time. The webs reject most of them. It is this problem that overtops the proposal of the American Civil Liberties Union that all requests for time made to networks or stations should be listed in a log-book together with annotations as to what followed, and the log-book should be open to public inspection. This suggestion was revived at a recent "censorship" conference at the Billmore hotel, New York.

The American Civil Liberties Union, out of what it calls the "skepticism of observation," thinks that the networks are merely raising old ideas, the public log book idea exactly as, in the union's view, they raise money for the proposal that would limit the network's own freedom of decision. And this is about the only chapter in the FCC-WLV wrangle is of major importance to numerous operators for more reasons than that it means the end of super-power until the regulators are convinced a higher wattage limit is warranted. The FCC has already in the Supreme Court of Appeals denied a renewal beyond last Feb. 28, slappers.

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N.A.B.-Encouraged Music Co. Fies With S.E.C.; Will Issue Stock to License-Holders

Washington, Nov. 7. Little light was thrown on proposed licensing system of the N. A. B.-encouraged Music Co. publishing house when permission was Friday (3) to issue 100,000 shares of capital stock for the Music Co., Inc. Papers revealed the venture will be abandoned unless ample cash is in hand by February.

Although corporation is authorized to have 100,000 shares of securities, the Securities & Exchange Commission was informed in the registration statement that but 10,000 tickets will be issued at the outset. Remainder to be kept in reserve for possible sale to private traders or in case of later need for additional working money.

Uncertainty about the company's methods continued even after close analysis of the lengthy legal documents, supposed to give complete picture of the corporate structure and registrants' activities. With explanation that one purpose was to issue licenses, Broadcast Music said little except that funds to be collected from clients would equal 10% of the amounts payable to American Society of Composers, Authors & Publishers in 1937. The company's statements, however, as to what will be covered by the licenses or whether any restrictions would be placed on use of sheet music and recordings owned by the corporation.

There was little new in the 18-page statement, which explained the formation of the company and the license performing rights to broadcasters and others. Repertoire will be acquired by the company and creation via employees, with the company planning both to publish and record.

Although Broadcast Music, Inc. supposedly will stand on its own in contrast to the former subsidiary, the N. A. B. (which was wholly-owned subsidiary), the N. A. B. expenses but does not underwrite the stock or stand responsible for losses or failure of the enterprise.

Getting along without the aid of any promoters or financial distributors, Broadcast Music will sell stock to members of the industry who take out licenses. Securities will be on a one-for-four basis, with each subscriber getting capital stock to the amount nearest 25% of the amount he may pay for programing rights. The paper, with a nominal value of \$1, will be handed out at a price of \$5. The company will take more or less than his allotment, which means that if the license fee of a station is \$100 a year, he will be offered to purchase \$25,000 worth (500 shares) of the stock if he wants any.

In setting Feb. 1, 1940, as the deadline on the issue, Broadcast Music said that contributions will be returned and licenses cancelled if descriptions are not met for programing operations. The paper will be offered to all potential licensees in the 1 to 4 basis.

Since the corporation is entering an uncharted field, little information about financing and operations can be given, the SEC was told. No budget has been set up, nothing was said about salaries or other expenses of the general manager or other executives, and about the only info of the sort was the report that Broadcast Music expects to take in \$1,000,000 a year from stations acquiring licenses. In addition, the company would contain \$400,000 from sale of the stock. Amount required to run the business cannot be accurately estimated at this time, it was said.

Big push by propagandists and salesmen is continuing, it was revealed. In outlining the set-up and modus operandi, registrant explained that public relations executive would be one of the pay-rollers and hinted at an aggressive drive to woo business from ASCAP.

Jimmie Britt's Title

Boston, Nov. 7. Jimmie Britt has been given the title of director of sales and announcing staff of the Yankee and Colonial networks. New job starts Jan. 1.

Britt will be assigned to cover the Boston Red Sox and Bees training camps.

Ain't You Ashamed?

Boston, Nov. 7.

The comedy and routineing on the "breakfast" show in Boston, over WBZ-WBZA weeknights from 8-9 A.M. is 100% spontaneous. But CBS network announcer Fred Cole happened to look out of the studio window during the broadcast. In the parking lot across the street was an attendant looting beside an unusually dirty car. Cole remarked over the air that the man should clean it.

At the time, the attendant quickly grabbed a sponge and went to work. Cole realized that the man had the auto's radio tuned in to "bedlam."

WHITEMAN C. A. B. SPIRIT

Paul Whiteman's orchestra, which jumped from 6.8 to 10 between the last two reports of the Cooperative Analysis of Broadcasting, occasioned considerable talk on the street last week and especially among other orchestra leaders. It underscores the fact that seasonal increase in the listening audience which sets in with cold weather. In the same period, another program, "Ask-It-Basket," has jumped from 6.8 to 10.

Whiteman's other spots have been recorded. The Whiteman upward trend began in August when he went down to around four, quite low for him, and the latest spurt is in line with the other pace. Whiteman's sponsor is Chesterfield; "Ask-It" is underwritten by Colgate-Palmolive-Peet.

Twice a year the calm of C.A.B. is disrupted by sudden up or down in the survey of popularity. Toward the end of April programs often bring frightening the buttons of the survey of popularity. It seems to suddenly go to pieces. This simply means the robins are chirping. Again toward late October the popularities reassess themselves.

The shifts, changes in the competition, all affect C.A.B. standings. This fall spurters have included Helen Menken, who went up to 10.3. Sponsor is Bayer.

Some differences may be figured. In this season because the CBS "his" policy was in force for the first time, an advisory board made up of leading dates of programs to some extent.

Equity Inclined to Be Lament On Telecast Pay Scale Problem

A scale for salaries in television which uses legit players principally is the least of the show's Equity concerns. An Actors' Equity Assn. committee but progress has been made in clarifying the situation and it is proposed that an advisory board made up of Broadway stages, as possible, sometime during the season. Before the advisory board made up of hearings and working conditions are finally adopted, they will be okayed by an advisory board made up of representatives of the several actors' unions whose people appear in the show.

One major point decided on is to completely change the pay requirements for legit stage performers. Present rule calls for players to be paid a full week's salary for one telecast. The show's Equity concludes that such requirement is excessive. Explained that when that rule was adopted about three years ago, it was designed as a protective measure, since it was not known whether television would impair

Has Upper Hand On Radio's Minute Hand

Philadelphia, Nov. 7. Powers Gourdau, who last week began a six-night-a-week chatter on the "breakfast" show at the Arcadia restaurant has a novel wrinkle on the deal. Sponsor bought 100,000 spot, but Gourdau can make his spiel anywhere from 10 minutes to the full period. Regular CBS network sustainer dance music is picked up to fill out the stanza.

Gourdau has been on the air continuously for nine years and claims it's a first time he hasn't had to tailor his script to fit the clock.

Texaco May Divvy Hour Into 2 Halves

Texaco has deferred for a time action on the idea of separating the dramatic half of its Wednesday night hour and scheduling it for some night on CBS. The company's account won't decide on a schedule change until option time comes due at the end of this month.

According to the proposal, the variety half of the Texaco hour would wind up at 9:30 p.m. and an attempt would be made to induce say, a present Friday evening CBS account to swap its hour with the Texaco Wednesday 9:30-10 period. One of the angles about the change that the outfit wouldn't like is the added cost for time, but on the other hand it might consider the added plug value of two different periods of the week worth the difference on the network bill.

Entertainers Employed At Political Meetings

Syracuse, Nov. 7. Entertainment and politics developed during the recent campaign season in August when a group of Republicans, which worked on the "radio" for the campaign, was G.O.P. rest afternoons and at one major rally each night. During the afternoon meetings, there were three-piece ensemble with Helen Devine, vocalist. How Odell, vocal and guitar, and served as vocalist and emcee.

At the night show, Curran used his own 12-piece orchestra with Selda Castle and Red Thomas, vocalists, and Kenny and Arlene Draper, dance team.

Swicegood's Aide

Atlanta, Nov. 7. Jess Swicegood, manager of WAGA, has appointed Paul Overby, formerly of the program department, as his assistant so that he can devote himself mainly to sales promotion and matters of policy.

Overby, who has been with the sales staff is J. H. Macy, former rep for the Kohler Co.

The new television is now being used as a new source of engagements, particularly when the new art is contemplated.

If reasonable pay is adopted for telecasts made from theatres direct, RCA-NBC will have a hard time in the direction, employing mobile units as now used for sports events. CBS is still in the process of studying some time ago but that chain's television development is way behind.

Recently Max Gordon, aimed to televise NBC-CBS hour for the "Very Warm For May" from the stage but was stumped by the full week's salary rule. He protested and the proposed change is a result. Equity has been assured by the action of N. B. C. that it is supporting the lead of Equity in assuming jurisdiction of television but

is still believed to be the solution as to which union or unions will formally take over.

Inside Stuff—Radio

John Erskine, who guested Sunday (3) at Metropolitan Opera Auditions of the Air over NBC blue (WJZ), planned in from the Coast for the stint, which was strictly a giveaway. He new back again immediately after the broadcast to resume his magazine series. His personal appearance on the broadcast was paid a nominal fee, but in every case the coin is turned over to the Metropolitan, of which Erskine is one of the directors. His daughter, Anna Erskine, scripts the show but won't be present at the broadcast, which is on Monday (6) opening of the new Dwight Wiman production, "Mornings at Seven," for which she's assistant to director Joshua Logan.

Two additions to the growing bookshelf on matters radio have recently appeared. One, "Entertainment Weekly," has a new section on the radio. The other, a compilation of excerpts on "Radio Censorship," edited by H. B. Saunders, of Kansas State College, is perhaps the most useful and most carefully researched work on the most question now far published. Majority of works on censorship have had an axe to grind. Saunders has edited and H. W. Wilson has published a straight fact-and-quote book.

Don S. Elias, executive director of station WNCN, Asheville, N. C., points out that Variety drew in its recent story concerning the new station, WISB, located in the same market. There is no connection whatever between the ownership or management of the newcomer and the old established station, now in its 12th year. Elias is at the Savoy-Plaza, N. Y., currently.

New Masses, pro-leftist weekly, is starting a series of articles in its Nov. 21 issue on Father Coughlin. John L. Spivak has been researching for four months around Detroit. Having interviewed Stanley Boynton, of Altracres, Inc., and sundry others, the series is being accompanied with much curiosity by the broadcaster bloc in that area.

A.F.M. Asks \$4,500,000 Annually In New Contract with Broadcasters

Chicago Admen Junked To Pittsburgh For KDKA's Big Dots

Chicago, Nov. 7. Flock of Chicago radio people, especially radio time buyers, rattled to Pittsburgh over the weekend to attend opening of new transmitter. Headed by NBC-tele Harry Kopf, in charge of network sales, and Oliver Morton, chief of local and national stations.

From the agencies were N. J. Kavanagh, of Roche, Weyburn, and George Duran and H. H. Hudson of Kastor, Ed Fellers of McCann, and J. H. McDonald, of Hulsebus of Slack-Goble, Tom Kivian of George Hartman, Ray Reynolds of Robert C. Smith, and Robert Blackett-Sampson-Humert, R. J. Scott of Schwimmer & Scott, Henry J. Murphy, of the Chicago, Frank Steel of McKinnin, Lou Nelson of Wade, Myrtle Wright of Henry, and J. H. McDonald, Herman Groth of John H. Dunham, Margaret Wylie of J. Walter Thompson.

Pitt Shindig

Pittsburgh, Nov. 7.

Biggest party in local radio history was tossed by KDKA over week-end. Occasion was dedication of station's new transmitter and Manager Sherman Gregory hosted more than 100 guests, most of them coming from New York and Chicago. Claire Trevor, star of "Allegany Uprising," who was here for the station's premiere, stayed overnight to break the proverbial bottle of champagne at the transmitter's base in presence of Major Lemuel, of the Army. Frank Conrad and Mayor Scully, eleven five-minute predictions of developments of the future. Industrial and civic leaders were engraved on wax transcription discs and sealed away in a glass crypt as part of the exercises.

Ford's Iowa Styles

Des Moines, Nov. 7. Gwen McClary has a new program for the WMTW-TV, which is a style, travel and historic story combo on Iowa.

Ford is also carrying a spot campaign of four announcements a day on the three Iowa Cowles' stations.

ARTUR DAILY TO N. W. AVER

Washington, Nov. 7.

Arthur Daly, WRCA-WMAL, New York, has left to take a job in the office of N. W. A. Aver, New York. He was formerly with the Henry Souvaine program bureau and with NBC in Radio City.

Has been fathering blue network programs from the Washington studios for a year.

In addition to arriving at a new lump sum that the union expects the broadcasters to spend on musicians annuity and education funds, the American Federation of Musicians last week modified the established scale applying to transcription libraries. The board will meet again Nov. 20 to get the reaction of the negotiating committee of the Independent Radio Network Affiliates to the AFM's new payroll allocation of \$400,000. The board has agreed a year than the industry has been under agreement to pay for the past year. The new scale is a compromise between IRNA and the Federation.

While the industry as a whole is asked to increase its outlay for musicians' annuity and education funds, the networks' key stations in New York, Chicago and Los Angeles is scheduled to become double. The current contract obligates these outlets to spend a minimum of \$60,000 a year each to become a station for \$120,000 a year from these sources. These payrolls are the basis for the scale set for the industry as a whole.

The revised scale adopted by the AFM board means a 15 to 20% reduction for musicians employed on transcription libraries, and makes the half-hour rate for library conform with the rate which applies for commercial recordings. In the latter case it's \$18 for a quarter-hour platter and \$24 for a half-hour platter. Under the previous arrangement, work on sustained basis was treated in quarter-hour lots, so that a half-hour recording job for instance was figured as two quarter-hour jobs. The new rule, however, does provide that the program recorded on this basis must derive from a single continuity or script.

OLD GOLD THINKS IT OVER, THEN QUILTS

Old Gold has decided to lay off network radio for a while after the B&W-Tobacco Co. has been told Nov. 14. The agency on the account, Lennen & Mitchell, talked about various means to get the brand but there was no real enthusiasm.

Lorillard's decision makes vacant the 8-9 a.m. spot on the NBC Saturday nights which the fall. The account has been moved to a spot on Tuesday night, Nov. 25.

There is a good possibility of Lorillard's decision to move to a show in behalf of Union Leader, one of the smoking tobaccos it packages. The W&M Co. has been asked to show to submit to the account.

Mawhinney in Arizona

San Francisco, Nov. 7.

Max Mawhinney, former KNX news bureau manager, has been named manager of KYCA, Prescott, Arizona.

Station sends out its first signal Dec. 15.

NBC, CBS STAND THE LINES

By BEN BODEC

Regardless of the manifold steps which Elliott Roosevelt's Transcontinental Broadcasting System has already taken, New York advertising agencies are of the opinion that NBC and Columbia hold the key to any fourth network's future. Black-ett-Sample-Hummert, the agency which inspired Roosevelt's project, finds itself badly stymied by NBC and CBS' ban on instantaneous transcriptions for miscellaneous re-broadcasting, and, as other agency men see it, the outlook of the Transcontinental strategem depends on how far these two networks will go in modifying their policy.

Efforts of NBC and Columbia to obtain some light on the B-S-H objection and maneuvers which the agency's Chicago office have proved fruitless. Glenn Sample has told these inquirers that he doesn't know what it was all about, while Hill Blackett, Republican committeeman from Illinois, has likewise excused himself from having any connection with the Transcontinental setup. What has mystified the agency more than anything else is the part that George Torney, v.p. of the New York office of the B-S-H, has played in playing in Roosevelt's latest project. It has been the custom for all orders to American House of Music to be handled by Sterling Products business to come out of the Chicago agency. The latter version of the story is that Roosevelt's associates have been fishing out in Chicago among advertising stations for a possible Torney's signature, even though it is written on the letterhead of the Chicago office of the B-S-H. The strikes NBC and CBS as a curious one, since it makes no mention whatever of the number of stations or rates.

Mutual's Problem

It is generally agreed in the trade that Roosevelt's undertaking looms as a real and direct threat to Mutual. Blackett-Sample-Hummert may find itself cramped to all the way with its stratagem and accept what Transcontinental is able to line up in the way of stations. With 20 hours a week made available from this source, other stations allied with Mutual will find it difficult to become covetous enough to disregard their Mutual allegiance and take the business. Mutual's top men are making no attempts to veil their right resentment of the treatment that they have received from Black-ett-Sample-Hummert during the past two weeks. This chagrin derives partially from the alleged circumstantial evidence that while Mutual was being spurned by B-S-H to line up an evening two-hour contract, Torney from Torney was already on the way to the organizers of Transcon-

From other quarters in the trade comes the speculation that Mutual's aggressive move to take over the station from Roosevelt has proved equally embarrassing to Blackett-Sample-Hummert. Mutual's position is compared in these quarters to an outsider who suddenly intrudes himself in a receptive play to a successful football team in order to execute. The outsider grabs the ball and runs, instead of being charged by the intruder, merely substitutes another ball and goes on with its play. The last week's Mutual broadcasts affluates that if they co-operated with this B-S-H development they would be certain to get on receiving Mutual's program service. Tened that this was insinuated as a threat, Transcontinental indicated that litigation is in store between the Texas State Network if it becomes part of the Transcontinental hook-up. Mutual's contract with the hook-up was until September, 1941, to and it provides that it may not ally itself with another national web under terms and conditions which are favorable to those received from Mutual. Later gives a link 85% of the rate and up to a total of 21 hours weekly. Above 21 hours the station would get 50% of its card rate for time.

Hearts and Flowers

Montreal, Nov. 7. Jake Brill, of N. W. Ayer & Son, Philly, billed of the company to sentimental trends in advertising before the Advertising Club of Montreal last night. Brill said age of romance was returning, and that advertising copy writers were capitalizing on it. Pointed to books and magazines of the past two years as indication of current feelings.

PEPSI-COLA LOCALLY BACKS AIR GAME

San Francisco, Nov. 7. The Answer Game, on KERC 2d weeks last year for Wicland's Beer has been purchased by Pepsi-Cola through Newell Emmet Co., New York City. Starts Friday, Nov. 10, 8:00-8:30 p. m.

Show with a question-answer idea using telephones and charts.

Tom Mix Ghost Still Is

Chicago, Nov. 7. Russell Thorson was "Tom Mix" for public consumption but not for long. After granting the player billing, the sponsor, Ralston, sent through an order asking him to drop the name who ghosts for the cowboy here. Want the kids to think it really is the original.

WDSM on 18-Hr. Sked

Milwaukee, Nov. 7. New station, WDSM, is now operating at Superior on an 18-hour daily schedule. Fred A. Badger, president of the Federal Broadcasting Commission, is secretary. Robert D. Kennedy, secretary, and James Payton, program director, WDSM is a Mutual affiliate.

'GREEN HORNET' ON NBC BLUE

Detroit, Nov. 7. WXYZ's 'Green Hornet' serial moves from Mutual to NBC Blue as sustainer on Nov. 16, hitting one thereafter on Thursdays and Saturdays at 8 p. m. Was Tuesdays and Thursdays heretofore.

NBC is freeing time for half hour show and offered to entire Blue Web coast to coast.

Shift is being made, according to H. Allen Campbell, WXYZ's general manager, because station is desirous of selling serial to a national sponsor instead of sectional sponsors, has been done on WXYZ's 'Lone Ranger' now going out over Mutual and numerous other stations.

Serial, dealing with lawbreakers in the law, first broadcast on Jan. 13, 1936, over WXYZ and Michigan network and was extended to Mutual on April 15, 1938.

New setup will necessitate only one broadcast of serial. In place of the two broadcasts, one each over WXYZ and State Web and over the Mutual.

Sponsored Emergency

Des Moines, Nov. 7. Because workmen cut the wrong cable, WHD, Des Moines, was without a broadcast for the past week last week but were able to patch in with a portable control panel and broadcast the program for the 30 seconds lost time. Lighting in the studios was by means of Aladdin lamps. The program was interrupted from an advertising display window next to the studios. Aladdin lamps have been advertising on WHO's Iowa Barn Dance Frolic programs for eight years.

Chicago Invasion

Duluth, Nov. 7. Martin Olson, 27-year-old actor, at Duluth, Minn., has been cast off for Chicago last week, announcing that 'I'll make Blackett-Sample-Hummert or starve.' While WBCB doesn't think it will share they feel he may have coined a new slogan for the conquest of the west.

MAJ. BOWES SHOW NOT IN MONTREAL

Montreal, Nov. 7. Major Bowes (Chrysler) is not being fed to Station CKAC this season. Chrysler Motors appears to be concentrating heavily on newspaper and magazine display copy. Major Bowes is third major program lost to private French-language stations here. The Symphony show was cancelled because of the government ban on W. J. Cameron. Provincial Radio was taken over by former Premier Duplessis prior to election campaign.

Provincial Hour formerly originated at CKAC and was fed to a private net. It is understood that the Quebec Government is to pay for talent only. Should Premier Godbout accept CBC offer Provincial Hour would likely go over the CBC regional net.

Heidt From Youngstown

Akron, Nov. 7. Horace Heidt's Brigadiers will broadcast next Tuesday's air date for the program. Heidt opens a four-day run at the Palace here Friday (10). Then moves to Youngstown's Palace Tuesday.

'Probes Alleged CBS-NBC Pressure To Thwart Mutual's World's Series

Washington, Nov. 7.

Repercussions from inter-web fight over the World Series broadcasts are likely, involving a new test case in the Federal Communications Commission's regulatory powers and right to supervise relations between chains and affiliates. Recapping of the network-mongering investigation is possible, following Commission decision see whether public interest was violated by making it difficult for MBS to provide the coverage service, while it on the ownership of KCMO, Kansas City, is believed to be one of the chief money-men in the Transcontinental proposition. Evans is also head of the Crown Drug Co., K. C. store chain. Roosevelt, who is president of the Emerson Radio and Pepsi-Cola have contracted to share his commissioner's office with the MBS network on a five-times-a-week basis. The deal with the MBS network is a withdrawal from NBC's three quarter-hour daily strips and two such packages from Columbia. Transcontinental, a public corporation, is said 'leave Texas back' but stock will be sold, if desired, to station men and other individuals. About \$200,000 worth of this stock will be offered to officials, it is said, and provided that they do not ally itself with another national web under terms and conditions which are favorable to those received from Mutual. Later gives a link 85% of the rate and up to a total of 21 hours weekly. Above 21 hours the station would get 50% of its card rate for time.

exercised on stations which Mutual tried to tie up for the sports event were taken last week. Letters were dispatched to the stations and license-holders asking their experience with the ball game programs. The FCC has asked whether transmitters aired the swiftest descriptions, if they had any trouble clearing time, and whether attempts were made to block the airing.

Inquiry was a surprise, although it was not the first time the FCC had tried to interdict FCC support to line up the plants needed to supplement the coverage. Mutual's representatives were reported to the Commission where other licenses when approached by MBS said they could not sign up for the baseball broadcasts because of commitments to other chains.

The matter brings in for forceful manner that troublesome question about the desirability of permitting the use of radio facilities through unused options, as well as the proposition of giving out a license right to some feature of wide interest. So far, the FCC has given little interest in the latter question, which was the subject of past suits to judge K. M. Landis, a broadcaster, when he was ordered to air privileges to the Yankees-Reds tie.

Charge of Heist

What the Commission wants to know is whether the MBS has agreed to carry the descriptions and whether or how it happened. The MBS has agreed to carry subsequent broadcasts after the first game was aired. Information on the MBS has been given to two questions, substantially as follows: 1. If you carried the programs,

was any attempt made to get you to back out?

2. If you failed to air the games, did the MBS attempt to get you not offered, whether your requests for permission to participate in the broadcasts were rejected, or whether you were intimidated into not carrying the descriptions?

The responses, when required by Wednesday (15), are to be studied by the law department before being released to the public. The FCC, which steered last winter's long investigation of chain practices and headwinds was quick to point out the unfair limitations imposed on affiliates by NBC and CBS. Probably that surmises will go out for representatives of the other webs and the Commission may call executives of the independent stations into order to get direct testimony supplementing the written statement.

While charge of rendering judgment, Commission authorities look askance at the refusal of rival webs to release their stations to carry the game programs, just as they have refused to comment about the legality of the practice by which affiliates are tied up for long periods through the use of the FCC's station freeze.

The squabble about the World Series has been a long one, and has called to the FCC's attention months ago by Louis G. Caldwell, counsel general in the chain-monopoly suits in the past several months. He intensely their grasp on independent stations and some independent efforts to have the Commission order preserving the status quo, by refusing to take steps from extending the MBS program since the legality of relations had been settled in the past. No action was taken on this suggestion, which still is 'under consideration' by the FCC, but it is clear that other parties maintain was improper since the FCC was not an 'adversary proceeding'.

By DAN GOLDBERG

Chicago, Nov. 7.

In the second week of maneuverings, out of which a new coast-to-coast network is announced as an impending reality the most unmistakably clear fact seemed to be this: Mutual was unalterably opposed to the whole undertaking, saw it as a threat to itself, anticipated wholesale raids on Mutual stations and was furiously anxious to cancel out the advantage gained by the Elliott Roosevelt camp, doddies of the new Transcontinental Broadcasting System, in being able to boast of whole-sale time commitments from Black-ett-Sample-Hummert.

Also at this point in the drama of plot and counter-plot which has had the long distance telephone and telegraph wires buzzing it develops that the Transcontinental tendency toward the whole undertaking, saw it as a threat to itself, anticipated wholesale raids on Mutual stations and was furiously anxious to cancel out the advantage gained by the Elliott Roosevelt camp, doddies of the new Transcontinental Broadcasting System, in being able to boast of whole-sale time commitments from Black-ett-Sample-Hummert.

After reviewing the proposition which you get forth with our clients, Sterling Products, Inc., they have indicated to us to order from you the following:

Two hours of day time, 2:00 p. m. to 4:00 p. m., Monday through Friday, 8:00 p. m. to 10:00 p. m., New York time, the days to be Monday through Friday, for a period of one year starting January 1, 1940.

So please accept this letter as a firm and binding order. This letter was written on Black-ett-Sample-Hummert station, but dated from New York on Oct. 31.

With Mutual negotiating on its own for block business with the same Transcontinental System, the following the photograph up with a plain typewritten note signed by Black-ett-Sample-Hummert denying any such deal with Mutual. This note reads: 'It has been brought to my attention that a statement has been made that orders for two hour blocks of time have been issued to Mutual Broadcasting System, Inc., by Sterling Products and American Home Products, which I represent.

This statement is not true. No orders have been issued to Mutual for these blocks of time, nor are any such orders being issued.

This note was on a blank sheet of paper and dated Nov. 1.

The above statement was continued claims of quick signposts and assert more than 80 affiliates have already signed up for the program.

transmission hook-up, which is slated to begin operations on Jan. 1.

Transcontinental Broadcasting System, Inc. was Chartered Yesterday. Above all, the Transcontinental System is Interested in 'Offering' You An Affiliation And Can Guarantee The Success of Your Business. Please Meet Us At Blackstone Hotel Tomorrow. We Can Expect Success Where Others Have Failed. Come Prepared To Sign Contract.

(Signed) John A. Adams.

Jimmy Wilson, program director of WFL, New Orleans, has adopted a second daughter.

BUREAU OF MISSING BUSINESS

(Creative salesmanship, as distinct from merely being on hand to accept the orders, is increasingly represented by attractive packages, the advance preparation of programs (tie-ups or other arrangements which, in themselves, offer a plausible appeal to the prospective client. In the considerations of specific types of 'missing business' by this department there has often been uncovered a fairly general absence of the 'creative' element in the account solicitation. Now, on the threshold of the great annual retail splurge, Christmas, the openings for the creative side in station selling are numerous, obvious, immediate and practical. But as regards some of the more loaded stations there is no available time.

ONLY 48 HOURS TO CHRISTMAS

Xmas Heart-Tug Program
Baltimore, Nov. 7. Increased interest in radio use for Christmas promotion by department stores and particularly specialty shops is noted by all stations here. Major department stores are probably going in for extended programs instead of spot bursts of previous years.

WBAL is utilizing twice weekly one-hour Santa Claus period with invitation to meet that personality in toy department of pop priced stores. Has also sold daily morning chatter period to major store for gift and shopping suggestions. Several participating periods being allotted for exclusive holiday buying.

WBFR is utilizing participating spot layouts and reviving popular toy scout idea of last year. This angle handled by Ralph Powers invites juven to get badges designating them as scouts in the collection of

used toys for repair and distribution to under-privileged tots by local fire department. Project collected some 33,000 toys last year. There is some possibility of program being sponsored.

WCBM is active in retail shopping build-up and WCAO claims time so crowded no extended time available but will invite representation on daily evening participating layout to be cleared for holiday use.

'Santa Claus' Aeroplane
Louisville, Nov. 7. Santa Claus is the centerpiece of the special Christmas programming locally. Station WAVE has a 30-minute program from Ben Snyder's department store whereby kiddies talk over the telephone to the jolly one, he doing his stuff from the radio station. WHAS broadcasts quarter hours which have a grand ball-bus two climax when Santa Claus arrives

at the airport in an aeroplane and Howard P. Schulz, sales manager, are there to greet him.

Bills Consolidated, which operates 17 stations in Kentucky, Indiana and Ohio is sponsoring on behalf of its toy tidelines.

WGRC is working on some special for XMAS which are not ready to shoot yet.

St. Louis Stores Close-Minded

St. Louis, Nov. 7. With the Associated Retailers' Association, St. Louis, which includes practically every downtown retail store, standing pat on its policy of remaining aloof from radio advertising except for two one-shots yearly, there is little likelihood of an increase in Xmas biz for the six local stations this year and they are not designing any new programs for sponsorship. Currently the retailers are using announcements over all standing to play 'St. Louis Day', which is Nov. 18.

Announcements have been sold by Howard P. Schulz, sales manager, of WIL to precede and follow the station special Christmas program, but the usual radio is being charged for these announcements. The station does permit sponsorship of this special program and uses the radio, which is rarely heard because it has discovered you can't fool the kiddies with regular gabber Santa Claus, etc.

Robert Sampson reports station WLSW is planning a Christmas program starting Dec. 1 and running until Xmas Eve. The station refuses bankrolling of its famous 'Around the Corner Club' which is devoted to helping the needy through the generosity of radio listeners.

KXOK has nailed a bankroll for its Santa Claus program that start Nov. 24 and run to Xmas Eve. Ray V. Hamilton, sales manager, said program, 15 minutes, 3 times a week, will be designed to catch the kiddies and grownups alike.

Merle S. Jones, general manager of KMOX explains that the heavy commercial sked now being carried by this CBS station precludes any special Xmas biz builder programs. Ed Hamilton, sales manager at KSD, reports the same situation exists there except that a few spots are open on Saturday which sponsors don't consider so hot and therefore the station is making no plans for extra efforts to sell Xmas time.

Al S. Foster, general manager at WEW said the station's policy is to buy up steady, solid business and no special effort is being made to harness bankrollers for Xmas biz. Efforts also for this variety of biz is stymied by the retailers.

Strike Crips Detroit

Detroit, Nov. 7. Labor strife, the perennial grief and alibi of Detroit, is handicapping possible Christmas splurging by retailers. Some 100,000 idle workers will burst suspenders planning special programs. Instead will slip in the spots where there's demand and room. Many stations are near-loaded anyhow.

What time is available on stations is often not highly rated by merchants who, although they are only one-year customers, want all the best of it.

WXKZ has several run-of-mine Christmas programs planned but department stores are holding off for time being until Chrysler strike is settled. CWLW is offering couple of recorded programs but can't be sure of their time schedules because of Canadian war demands on stations. WIBK expects to sell recorded Christmas programs while

WMBE is content with its current biz from stores. All stations report an accelerated interest in radio from jewelry, department and toy stores, and see a decided pickup if the Chrysler dispute is cleared up.

Price's Inferiority Complex

San Francisco, Nov. 7. Price's stations, due to perpetual lack of enthusiasm for radio on part of big department stores, anticipate little or no business from that source for Christmas. NBC has waxed a series of dramatized fairy tales called 'Once Upon a Time' as a sustainer but for sale. Phil Lasky of KSFQ expects some spot business, come Santa Claus time, but says it's too early yet. KRFC and KTA dingo.

Emporium, Hale Bros. and White House advertising departments report no plans, with later emphasis on no use of radio for Christmas or

any other time. City of Paris store doesn't know yet. Used some spots last year. Albert S. Samuels, leading jeweler, intermittent user of radio, has no plans.

Radio men contacted, recalling past holiday seasons, see no reason for hope that this one will be better. Ward Ingram, sales manager of KRFC, says station has or can get shows, but doubts stores will show interest. In general, stores here are definitely anti-radio, and stations have hope of little but negligible spot stuff, which is yet to appear.

Too Early In K. C.

Kansas City, Nov. 7. Stations generally report 'too early on Christmas plans' and few are underway yet. Some are just putting over Thanksgiving deals now. Consensus is most stores buy extra time for Christmas biz. Some of which are year round time buyers and some only Christmas season.

WBB reports a new account in Union Clothing Co. Now buying news with special emphasis to come on holidays.

Sears-Robuck Ancels Santa
Des Moines, Nov. 7. A Santa Claus program for Sears-Robuck will open on KRNT next week.

Marian Schissel doing a song and story act with Eddie Truman at the piano.

Christmas Carols on KJR

Seattle, Nov. 7. Starting Dec. 4, Bon Marche, large local department store, begins sponsoring 15-minute Christmas carol programs over KJR, daily Monday through Saturday. All church denominations tied in with choir de-

ing chore on each quarter hour. Designed to do institutional job only. No merchandise or commercial plugs—just into that department store is presenting singers from various local churches.

The series will be staggered on schedule and will run until Dec. 25.

Good Boys Expect Gifts

Dallas, Nov. 7. Because the Dallas stations themselves believe in Santa Claus and think they have been good boys they are apparently not planning anything much, feeling that they'll be rewarded anyhow. Moreover all the time is taken.

Lone Star Gas will sponsor Evangelist Quartet Christmas eve for a half hour on WFAA. This is ordinarily a morning program. Dallas Building & Loan will bankroll Presbyterian Church Choir's oratorio Christmas morning.

WRR is vaguely figuring on a toy special for a department store.

Jewelers' Pre-Xmas Splurge

Schenectady, Nov. 7. Rudolph's, jewelers (chain organization with headquarters in Syracuse), and National Accessories Stores, Inc. (chain organization for automobile supplies, with headquarters in Utica), purchased added announcements for pre-Christmas campaigns on WCY, Schenectady. National also taking time for announcements on WIBX, Utica.

Leighton & Nelson is the agency.

C. A. Briggs Co. (H-B Cough Drops) is using 1-minute evening announcements on WCY, Schenectady, twice weekly to Feb. 2, through Horton Rufus Agency, Boston.

AVAILABLE FOR RADIO!

JOE TURPIN

Famous Characters

JOE TURPIN

and His Unpredictable Wife

ETHEL

Portrayed By

BLOCK: SULLY

Exclusive Representative

WILLIAM GERNANNT

521 FIFTH AVENUE, NEW YORK

VARIETY

Radio

Directory

'39-'4

\$5 per Copy

On Sale at Bookstores:

NEW YORK, BRENTANO'S
PHILADELPHIA, BRENTANO'S
WASHINGTON, BRENTANO'S
CHICAGO, RANDOLPH BOOK SHOP
HOLLYWOOD, SATYR'S
LOS ANGELES, SCHIRMER'S

and

ALL VARIETY OFFICES

WPA SYMPHS WAXED FOR PRESTIGE

Boston, Nov. 7. To increase the reputation of the WPA music groups and demonstrate their qualities, the national headquarters have directed that transcriptions be made by the various units. They are for general reference and will be circulated around to the country's radio stations to be broadcast as general entertainment.

Last week twelve records were waxed by the Boston WPA Symphony Orchestra and Menzies Society at WGBZ studios under the direction of Chief Announcer Bob White. These are the first of many to be made in the leading cities of the country by the NBC Transcription Department for the WPA.

Bob White, Keyes Perrin, Chas. Gilchrist Realigned

Boston, Nov. 7. Chief Announcer Bob White of WGBZ-WBZA has been appointed night manager. Announcer Keyes Perrin has been named assistant, assuming duties where White is absent. Bob Evans of the staff continues with morning 5300 Newscasts, daily bulletins and sports and also takes over Special Events from White. Charles Gilchrist, former radio editor of the Chicago Daily News, handles the news and sports during the afternoons and evenings; is also doing publicity, while Harry Goodwin is in charge of sales promotion. The whole department of publicity, sales promotion and news continues under George Harder.

Dave Garroway's Medal

Pittsburgh, Nov. 7. Dave Garroway, veteran KDKA player, won H. P. Davis annual Memorial Award last week for best announcing done by any Pittsburgh broadcaster during the year. Citation reads with it a gold medal and \$100 in cash. It's made every year out of a fund provided in will of Davis, former chairman of Westinghouse board and generally known as "father of broadcasting."

Walt Sickles, announcer and program director at WWSW, and Bob Shields, of KDKA, won first and second honorable mention.

Ohio OH's "Marathon Melodies," originating on WLW, Cincinnati, has been handed a 13-week renewal. Show goes over NBC split network each Friday.

4 NETWORK HITS!

PAUL SULLIVAN REVIEWS
CBS Network—39 Stations
Every night but Sat., 11-11:15 P.M.
for RALEIGH CIGARETTES

UNCLE WALTER'S DOG HOUSE
NBC Red Network—65 stations
Tuesday nights—10:30-11 P.M.
for SIR WALTER RALEIGH TOBACCO

AVALON TIME featuring RED SHERIDAN
NBC Red Network—71 stations
Wednesday nights—8:30-9 P.M.
for AVALON CIGARETTES

PLANTATION PARTY
NBC Blue Network—76 stations
Friday nights—8-8:30 P.M.
for BUGLER CIGARETTE TOBACCO

Presented by
BROWN & WILLIAMS TOBACCO CORP.,
Louisville, Kentucky

Mutual's Newest
Cooperative Network Show
"LISTEN AMERICA!"
Available for Sponsorship
Exclusively on



New Waxers on WGY

Schenectady, Nov. 7. Mantle Lamp (Alladin) will sponsor three quarter-hour transcriptions on WGY, Schenectady, starting Nov. 3, through Presba, Fellers & Freeba, Chicago, Brown & Williamson (Bugler tobacco) has placed half-hour platters of "Plantation Party" one night weekly to April 23, through Russell M. Seels, Chicago, and the same agency spotted weather and temperature reports twice daily to March 30 for Pines.

E. L. Knowles Co. (Rub-ine) using station breaks on WGY (three nights weekly to March 15 via Lawrence M. O'Connell, Springfield, Mass. Lipton Tea Co. takes 10 station breaks weekly to Dec. 29, through Young & Rubicam.

Chris Hansen Laboratories (Junket) of Little Falls, N. Y., is using one-minute transcriptions placed by Mitchell-Faust.

Dominio Citrus Assn. of Braden-Market Basket twice weekly through Flon, participating in WGY Havenor Agency, Albany.

RENE MORIN FILLS CBC CHAIR PRO TEM

Montreal, Nov. 7. Rene Morin, vice-chairman of the Board of Governors of the Canadian Broadcasting Corp., has accepted post as acting chairman of the CBC due to resignation of L. W. Brockington. No immediate successor to Brockington has yet been mentioned, though several candidates eligible for the post have been unofficially discussed in trade circles.

Understanding is that Morin was offered position as permanent chairman but was unable to accept due to other commitments.

Ed Gardner is taking time out from producing the Texaco program in L. A. to do his "Archie" bit on good news Thursday.

Marin Rice has been added to Hawkseye Dinnertime, hillbilly program over the KRNT-KSO. He's a violin-sax player.

Sloppy Performances by Actors Donating Services to Guild Is Partly Reason for N. Y. Shift

Gulf Refining is looking forward to a general improvement of the entertainment level of its Sunday night show on CBS after it starts originating from New York Nov. 25. Also a nip-up in the stanza's rating. Feeling is that the Screen Guild project will work out more satisfactorily at this end because the program will be able to work with name talent that really want to do something for the cause and not because they have been practically shanghaied into the assignment, as has frequently happened on the Coast this season. The overall re-

sult of this attitude, it is said, has been performances ranging from indifferent to thoroughly sloppy.

The indications are that Conrad Nagel will be relieved of his International Silver post to serve as m.c. for the Gulf-Motion Picture Relief setup while it emanates from New York.

Jerry Hoekstra, press agent, and Don Phillips, gabber, both of KMOX, St. Louis, are back after being bedded by illness. Hoekstra was off the track for several weeks with "strep" throat, and Phillips was hospitalized by injuries suffered in an auto accident while on a hunting trip.



NEWS

Fast, adequate, complete; impartial news reporting is only one reason for WLW's immense audience influence—only one reason why today more advertisers are buying more time on WLW than ever before.

Such news commentators as Peter Grant, Michael Hinn, Harvey Miller, Paul Allison, and Gordon Shaw have built and are building outstanding reputations throughout WLW land.



WLW

THE NATION'S most "Merchandise-Able" STATION

WOR

carries
41% more national
spot business
in New York
than
the total combined
spot business
carried
by its three
50,000 watt
competitors,
according to the
first report
issued by

NATIONAL RADIO RECORDS

Again and again, in check after check,
WOR stands first on the must list of
America's greatest radio advertisers.

• Radio Daffodils •

New York City—The advance of civilization as underwritten by RCA-NBC television: a cooking lesson in how to prepare crepes suzettes has been given cosmic space.

Sheboygan, Wis.—A short time ago WHBL here received a postal card with the following written on it:

"Please announce a nice wait for ———'s birthday. Announce it loud as she is a little hard of hearing and her radio has a little staidick."

Providence—WEAN's 'Man on the Street' program was turned into amateur hour by would-be songstress Doris Caldwell. Armed with a ukelele, youngster approached Maury Lowe, sidewalk emcee, and when called upon to answer questions, offered to sing instead. Rendition won her a regular audition.

St. Paul—Clellan Card, on his WCCO 'Almanac of the Air,' has often commented upon the inconvenience of emptying ash trays after parties at his home. Last week he received a beautifully glazed piece of crockery, a spittoon 24 inches in diameter, from the Redwood (Minn.) Crockery Co. Card says the gift nixes all further ad libs on that subject.

San Francisco—Free round-trip plane passage to Reno for bride, groom and another couple is being offered KYA listeners by the Morgan Jewelry Co. with purchase of a wedding ring costing \$99.50. Firm pays all expenses for the four, including taxi fare to and from the airport. Newlyweds-to-be leave San Francisco in the morning and return in time for lunch after being Reno-fied. Program on which the offer is made is titled 'Cupid's Air Express.'

Winnipeg—Because a kidding Canadian Broadcasting Corp. program, 'Merrymakers' Revue,' signed up with the lingua of 'This is the Idiotic Broadcasting System,' the local Inland Broadcasting Service thinks that it has been insulted. The umbrage derives from the fact that the initials of the two were alike.

Tacoma—A man giving the name of Vernon Timothy Glasgow, claiming to be Rudy Vallee but who was identified as a Seattle window washer, was taken off local passenger train and held for investigation. His features were remarkably like those of the crooner and he dished out 'Your Time Is My Time' in attempt to impress the dicks.

Officers contacted Oregon authorities and found Glasgow was A. W. O. L. from a hospital.

Boston—WBZ has introduced a song composed by a prisoner at the Deer Island House of Correction. It's called 'I'll Have to Stop This Dreaming.'

Bill Card Into Radio At Birthday Committee

Bill Card, ex NBC, who was traffic head for the radio division of the N. Y. World's Fair, has joined the President's Birthday Ball radio dept. at the Hotel Biltmore, N. Y. Will do follow-up and research. He'll assist Fredericka Millet, the radio director.

Barry Blake, formerly continuity writer and announcer for WPBR, Baltimore, now at WJSV, Washington.

America's PIONEER RADIO STATION

Radio station WWJ was not only the first station in America, but it has maintained its position as the first station in listener interest in Detroit since it was established,—a fact proven by every survey that has ever been made!



National Representatives
Geo. F. Hollingsbery Co.
New York, Chicago, San Francisco, Atlanta

***No Increase In Price!**

Big changes in your radio map of Detroit and Michigan . . .
WXYZ daylight power now upped from 1,000 to 5,000 watts.
... New RCA transmitter and Blaw-Knox antenna . . . New and greatly improved location . . . Far wider and more intensive day and night coverage . . . Bigger audiences . . . Bigger Market. To nationally famous program excellence WXYZ now adds the knockout wallop of POWER . . . What a station . . . What a market . . . What a BUY.

KING-TRENDLE
BROADCASTING CORPORATION
WXYZ • DETROIT

*Current rates will apply on all orders for station time up to January 1, 1940.

WNOE DISCS FOR REGIONAL PLACEMENT

New Orleans, Nov. 7. WNOE recording unit, under direction of Program Director Hubert Grant, is preparing discs for two firms. Station cut 36 one-minute commercials on wax for the Elmer Candy Co. of New Orleans. These will be used extensively on Louisiana and Mississippi stations. Commercials were on "Gold Bricks" and "Mint Bubblicola's."

In process of preparation is a series of 24 dramatizations for the Pelman Optical Co. for use on New Orleans stations.

Sales Manager Clark Alexander closed deals.

Women's Orchestra Subs At WADC, Akron, Ohio

akron, Nov. 7. Johnny Martone's WADC orchestra here ended its current Akron engagement to make a western tour. Martone is playing a four-day engagement at Lincoln, Neb., this week and opening a four-week engagement Saturday night (11) at the Rainbow room in Denver. He'll return here Dec. 20.

The Rhythmatics, all-girl band, will pinch hit for Martone—one of the few radio women's bands in the country.

RADIO SALES, INC., LOADS UP KMOX

St. Louis, Nov. 7. KMOX, St. Louis, has recently made auditing notations on the following 'new biz':

- E. I. du Pont (cello glass), 100 word announcements, twice weekly.
- Hartz Mountain Products, bird supplies.
- Baum's Bungalow, 100 word announcements on Woman's Hour, 13 weeks.
- White King Soap Co., 100 word announcements on Woman's Hour, 13 weeks.
- Consolidated Drug Trade Co., 15 musical hillbillies, 52 weeks.
- Brown & Williamson Tobacco Corp., Bugler tobacco, Half hour 'E' once weekly, ending Sept. 28, 1940.
- Peter Paul Candy Co., 50 word time signal, 6 times weekly for 13 weeks.
- Pineax, Cough Syrup, 5 mins. live stock and market reports, 6 days weekly to March 2, 1940.
- Flexo Glass Mfg. Co., 5 mins. news, 6 days weekly ending Dec. 1, 1939.
- Mantle Lamp, 5 mins. news on Country Jubilee program, 3 times weekly for 13 weeks.

Chapman, Kuler to KRLL

Dallas, Nov. 7. Dave Chapman, formerly of KCKN, Kansas City, and Fritz Kuler, who was studio director for KTAT, Fort Worth, are recent additions to the KRLL staff. Chapman handles news and daily orchestra pickups for CBS from the Adolphus Century room, where Bob Chester orchestra is now playing.

Kuler is announcer.

Double-X NBC Plea

NBC's move to get its blue network affiliates to agree to a half-hour compensation limit for the Adams Hats broadcasts took an ironic twist last week when the first broadcast, following NBC's bid, lasted but 15 minutes. The fight that between Al Davis and Tony Canzoneri, was over in three rounds.

Asked the station to negotiate the contract NBC explained that its own deal with Adams was on a package basis of an hour and that since most of the fights have been going over an hour the network has had to take a loss on the deal.

FCC Continues Disapproval of Hartford Plan

Washington, Nov. 7. Right to pass judgment on the business policies of insurance corporations has been asserted by the FCC in second refusal to allow the Travelers Insurance Co., pioneer operator of WTRF, Hartford, to conduct a house-cleaning that would involve creation of a new company to operate WTRF. Hartford is a controversial radio enterprise. After reconsideration and second argument, the commission last week persisted in holding that proposed shift of licenses to new Travelers Broadcasting Co. would not be in the public interest.

As was the case in the initial instance a year ago, the FCC disapproved of the financial inter-company transactions, reflected suspicion that the parent might milk the 50 kw clear-channel station, and could not see how the public would benefit from the reshuffling.

Most offensive angle of the deal, from the FCC viewpoint, was promissory note for \$1,500,000 given the insurance company by the Broadcasting Service Co., which the new licensee, Broadcasting Co., would take on. This was negotiated in 1937, a week before the application for permission to switch the licenses was filed, and presumably covered advances and investments of the parent. While payments were conditional upon earnings, the regulators said that the obligation might block improvement and development of the properties for a long time. Assurances of witnesses that the top corporation would not be Scroogish with its offspring did not remove fears.

Wisconsin Contracts

Milwaukee, Nov. 7. Sponsors' Autograph collecting as reported by Wisconsin radio stations follows:

- United Drug Co. (Rexall 1-cent Sale), 4 quarter hours, "Rubinoff and His Violin," ed, through Street & Finney, New York.
- Wilson & Co., Chicago (Ideal Dog Food), 18 spots, through United States Advertising Corp., Chicago.
- Griffin Shoe Polish, 130 spots, through Birmingham, Castlemann, Pierce, Inc., New York.
- Page Milk Co., Oshkosh, Wis., evaporated milk, 15 spots, through Geer-Murray Co., Oshkosh.
- Wilke-Bowling Proprietors, Ash's, 13 quarter hours, "Bowling Like Sixty," direct.

Green Bay, Nov. 7. Chicago Tech., 10 anns. weekly, 5 weeks, through Vandenberg & Rubens.

Thomas Lipton Co., anns, 12 weekly, 12 weeks, through Young & Rubicam.

Wander Rest Co., 2 anns. weekly, 13 weeks, through Gustave Marx Co.

Liggett & Meyers Tobacco Co., anns, 52 times, through Newell-Emmett.

Pure Oil Co., 2 anns. weekly, 13 weeks, through Leo Burnett.

Woodman Accident Co., 5-minute ETs, 2 weekly, 13 weeks, through Presba, Peilers & Presba.

O. L. O. Soap Co., 5 anns. weekly, 20 weeks, direct.

Zenith Dealers & Morley-Murphy Co., 30-minute weekly programs, 13 weeks, direct.

Georgia Governor, Two Aides Have Or Seek Radio Station Licenses

Atlanta, Nov. 7. Yen of Gov. E. D. Rivers to get into radio bid after he lays down his gubernatorial toga in January, 1941, was revealed last week in application filed before FCC, in which state's chief exec. set out that he expects to net \$500 per month out of station he proposes to operate at Valdosta. Station Rivers wants to set up would operate at 1420 kilocycles with 100 watts night and 250 day and establish broadcasting facilities for City of Valdosta and Lowndes County, Georgia.

Applicant estimated total cost of enterprise at \$7,000, figuring operating costs at \$1,000 per month with revenue at \$1,500. Applying for permit as an individual, governor said he planned to supervise operation of station himself. Programs projected would consist of entertainment, news, weather forecasts, crop market news, stock quotations, educational features and other broadcasts of interest to urban and rural areas.

Giving his occupation as "attorney at law for the past 25 years," Rivers placed his total assets at \$75,000 and his total current and accrued liabilities at \$1,025.25.

Governor's second term expires in January, 1941, and Georgia law reads that he cannot succeed himself.

Marvin Griffin, aide to Rivers, also has an application before FCC to operate similar-sized station at Bainbridge. He declared, however, that there was no political significance attached to his venture and that his interest was wholly commercial and that he was certain the governor should permit solely as a business enterprise.

John Greer, two-time headquarters manager for Governor Rivers and clerk of the Georgia House of Reps., was recently granted a permit to operate a station at Cordele, where he edits The Cordele Dispatch.

It is possible that Rivers' interest in radio stemmed from his contact with WOCB, Atlanta, radio, state-owned since it belongs to Georgia School of Technology. Rivers formed a bill passed by General Assembly couple of years ago creating Georgia Radio Commission, ostensibly to take over operation of WGST and any other radio stations state might control. WGST is privately operated with Georgia Tech getting sizable cut of gross revenues.

Edgar Taylor Succeeds

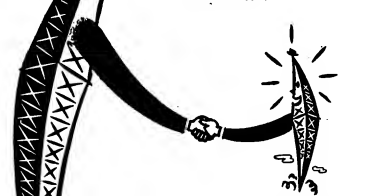
Gene La Valle at WJW

Akron, Nov. 7. Edgar Taylor, traffic manager of WJW here, has been named program director of the station to succeed Gene La Valle, resigned. Jerry McKiernan is in charge of production and Paul Hunt made staff announcer. Harry Dennis, station engineer, also resigned to join WHBC, Canton.

Station's power has been increased to 250 watts at night, same as day.

"O.K." FRIEND

— we'll lend you fifty thousand —



Each week a local radio station within 200 miles of WBT goes "big time"—by 50,000 watts! The watts are WBT's and here's how it happens. Each week, with its heart full of civic pride, a different Carolina community steps up to its local station's microphones, and in ringing tones tells everyone in hearing distance what a fine town it is.

So that the greatest number of ears might hear what its good neighbors have to say, WBT has the programs piped to Charlotte, amplifies them by 50,000 watts and sends them out over the air to WBT's own 65-county backyard! It has made High Point, Wilmington, other Tar Heel and Palmetto municipalities—and WBT—very happy.

This friendly series, the "Carolina Caravan," is one of many programs with which WBT has served the South... and its clients, too. If you want to make one and one-quarter million friends in the Carolinas, get in touch with WBT.



50,000 WATTS • CHARLOTTE, N. C.

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N.C., Los Angeles, San Francisco

READ TELEVISION MAKES UNIQUE STORY

► In the Post this week, Helen Hayes' mother tells the story of Helen Hayes' first moving picture with a famous dog; tells about the "cruel" letter from Vernon Castle; about her first meeting with John Drew. The most fascinating theatrical biography in years!

5¢

Now in THE SATURDAY EVENING POST

TEMPORARY CODE-CONTRACT CLASH ENGAGES N.A.B.; BOSTON COUNCIL PROMISES

New England Broadcaster May Give Coughlin Time on Cost-Plus-Agency-Commission Basis—Board Met in Chicago

Chicago, Nov. 7. Board of Directors of the National Association of Broadcasters last week fully sustained the N.A.B. code committee and affirmed the code resolution which was passed by the general convention here in September. Board added a further state-

ment, however, in regard to programs of a controversial nature, and resolved that: "Regarding those contracts for the sale of time for the discussion of public controversial issues executed prior to Oct. 1, 1939, it is the opinion of the Board of Directors that in conformity with said resolution such contracts, though in temporary conflict with the controversial issue provision of the Code, may be continued until the expiration date, or at the discretion of the station manager, may be terminated at an earlier date in conformity with the terms of said contracts."

"Be it further resolved, That the Board of Directors appreciates the careful and thorough study which the Code Committee has given to the many difficult problems and questions which have arisen in connection with the administration of the Code, and expresses its gratitude to the committee and its full approval of the findings of the committee which the Board believes will be of lasting benefit to the industry and to the American listening public."

Crux of the entire Code provision on controversial issues was typified in the situation concerning John Shepley Coughlin, president of the Father Coughlin broadcasts. Colonial network contract for the Coughlin broadcasts, expired on Oct. 29, and Shepard, who has been battling to continue Coughlin on the web, came in to argue his point with the Board, but wound up complying with the Code regulations.

In conformity with the Code rules, Shepard will take the Coughlin broadcasts as free time, since the Code specifically forbids the discussion of public controversial issues. Shepard will not be sold but shall be paid for the air time.

Full statement made by Shepard is as follows: "The Colonial Network agrees that

Only Four Resign

Washington, Nov. 7. Whispers of a big-scale 'revolt' against N. A. B. because of stern position on sale of time for controversial discussions, are not borne out by facts available here today. The run-out feared when Elliott Roosevelt feared the fuss about effect of the code, or not, for nationalities.

Through last week, only four resignations had been received, all traced directly to the indignation of the President's office. Powers were taken by KNOW, KRBC, WACO, and KPZZ, in which he has a finger.

based on the decision of the Board of Directors of the National Association of Broadcasters, all programs carried by it for Social Justice Magazine and Rex Charles E. Coughlin, et al., the network will make no profit unless such programs have to do with in full compliance with the N.A.B. Code. The three stations of the Colonial Network which are stations of the Yankee Network are: WAAB, WGAN and WICC, which will be charged the Colonial Network for carrying these programs.

The Colonial Network wants to make it clear, however, that it may either refuse to charge the client for these programs, or in case the client insists on making a profit for them, the Colonial Network will not let this obligation by giving to the client the difference between its actual expenses, as specified four years, and thus comply with the N.A.B. Code.

The affiliated stations of the Network have the option, since we have offered this program on a commercial basis, to refuse to carry it unless the client, in which case we would feel privileged to pay them the difference between the actual cost of the program and the amount which we would give to the client, or charge the client after he accepted our proposal to carry the program on a sustaining basis.

It might also be necessary that we be given to charity. Or, in other words, if the program is not carried on a strictly sustaining basis at the request of the client, everything less than the actual expenses outlined above will then be given to charity.

Board of Directors also discussed, in a general way, the music situation in so far as American Society of Composers, Authors and Publishers is concerned and president Neville Miller has lined up a series of district meetings throughout the country for the purpose of raising funds for the proposed entry of the broadcasters into the music publishing business.

Meetings in the east will be held during the month of November, the first west and southwest during the middle two weeks in December, with the west coast meetings tentatively set for after the first of the year.

Board accepted the resignations from NAB of four Elliott Roosevelt stations, Ralph Ailes' WJLD and two Gene Dyer stations in Chicago. The resignations were accepted on the board of Directors has been filed by William West of WTMW of East St. Louis. The membership of the NAB at present is 435, considerably above last year's roster of 402.

WTIT Continues Coughlin

Hartford, Nov. 7. Station officials at WTIT have announced that they will continue indefinitely, on a sustaining basis, the Sunday afternoon talks by Father Coughlin.

Hartford Times owns station.

Edgar Bill's Code Defense. Edgar L. Bill, owner of WMBD, Peoria, Ill., and chairman of N.A.B.'s publicity committee, has given a clear, reasoned, persuasive explanation of defense of new code, in third of a series of Sunday afternoon talks on CBS. Like previous speakers—Neville Miller, N.A.B. president, and David Lawrence, editor of United States News-Bill concerned on provision banning purchase of time for "controversial issues." He insisted this was nothing new, the "major networks and many stations" had been following such a policy,

with satisfactory results, for a long time. Very fact Columbia was giving time here to two sides—former Congressman Samuel B. Pettigill, who helped draft the code, and fact of 1934, is to talk against code next Sunday—was proof free time could and would be given.

Bill cited statistics showing evenness of allotments by CBS on the embargo report and Sunday news program. He mentioned several instances of balanced time on his own station. Referring to fact Lawrence's voice had been heard in opposition over a string of outlets adhering to policy criticized. Bill asked whether editor's paper had given equal space to both sides of question. Would he, Lawrence, print a page editorial in favor of the code, as he had against it? Bill's Mike technique was excellent; voice good.

Judge Sustains

WNEW Version Of Communists

Suit of Carl Brodsky as Chairman of National Communist committee against WNEW, Inc., operators of WNEW, N. Y., came to what is probably the finish of the action Wed. (7) in N. Y. supreme court, when Justice Charles B. McLaughlin denied a temporary injunction to the plaintiff. Brodsky claims to have contracted for 10 broadcasts in September over WNEW, with six given, and the last four cancelled.

The judge ruled that since only regular candidates for office have the use of radio time, according to the contract, Brodsky was not entitled to air, since a party was removed from the ballot by the court of appeals in a recent decision.

SUBMARINE'S LONG ARM

Program in Texas Seaport Denied U. S. Sanction

San Antonio, Nov. 7. A proposed program of the Texas State Bureau failed to mature when the plan was denied approval by the U. S. Maritime Commission. Having designed 'I Cover the Waterfront' to consist of interviews with sailors and passengers coming by ship into the port of Beaumont approval was denied because of the war.

Likelihood of attacks by foreign submarines, the Commission said, prevented broadcasting news of arrivals, departures or news about cargoes of American ships.

New Talent at KWK

St. Louis, Nov. 7. An upswing of new biz, much of which calls for live talent, has caused KWK to add considerable talent. There have been no layoffs during the month. New faces at the station include: Carol Ray, femme comedian; Dean Cradock, singer on the Alpena band, Edith Ray, Miss G. and Miss Gay came from Chicago and is doing two programs per day. One Paris Fashion Review is bankrolled by the Wohl Shoe Co. and the other: "This Woman's World," is a sustainer.

Lawson Denning, announcer at WMB, Sharon, Pa., to WGAR, Cleveland.

Neon Call Letters Spell Out Name of Candidate For Governor of State

New Orleans, Nov. 7. Chief Engineer E. C. Davidson, of WNOE was forced to re-tune the WNOE signal no less than 10 times Wednesday and Thursday. The re-tuning was made necessary by workmen attaching the station's cables to the antenna tower. The electrical interference set up as the letter touched the tower forced the re-tuning.

The letters at night light up in green neon light with the 'w' going dark at intervals, leaving the three remaining letters 'N-O-E' lit. The spelling the name of the owner of the station, gubernatorial candidate James A. Noe.

BUY WISE
THE WISE BUY
WBNS
COLUMBUS, OHIO
all you need in
Central Ohio
JOHN BLAIR KCO, Representative
5000 WATTS DAY
1000 WATTS NIGHT

THE
SMOOTHIES
BABS-CHARLIE-LITTLE
Thanks to HARRY MAYER and
HARRY GUDRYAN for three
successful weeks at the Strand,
New York
Opening EARLE
Philadelphia, Nov. 10

ORTHACOUSTIC TRANSCRIPTIONS
(TRUE SOUND)
You'll agree, after one demonstration, that here is sound that gives transcribed programs the vivid reality of Live Studio Broadcasts!

The kind of transcription sound you've always wanted—rich and clear—throbbing with life! That's what these amazing new RCA-NBC Orthoacoustic transcriptions give you. They infuse every program with life and color. Every sound is reproduced with unmatched fidelity. Gone are over-resonance, ear-ruff, needless "wows" and "mutter."

Get proof of the superiority of these transcriptions. Call us today and find out how you can give your

transcriptions that "Live Talent" sound!

RCA-NBC Orthoacoustic Transcriptions were developed by RCA-NBC engineers after years of research in every phase of sound transmission, recording and reproduction. They offer you these advantages:

- 1. New high fidelity reproduction qualities.
- 2. Elimination of distortion, particularly in high frequencies, no "ear-ruff."
- 3. A true signal-to-noise ratio... no "needles-hiss."
- 4. Entirely natural reproduction of speech.
- 5. Greater tone fidelity in reproduction of music.

The New **RCA-NBC**
ORTHACOUSTIC TRANSCRIPTIONS
—the truest recorded sound you can hear!

ELECTRICAL TRANSCRIPTION SERVICE • NATIONAL BROADCASTING COMPANY
A Radio Corporation of America Service
RCA Bldg., Radio City, N. Y., • Merchandise Mart, Chicago • Sunset & Vine, Hollywood

Packing Them In
A COMPLETE SOUND SYSTEM
MICROPHONE, SOLD ON A MONEY-BACK GUARANTEE WITH A 15-DAY RETURN
RAIN-PROOF EVERYTHING
SPEAKERS FOR \$100 to \$1500
SEND THE AD FOR A COMPLETE LIST OF RECORDS, POSTERS, ETC. TO THE PAYMENTS, 1000 COLLEGE WARD A C O, Dept. 841, Chicago, Illinois

KAY
THOMPSON
and her Rhythm Singers
for EHYL
with ANDRE KOSTELANETZ
and TONY MARTIN
CHS Every Monday, 8-8:30 P.M. EST
Management
WILLIAM MORRIS AGENCY

THE MARTINS
With Walter O'Keefe Every
Tuesday Night, 8:30
WABC-Network
Management
COLUMBIA ARTISTS BUREAU
Personal Representatives:
1360 STUYVESANT, 748 3rd Ave., N.Y.C.

WBA
means business
in Baltimore

DON'T MISS
PALMOLIVE'S
"HILTOP HOUSE"
STARRING
BESS HOUGHTON
By Adelaide Marston
Dedicated to the women of America.
story of a woman who must
choose between love and the career
of raising other women's children.
WABC-BOS-1030-1045 A.M. EST.
78 Stations Coast-to-Coast
Direction BENTON & BOWLES, Inc.
Management ED WOLF, RKO BUILDING, New York

A. E. Nelson's Tieup May Cue Improved San Francisco Press

San Francisco, Nov. 7. Today's election, important to all California because of the much publicized Ham and Eggs proposition, is to San Francisco because of a hot battle for the Mayor's chair, the issue of a meeting ground for the radio and newspapers—the first that has been found since radio columns were ousted two years ago.

A deal resulting in the transformation of a busy city room into a broadcasting studio for a huge 5-hour show was consummated this week between P. C. Smith, Managing Editor of the San Francisco Chronicle, and A. E. Nelson, news manager of the two NBC stations KGO-KFO.

Program has been heavily publicized by Chronicle and radio. NBC talent which will punctuate precinct reports, recapitulations and trend commentaries, includes the orchestral groups of Ray Harrington, Walter Paul, Kay Kober, Eddie Sweetbait and Pablo Ricardo, with songs by Will Aubrey, Dorothy Allen, Zella Layne, Camilla Romo, Armand Girard, Dorothy Lee, Judy Dean and the Three Cheers. Show's theme will be Bennie Walker.

Chronicle editors and political writers will dash from desk to microphone with late reports and summaries. Defeated and victorious candidates, all of whom are at home with mikes after weeks of pointing with pride and viewing with alarm from Frisco air studios, will also be rounded up for a few words.

Local radio and newspaper circles have watched with interest this NBC-Chronicle tieup, which is of mutual benefit, and there is some speculation over the possibility that it might be the opening wedge, jointly driven by Smith and Nelson, beneath the door of the Pacific Coast metropolitan press, which was so violently slammed in radio's face two years ago. Most newspaper men say the columns will never be opened to radio news. The opinion of one people is about equally divided on the question.

KCKN, Up A Notch, Has Several New Staffmen

Kansas City, Nov. 7. KCKN now 350 watts, has made several staff changes and additions. Ellis Attebury, KCMO, has Bob Burke as chief continuity writer stepping into a post filled for past nine years by Evan Fry, who departed to KANS, Wichita, Kans., as program director. Burke is from WMBD, Peoria, Ill. Dick Timmins and Bill Fitzgerald have been added to the writing staff. Announcing staff is enlarged by Jim Burke, formerly with KCMO, Sherwood Durkin, from WALB, Zanesville, Ohio, and Henry Effertz, from WHB. Betty Sweeney is taking a new program for Spalding's department store.

5000 WATTS
DAYS!
Amazing counts cast their shadows

No change in programming or policy. Better service to Metropolitan New York including its 6,982,636 foreign citizens.

The exclusive **WBNY NEW**
1000 WATTS and 500 WATTS
The Station With Spectacular Sound

AVAILABLE FOR SPONSORSHIP
RAYMOND TOMPKINS
Top Flight Commentator

7:30 P. M.—Mon., Wed. & Fri.
A popular program with an enthusiastic following. Talent cost: \$100 (net) weekly.

W F B R
BALTIMORE, MD.

Flashes From Boston

Boston, Nov. 7. Neil Wallace, associate news editor of WEEI in charge of night news, will explain and demonstrate the handling of radio news broadcasts before the first meeting of the Unitarian Club.

Eleanor Aycock, winner of the 'Boston Television Girl' contest staged by NBC-MA and Jordan Marsh store, has auditions in New York this week with NBC, CBS, Mutual and two advertising agencies.

Professional Women's Club sponsors a new weekly series over WEEI titled 'Professional Personalities.' The Harvard Guardian begins a series of weekly broadcasts Saturday over WEEI. The first features Harvard University's Prof. Benjamin Wright, Jr., of the Department of Government, on the Supreme Court and Politics in connection with the Court's 150th anniversary.

Sam Oil has renewed Jim Healey, WGY, Schenectady, news commentator. Roche, Williams & Cunningham is agency.

Funny, But Don't Laugh

New Orleans, Nov. 7. In a program note to the visual audience at the WWL Play Makers Lab, Beverly Brown, producer, said 'audience may observe many factors of radio production which are almost mirth-provoking... kindly refrain from talking or laughing once the play is in progress.'

New Orleans radio audiences are not used to seeing as well as hearing broadcasts, and note explained such things as whole cast stomping feet to create illusion of soldiers marching as one of mirth-provoking incidents.

Lathrop Mack's Task

Lathrop Mack has been taken off the NBC news desk and placed in charge of all the network's sports programs. The assignment covers both sustaining and commercial events.

Mack was formerly a sports writer for the Associated Press.

When Better Football Lines Are Drawn N. W. Ayer Will Do It

Philadelphia, Nov. 7. Les Qualey, in charge of all sports announcers employed through N. W. Ayer & Son, for Atlantic Refining Co., has devised a new method of marking stripes on the football gridiron for the benefit of announcers high up in the radio booths at big college games. Ordinarily sideline markers are too small to be easily seen, and football announcers frequently go wrong in reporting yardage gained in scrimmages.

Under Qualey's system a diamond is painted in the middle of the field on the 20-yard line; a cross on each 40-yard line, and a large circle in the middle of the field. Instead of the old-fashioned wooden markers that endangered the players, Qualey's scheme is to paint large numerals alongside each stripe on the sidelines.

The combination of the number and figure makes it possible for an-

nouncers and sports writers to determine the exact position of the ball without difficulty. The system was first introduced by Qualey at the Pitt Stadium this year, with great success.

'Angel of Mercy' on Wax

Maxwell House has begun waxing a 15-minute dramatic serial, 'Angel of Mercy,' for spotting throughout the country during daytime hours. Benton & Bowles is the agency, with Maury Lowell producer and director.

Cast includes Helen Lewis, Margaret MacDonald, Bud Collier, Templeton Fox and Ned Weaver.

Neil Backett, speller from KMMJ, Grand Island, Neb., on announcing staff of Texas State Network.



"Sauce for the Goose Is Sauce for the Gander"

... SO HERE'S A CONTEST For Advertising Men only

\$500.00 CASH

FOR THE BEST NAME DESCRIBING THE TERRITORY COVERED BY THE PRIMARY AREA OF OUR STATIONS

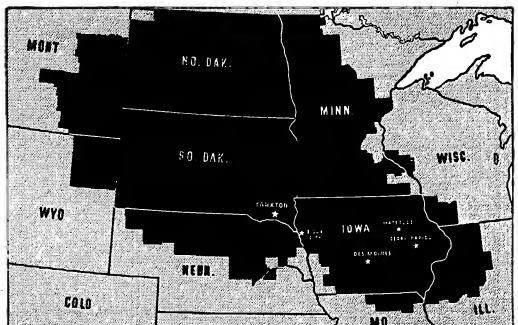
ADVERTISING MEN have indicted contests on the American public to such an extent that most folks now go to bed haunted by those words "FREE PRIZE." Therefore, we're giving you a dose of your own torture. This contest is for advertising men and women only!

Frankly, we're up against it. We need a name accurately describing the combined primary areas of *The Cowles Stations*... a term such as 'America's Breadbasket.' Then far we can't find it... so, we're asking your help.

We'll tell you anything about this rich market you need to know—give you facts, figures and success stories to help you give us the name we want. Then, if you'll supply a punchy "monicker," that pleases our judges, we'll remit with a check for \$500.00. Get busy now... Check the map—study the facts! Write for more if you need 'em.

HERE ARE THE RULES

1. Contest open only to members of advertising agencies and sales and advertising departments of all advertisers.
2. Entries must be submitted on your firm letterhead. Submit as many names as you desire.
3. Mail to Contest Editor, *The Cowles Stations*, Register and Tribune Bldg., Des Moines, Iowa. Entries must be postmarked not later than midnight, December 31, 1939.
4. \$500.00 cash will be paid to the name that, in the opinion of the judges, most accurately and completely describes the combined primary area of stations WMT, KRN, and WCAE. Names will be judged on their originality, accuracy of description, and appropriateness for use in advertising. Do not send elaborate entries. In cases of tie, duplicate prizes will be awarded.
5. Decision of the judges will be final, and there shall become property of *The Cowles Stations* for advertising or for any purpose they choose.



IMPORTANT FACTS TO HELP YOU SUGGEST A NAME

Our way there's a fellow who's nuts about statistics. He likes to whisper in your ear such things as 'Listen... In the primary area of these four stations there are 10.7% of the nation's farms. Yet, these farms receive nearly 17% of the nation's total cash farm income. And the folks who live on ten drive over 17% of the nation's autos, and over 23% of the tractors.'

At his finger tips he has facts about our 20,630 retail food outlets, 14,873 filling sta-

tions, 4,117 apparel stores and 3,048 drug stores. And, say, he can carry on till you've got phatofobia. But, don't let 'em... make him write it to you. Address 'Market Facts Chief' with the message, 'Give us the dope,' and you'll get it.

P.S.—He also wanted to say that in this market, which has a total retail volume of over 1,500,000,000 smackers, there are 1,564,000 radio families you can reach on one low combination rate.

Contest Closes December 31, 1939... Mail Entry Now!



The Cowles Stations

Affiliated with THE REGISTER AND TRIBUNE, Des Moines, Iowa

Represented Nationally by THE KATZ AGENCY

ASCAP Tacoma Hearings Wash Up

Songwriters Denies Pacific Coast Lawyer's Claim Music Is Just Rewriting

Tacoma, Nov. 7.

The American Society of Composers, Authors & Publishers hearing which is slowly coming to a close, is being played up alongside war news and other national events in the local press. Individual witnesses from New York are getting plenty of publicity. It looks as though the case will go to Special Master Archie Blair's decision this week.

Herman Greenberg's testimony related principally to ASCAP operation and organization. He asserted that ASCAP would be driven from operation in the state under the copyright legislation; that the present law would cost ASCAP about \$250,000 a year.

Testimony has ranged from accusations that the society "extorted" money, to the discussion of what is a song writer. Ken Davis, former court attorney near Los Angeles, asked Irving Caesar, song writer, "Is a song poetry set to music?" "No, it isn't," he replied thoughtfully. "Song writing and versifying are entirely different. It takes a certain kind of genius. There are great music versifiers, such as Arthur Guitman and Bertin Bralley, but they can't seem people the feel of poetry and music—and vice versa."

Barister and song writer differed as to how many songs are written in ASCAP's copyright pool. "Millions," said Caesar, "it goes into millions." "Davis asked music appearing surprised, "Since 1909 only slightly more than 500,000 songs have been copyrighted in the U. S. circuit court of appeals. Regardless of whether the Music Publishers Protective Association joins the attack on Judge Leibell's decree, the Robbins group is determined to enter the legal fight because most of the numbers on which the original action, Whitman vs. WNEW, N. Y., had been based, came from the Robbins group."

Metro-Robbins will contend that the record manufacturer has no common law right in his reproductions because the whole thing is predicated on a limited right, that of recording for home use, which has been granted him by the statutory copyright owner. The National Association of Performing Artists has already yielded to this viewpoint, hence the alliance between the NAPA and music publishers for co-administration of their (the interpretive artists') rights in the proposed drive to collect a fee on records used in coin-operated machines. The interpretive artists, to whom Judge Leibell has granted the right to control the use of their recordings, now agree with publishers that this common law right flows from the permission that the copyright owner gives to make an arrangement of his work. The copyright law makes this right to arrange the exclusive property of the copyright owner.

The co-administrative part in coin machine rights has not as yet been signed between the NAPA and the NAPA. The preparation terms, 50-50, have been settled but the matter of setting up machinery to collect the fee now is being settled for another week or two. James J. Walker, former New York mayor, will act as NAPA prez, act as No. 1 spokesman for the interpretive artists in the coin-machine proposition.

Deal between the publishers and the NAPA is being made on several publisher's quarter's, which include the Metro-Robbins group and Irving Berlin. The publishers' side holds that a split of 50-50 between publisher and interpretive artist would be unfair. The publisher himself must split what he gets with his writers. The opposition side, the new NAPA, says it is an alliance it should be predicated on the basis of a third for the publisher, one for the artist, and a third for the interpretive artist.

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Coast Musicians Purge

Los Angeles, Nov. 7.

Musicians Protective Ass'n has served notice on certain members to forthwith sever all ties with the Musicians Democratic committee on pain of being expelled.

Faction, organized within ranks of union, is accused of 'subversive' activity.

METRO GROUP IN DISK CASE APPEAL

Metro-Robbins music publishing group will become a party to the appeal which is being taken by RCA Victor, Paul Whiteman and the National Association of Broadcasters from Federal Judge Vincent Leibell's decision on phonograph record property rights in the U. S. circuit court of appeals.

Regardless of whether the Music Publishers Protective Association joins the attack on Judge Leibell's decree, the Robbins group is determined to enter the legal fight because most of the numbers on which the original action, Whitman vs. WNEW, N. Y., had been based, came from the Robbins group.

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RACKS CLICKING IN HAMLETS

Experiments in Large City Magazine Distribution Tie-Up Indicate Response Slow—Other Outlets for Sheet Sales Probably Adequate

SHIFTS FOLLOW

International Circulation Co., which services magazine counters in drug, stationery and tobacco stores, last week made a preliminary report on the Music Publishers Protective Association on the company's activities during the past year. Distributed some 500 racks containing current popular music during August and September, report states that sales proved very favorable in small towns, but the project meant little as far as the big cities were concerned. The one exception in the latter class was Los Angeles.

As a result of the finding, the vast majority of the music racks will be shifted to smaller communities. The conclusion drawn by the ICC is that the clients can be of limited service to the publishing trade in the latter class of cities. It is suggested to take care of available demands, but the outlook for these racks is far more promising out on the crossroads. The company feels that it has opened outlets for sheet music which that product had never been sold before, and that the experiment as a whole is satisfactory to them.

Shaw's Special Night Draws Frown From Contactmen's Union

Executive council of the contactmen's union last week put the freeze on Artie Shaw, playing at the Hotel Pennsylvania, after publishers had received a letter from the bandman's manager asking them to attend the special celebrity events which are held Thursday nights. The union treated this bid at a "command attendance" and delegates a couple of officials to do "M.P." duty around the spot and reject any contacters that disregarded the ban.

Shaw later disclaimed having any knowledge of the letter and declared that it was okay with him as to what he might do in the future, but to come to the spot. It was explained that the special Thursday night event is a "command attendance" and delegates a couple of officials to do "M.P." duty around the spot and reject any contacters that disregarded the ban.

NAT SHILKRET GOES PUBLISHER IN EAST

Albany, Nov. 7. Nathaniel Silikret Music Publishing Co. has been chartered to conduct business in New York. Capital stock authorized is \$98,000, covering 2500 shares of stock. Of the latter, 900 are preferred at \$100 par value and 1,600 shares are common at \$1 par value. Jerome F. P. Tobin, of New York, is the filing attorney.

Nat Shilker took the Quinkeo catalog a couple of years ago and opened the young publisher's office, on the Coast, with the purchase serving as the nucleus of an active business. The Nathaniel Shilker Music Publishing Corp. will make his first publishing venture with the Esq. He has a son associated with him in N.Y.

Songpluggers' Union Concedes Certain Strike Exemptions To Employer-Contactman as Such

William Wiegman to WB

William Wiegman has quit as general sales manager of the E. B. Marks Music Corp. to become an executive of the standard department in the Warner Bros. publishing group. His spot at Marks is being taken by Carl Zoehrens, who has been with Irving Berlin, Inc.

Wiegman's new connection will give him an opportunity to settle down permanently in New York. This was one of his chief reasons for making the change.

NIGHT CLUB OWNER SUES ASCAP

Philadelphia, Nov. 7. An open court test of the right of the American Society of Composers, Authors & Publishers to levy fees on radio stations, theatres and nightclubs, is scheduled in U. S. District Court here with the filing of a \$50,000 damages suit against the organization by Arthur H. Padula, owner of the Anchorage, River Drive spot. Padula, suit filed Thursday (4) charged ASCAP with being an "illegal monopoly" and its fees "consequential." Padula, who formerly operated the Arcadia-International, filed his suit in retaliation to one filed against him for \$1,500 by ASCAP last Sept. for alleged infringement of six copyrighted songs.

Padula, through his counsel, M. Herbert and Benjamin R. Simmons, in an answer denying he had violated any copyrights, countered with the 90G claim against ASCAP. Padula claimed he had an "oral agreement" with ASCAP to play the "Siegfried Line" songs, and the numbers specified in their suit, and consequently did not violate any copyright.

2ND SIEGFRIED LINE SONG SOLD IN U. S. A.

Jack Mills has obtained the American rights to England's other "Siegfried Line" song, "I'm Sending You the Siegfried Line to Hang Your Washing On," it is published on the other side by Irwin Dash.

American rights to another British side of similar theme, "I'm Gonna Hang My Washing on the Siegfried Line," has been taken over by Bernstein & Co. last month but firm hasn't been able to do much about it in the United States because of the networks' ban on war songs. Peter Maurice is the London pub for this one.

Short Set at Waldorf For Goodman's Band

Due to rehearsals for the forthcoming "Swingin' the Dream," the local version of "Midsummer Night's Dream," the Benny Goodman orchestra is leaving the Waldorf-Astoria Hotel, N. Y., at 11 p.m. on Monday (6) for the summer sessions. Goodman last week replaced his vocalists with "Toby," with Kay Foster. She'll sing at the hotel on Monday. Mildred Bailey doing the band's Christmas program and record dates. The Hartmans will dance both dinner and supper, backed by two different bands.

Following strong objections interposed by spokesmen for publishing firms which are controlled by film producers, the contactmen's union has agreed to revise the terms of its proposed contract so that employer-executives who double as pluggers would not have their freedom of action stifled by the revamped agreement. The union is meeting at a meeting slated for this afternoon (Wednesday) in the offices of the Music Publishers Protective Association.

As the contract now stands the holder of a publishing firm are free to enter their offices in the event of a strike or picket line. If they are deprived of membership in the union for violating the regulations on exploitation practices they can only be subjected to a double fine of \$300 for the first time and double \$1,000 each time thereafter, or twice as much as the fine if they are meted out in the case of a ordinary executive.

Other changes which were agreed to at a meeting last Thursday (2) between an MPFA committee and union delegation include:

"The union will keep its books completely open to new members and that any person selected by an employer may be admitted unless it can be proved he will be detrimental to the best interests of the union and the music industry. Any person's relatives or relatives are cases in point." "No strike may be called during or preceding the settlement of a violation charge by an arbitration board. A 24 hour suspension of a contactman that a publisher must pay an employee in lieu of discharge notice. For men on the job five weeks it can be eight weeks or a maximum of \$10,000 in the case of those employed for 10-years or more the maximum obligation of \$1,500.

Picture industry spokesmen contended that some of the terms in the original agreement would, if accepted by them, result in a drastic vision of their firms' relations with union labor. It would be unfair for the contactmen's union to insist on the discharge of the head of one of the contactmen's firms just because he violated the union's rules. All the union, they argued, should demand is that the firm's chief executive refrain from performing but one duty, and that is contacting. The film men also insist that the contactman from each firm be excluded from compulsory membership in the union. "The union is making a point out that so far they've been very patient in compromising on the subject of compulsory membership, employers and they express the hope that the tendency to contest each 'discharge' case should be abandoned, which has an ASCAP rating.

GOODMAN FRERE MAY GO INTO MUSIC BIZ

Benny Goodman's brother, Harry, whose Pick-A-Rib, 524 street (N. Y.) entry, venture is doing only mildly, may be dabbling in the music biz. There is talk of dicker with Belle Baker for her late husband, Maurice's cabaret, which has an ASCAP rating.

ART FREW IN COLUMBUS

Columbus, Nov. 7. Arthur W. Frew, formerly associated with Consolidated Radio Artists, Inc., has been named as new orchestra booking office here. Frew is a former radio name of Radio Orchestra of America. Will handle CRA attractions in this territory.

WKY's New Hired Girl

Oklahoma City, Nov. 7. Margaret Bruce, young local from Cameron College, clicked in at WKY and is on staff. Allan Clark, music director, discovered her and set up special hearing for general manager, Ed Bell and station chief, Gayle Grier. Miss Bruce will be on local and NBC shows originating here.

Bob Wright and Chet Forrest celled six songs for Tony Martin. Columbia's "Passport to Happiness." Dotted to "I'm Treeling to Love," "Punchinello," "It's a Blue World" and "Oh, What a Lovely Dream."

Inside Stuff—Bands

Supreme court justice Edward R. Koch in N. Y. Friday (3), ordered the examination before trial of Arthur Shaw, in connection with a \$300,000 action of Eli E. Oberstein against him. The examination will take place in the supreme court Nov. 9, and Shaw is to produce all books and records relevant to the examination.

The plaintiff, who was formerly the manager of artists and repertoire of RCA-Victor, claims that Shaw was the beneficiary of a contract with him from May, 1937-May, 1938. Twenty thousand dollars is sought on that basis. Ten per cent of the orchestra leaders' earnings are shown for the period of May 5, 1938-Dec. 31, 1938, during which time Shaw earned \$100,000, the complaint alleges.

Shaw claims fraud and deceit, says the agreement was made under duress and was illegal. He asserts he was threatened with the loss of his Victor contract if he did not sign.

While playing at the Edgewater Beach Hotel, Chicago, recently Will Osborne recognized a young fellow he had noticed hanging around the bandstand while Osborne was playing previously at the Palmer, Los Angeles. It developed that the boy was an amateur entertainer and was in Chicago on a visit. Osborne gave him an audition and promptly signed him. He does a turn similar to Dwight Fiske.

He was a hit with the band at the Lyric theatre, Indianapolis last week and will be with the unit when it opens at the Flabush theatre, N. Y. tomorrow (Thursday). Name's James Kopp 3d and he's a graduate of Southern California U.

Orchestras of Tommy and Jimmy Dorsey will play opposition to each other for a short stretch again when Jimmy's group opens at the Sherman Hotel, Chicago, for Tommy's band is currently at the Flabush theatre, N. Y. and the Palmer House and remains there until second week in January. Last time the two were in opposition was two years ago in New York at the Pennsylvania and New York.

Jimmy is now at Meadowbrook, Cedar Grove, N. J. until Nov. 15, being replaced next day by Glenn Miller. Dorsey, one of the nightbirds and theatres in the Chicago area. He'll get back NBC net and eight local wires from the Sherman.

Contract for a one-night date four in 1931 was exhibited by a booker at a price last week to Arthur Michael, who booked the date at the time. Called for last week that today could be bought for any amount. Six-piece outfit was to be composed of Tommy Dorsey, trombone; Jimmy Dorsey, sax; Ben Beiderbecke or Bunny Berigan, trumpet; Johnny Moore or Sly King on drums; Arthur Schutt, piano; and Carl Kress, guitar. Outfit was to draw \$285.

Inside Stuff—Music

Because his ex-associate, Jack Bregman (Bregman-Vocco-Conn) is publishing the 'Benny Goodman arrangement of 'Swingin' the Dream' (Erik Charrell's not Shakespearean version), Jack Robbins wouldn't okay the use of a few bars of 'Darktown Strutters Ball' and 'Blue Moon'. These are in the finale, and Goodman asked Robbins for copyright permission. Understood the arrangement cost \$400. This is the show slated for the Center in Radio City, N. Y.

'South of the Border,' published by Shapiro-Bernstein, has during the past two weeks sold 130,000 copies of sheet music, which is somewhat over the records set for the current year by 'Deep Purple' and 'Sunrise Serenade'. 'Border's' sales have already tallied 250,000 copies. Same firm's 'Bey Barrel Polka,' which is now in its eighth month and rates the record occupant of the bestseller list for '39, has gone over 500,000 copies to date.

Alan Schulman's arrangement, 'Shoot the Schubert to Me Hubert,' is a swing version of Franz Schubert's which he and his New Friends of Music ensemble (7) are recording for Victor. This is a group culled from Toccanini's NBC symph and the CBS symphony, making unusual string-swing waxings for RCA Victor. They're chiefly not versions of the classics and Schulman does most of the scoring.

Bert Sheffer's new publishing venture, Modern Music, Inc. has started off with six novelties. They are 'Tie Tac,' 'Hady-See,' 'Lament for a Tin Soldier,' 'The Cat Slaps the Doghouse,' 'The Lonely Little Music Box' and 'At Twilight Time.' Seymour Munn heads the firm's professional staff.

Elvira Rios from La Martinique, N. Y., lately, slated to make Decca recordings. Latter also has Carmen Miranda, but they're representations of her Brazilian stuff.

MUSIC NOTES

YESTERDAY'S HIT

TODAY'S REQUEST

The All-Occasion
Recent Song

MANY HAPPY
RETURNS OF
THE DAY

M. WITMARK & SONS
RCA Building New York

Werner Heymann handling the music scores for 'The Part of Y. Congo' and 'Lover Come Back to Me' at Metro.

Arthur Freed wrote 'Our Love' to be sung in Metro's 'Good News'.

Johnny Burke and Johnny Scherzinger cuffed 'Captain Custard' for use in 'The Road to Singapore' at Paramount.

Paul Mann and Stephan Weiss, refugee songwriters of 'They Say' and 'For Tonight,' had their contract with Warner Bros. renewed.

Frank Waxman writing the musical score for 'Florian' at Metro.

DEWITT WITH DORSEY

Low Levy Picked Him Up On Chicago Hideout Circuit

Tommy Dorsey made a second change in vocalists in two months last week when Allen Wright replaced Jack Leonard with the band at the Palmer House, Chicago. DeWitt was recently released by Wright with Anita Boyer. Leonard as yet has no plans.

DeWitt was picked up singing around Chicago with small bands a little while ago and brought to New York by Dorsey. He is now with the Andrews Sisters. This is his first job since. He joined Dorsey Friday (3).

Atlanta Biz Good; Roof's \$1.25 Convert

Atlanta, Nov. 7.

Johnny Long orchestra with Helen Young is due to open Friday (10) at the Atlanta's Rainbow Room, a new new date and dance spot which is exclusive to MCA. Long's outfit replaces for one week 'Buddy Rogers,' who comes back Nov. 17. Room opened with Tommy Dorsey's band, followed by Henry Busse, Rogers being third occupant of podium. There's \$1.25 cover charge. Bands that play this spot are aired over WGST, local CBS outlet, unless they have NBC commitments, in which case they're heard on WSB and WAGA, NBC Red and Blue stations respectively.

Russ Morgan (CRA) and band are playing a dance engagement tonight (Tuesday) at City Aid, promoted by Tom Bailey, who operates a chain of colored theaters here.

Rudy Bundy and outfit have moved into Henry Grady Hotel's Spanish Room. They're aired over WATL, local outlet.

Latest addition to city's eat and dance spots is Baltimore Hotel's Silver Lounge, with Embassy Boys playing. The lounge, Baltimore's Pompano Room features Jimmy Beers, organist, for dinner music and dancing.

All Atlanta night spots are sell-outs whenever Georgia Tech has a Saturday game here.

TONY PASTOR ON OWN

But Slays Until Artie Shaw Can Get Replacement

Tony Pastor, tenor sax and novelty singer with Artie Shaw's orchestra, leaves that band when he is slated to join Paul Whiteman's band at Hotel New Yorker this week, is being replaced by another tenor, Gordon was in town for a day to play Variety club banquet and also was in market for another tenor vocalist, so gal's manager long-distanced Whiteman immediately and the jazz king informed him that it would be okay to make another deal for her, warbler was signed immediately by Gordon.

That will give Tie-Tac maestro two gal singers, since he intends to keep Shirley Lane.

Rita Rhey Joins Gordon

Pittsburgh, Nov. 7.

Rita Rhey, 18-year-old Pittsburgh high school singer who was slated to join Paul Whiteman's band at Hotel New Yorker this week, is being replaced by another tenor, Gordon was in town for a day to play Variety club banquet and also was in market for another tenor vocalist, so gal's manager long-distanced Whiteman immediately and the jazz king informed him that it would be okay to make another deal for her, warbler was signed immediately by Gordon.

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Bandsmen Doubling As Pubs Evoke Behind-the-Scenes Opposition

OH 'WIFFENPOOP'

Miller Vs. Schirmer Over Yale Song's Publication

Application was made to the N. Y. federal court Monday (7) for a Dec. 6 trial of the suit of Miller Music, Inc. against G. Schirmer, Inc. Miller is charged to secure the publication of certain composers who are not in N. Y.

Suit seeks an injunction and accounting of profits against a song book published by Schirmer entitled 'Songs of Yale,' in which the plaintiffs' 'Wiffenpoop' song was used. Schirmer claims authorization to use the song in a limited edition of Yale College. Miller charges Schirmer's edition is not the official Yale edition, and therefore an infringement of copyright.

Sherman Suing Chappell And Low Brown Alleging Non-Credit on 'Yokel Boy'

Chappell & Co. and Low Brown last week asked the N. Y. Supreme Court to dismiss Al Sherman's suit against them in connection with the score of 'Yokel Boy' on the ground that the works had been copyrighted under the statutes by Sherman himself and that the action could therefore be brought only in the Federal Court. The motion is returnable before Justice Ferdinand Pecora Monday (13).

Sherman is suing for \$150,000, alleging that Chappell and Brown, as publisher and producer, had conspired to deprive him of his rights as a co-writer of the score. Sherman claims that, even though registered copyright cards credit him with being in on the score, his name was omitted from the published versions, and the names of others substituted by Brown.

Tunes involved are 'Let's Make Menace Tonight,' 'I Can't Afford to Dream' and 'Rhythm Makes Me Wanna'.

Vexed by the growing trend of bundmen going into the music publishing business, some of the music publishers are retreating by actively becoming interested in new and independent bands. The music publishers say that they are more logically becoming sponsors or mentors of bands than the masters are logically invading the publishing business.

Music men predicate this claim on the fact that (1) they have the financial resources, if necessary, to underwrite promising new talent; and (2) in a measure that's very thing they do already by publishing the creative works of the sundry orchestras, leaders, and the words of their arrangers or band-members.

Music firms, by and large, are taking umbrage at this and that maestro investing in the song publishing business. It's no secret that a few of the professional managers are retreating by taking more than passive interest in rival bands, especially those who might have some sort of direct opposition to the alleged 'intruders' in song publishing.

Cut Out Extra Violin Part, Pleads Retailer

Members of the Music Publishers Protective Association were furnished last week with a copy of a letter from Volkwein Bros., Pittsburgh dealers, in which it is urged that the publishers cut out the second violin part in orchestration because some retailers were making a practice of selling one of these parts separately. The sale of the violin part, usually for 15c, was, according to Pittsburghers, hurting the sale of both the complete orchestration and sheet music.

Volkwein also stated that the two violin parts weren't of any use to the modern dance orchestra anyway and that the publishing business would be losing considerable money if it included but one such part in an orchestration.

BERLIN-BULLETIN

The Most Talked of Song Today

TOMORROW NIGHT

By Dr. Will Graess and Sam Coslow, writer of ISLE OF CAPRI, RED SAILS, HARBOR LIGHTS, Etc.

The New Thought in Rhythm

IT'S A WHOLE NEW THING

By Jimmie Monaco and Charlie Newman

The Tornado from Chicago

MY LAST GOODBYE

JOE SANTLY, Prof. Mgr.

IRVING BERLIN, Inc., 799 Seventh Ave. N. Y.

RADIO'S MOST DISTINGUISHED SONG SUCCESS!

LEAGUE OF THE RAN

By the Writers of 'Deep Purple'

ROBBINS MUSIC CORPORATION • 799 Seventh Avenue, New York • MURRAY BAKER, Gen. Prof. Mgr. • LEO TALENT, Prof. Mgr.

Westchester Co. Center, 5,000-Seater, Trys Sunday Vaude with Name Bands

Westchester County Center, White Plains, New York, one-night stand for name bands and legit roadshow stop, starts a policy of name bands and vaudeville each Sunday night beginning Nov. 19. They'll be run by Les Rees, formerly of the vaude team of Rees and Dunn, in conjunction with the County Center management. It will operate two-a-day, matinee and evening.

Setup includes no dancing, simply two name bands and seven acts of vaude. Opening night will have Fred Whiteman's Chesterfield unit, Bunny Berigan's orchestra and vaude troupes not yet picked. Only others set for succeeding weeks is Hal Kemp, down for Nov. 16, and Bob Crosby for Dec. 2. Latter date, a Saturday, is due to a prior Sunday commitment for the hall.

Hall can accommodate approximately 5,000 with dance floor covered by seating. Price scale will run 40c and 75c for mats, and 55c-40c and \$1.10 for evening shows. Vaude layout may also include a name m.c. Gene Krupa's crew is a possibility for New Year's Eve.

Low Night Club Scale

Philadelphia, Nov. 7. Harry F. Hahn, who formerly operated the Coconut Grove in North Philly, opened a new niter, the Starb Club, in Oak Lane last night. Policy will be popular-priced dinners, starting at 80c, and three shows nightly.

Saranac Lake

By Happy Benway

Dr. Siegfried Schoenfeld, who saw about 18 years of practice in Vienna, is the new medical officer at the Will Rogers.

Slight earth tremors felt here had no terrors for Frederick J. See, musician of the Metropolitan Opera Co., as he was with that company in San Francisco in 1906 and witnessed the real quake.

Mrs. Dorothy Newcomb, cashier for Radio City Music Hall, in from N. Y. as a new comer at the Rogers, under observation.

Jack Eckins, who died years of it up here, now owning in Denver, he is also remembered as steward at the Rogers.

Highlights from the lodge: Ben Schaffer on greeting committee mulling visitors. Paul Dean shopping for the gang and up for all meals, a grand comeback. Senor Congalis teaching Spanish gratis to any and all. Inell Gifford playing another milestone and is improving. Jack Edwards and Eddie Vogt doing a daily double act, handing laughs to the cheering gang. Jack Finch handed out girls and then left for Washington to salute other ailing friends. Jack Dempsey back for a general check-up. Alice Carman still holding that grand smile.

Dr. George Wilson has taken over the responsibilities of medical director of the Will Rogers until different arrangements can be made.

Thanks to Frank Phillips and his Wandering Minstrels for the okay

entertainment they handed this Col-

Tommy Vicks, who mastered it up here, reports a big season for "Maples," nightclub in Rochester, N. Y. Vicks, after a serious setback, moved back and commenced with the show. This is his fourth year as nightclub manager.

Praise is due Martha Gill, a Roger-ite, who gives most of her time in aiding the other inmates, and in maintaining the show. Write to those you know who are ill.

T. D. Kemp Laying Out 6 to 8-Week Routes

Charlotte, N. C., Nov. 7. T. D. Kemp, Jr., manager of Southern Attractions, Inc., has set Henry "Buss" and band for dates in Willy-Kinney theatres in the south. Opens at the State, Raleigh, N. C., Thursday.

Nick Boila's "Shoolin' High," with Roscoe Ates, will begin an eight-week southern tour for Kemp Nov. 29 at the National, Richmond, Va. Linon DeWolfe's, "Everybody Sings," with McGrath and Deeds Valero Bros. and Denice, and Rayburn Sisters, has been set for six weeks in Virginia, West Virginia and North Carolina. "Follies Unusual" will play eight weeks and "Imperial Cavalier Review" has been set for the same amount of time.

15 YEARS AGO

(FROM VARIETY)

Radio hit the theatres hard on Election night due to the broadcast of the returns.

Dual starring engagement of E. H. Sothern and his wife, Julia Marlowe, in Shakespearean plays, was discontinued, when Miss Marlowe announced her definite retirement.

Georgie Hale, who won a beauty contest prize in Chicago and played the girl role in "The Salvation Hunters" was reported to be the next leading "woman" in Doug Fairbanks' picture.

The Piccadilly hotel, London, was negotiating for Delvay to play there at \$2,500 weekly. He would be the biggest salary ever paid to a single cabaret artist in London.

Bucky Harris was okay on the baseball diamond but questionable stage material, according to the bookers, who were approached for vaude dates. So, the "boy manager" of the world's champion Senators was turned down for stage jobs.

George Jessel decided to be his own producer, stager, star, and manager of "The Girl From Kelly's." Outside capital for the show had been withdrawn, the only Jessel partner left being Eddie Cantor.

Weber and Fields, in their "remembrance" act, opening their return to vaudeville, were smothered at the Palace, Chicago.

June Walker and Henry Hull were to enter vaude in a sketch to be produced by Lewis and Gordon.

New National Theatre

Continued from page 1

ed in behalf of the stage, writers, musicians and other groups within the FTP under the Works Progress Administration. One idea is for a commission to be named by President Roosevelt, to whom would be referred all matters of the work report back. Such a commission would be formed on the theory that if unbiased consideration of a Federal theatre is given, it would make it difficult for opponents in Congress to again assail "vandalous attacks on the profession."

Charges of 'Communism'

FTP was ruled out of existence last spring when the House of Representatives put the finishing touches to the work relief bill. At the time charges were made that WPA's theatre arm was dominated by Communistically-minded persons, and a number of plays were charged of a radical nature. Despite denials by those at the head of the FTP, the charges were made that WPA's arts projects being virtually ruled out along with the theatre end.

President Roosevelt signed the present work relief bill, but he did so with reservation and distinctly expressed objection to the action of the legislators, who insisted that the government relief theatre be eliminated. Chief executive stated that such action was highly discriminatory, since it removed the right of some of citizens to work relief, but provided for all others.

Because of that and the friendly regard for the theatre by the White House, it is believed the theatre will encourage the measures designed to aid show business. There is a charter for a national theatre, its existence, granted by Congress some years ago, but the setup was never practical and there is no provision for federal participation. Groups of socialists appeared to be mostly concerned with the idea but when it came to financing they lost interest.

The new Pepper bill may provide for a level of pay comparable to FTP, without FTP red tape, however. Another measure which has Senator Pepper's nod, along with Senators Wagner and Downey, would restore the arts projects and, if passed, would revive the FTP. An entirely different method of operating would be adopted and control would be in the hands of a group of unquestioned professional background. The percentage of amateurs who trickled into FTP is one of the factors that led to its demise, after causing no end of arguments between the relief theatre administrators, Equity and other stage unions. Constant objections from the outside the FTP led to unfortunate reactions in the Capitol where the relief theatre was highlighted entirely too often.

Malie Flanagan's Research

Last week it was announced from Bodgett Hall, Vassar College, by Henry Noble MacCracken, its president, that a special grant had been received from the Rockefeller Foundation for theatre research. Outlined on the records, experiments and productions of FTP. Although it had been stated some months ago that Halie Flanagan, former national director of WPA's theatre arm, would not be on Vassar's staff this time, the college announcement sets forth that she is on the faculty and will supervise the research work.

Outlines of Mrs. Flanagan's new duties, in which she has Emmet Lavery (also known as chief assistant director of FTP) as chief assistant.

It will cover four main fields: (1) the preparation of a report summarizing the four years' work of the Federal Theatre; (2) the publication of special bulletins describing the

expansion of new techniques in design and production introduced by the Federal Theatre, among them, the Live Newspaper; (3) the completion of various pieces of theatre research begun by the Federal Theatre, especially in the field of religious drama, community drama, children's theatre, and modern stage lighting; (4) the index of the Federal Theatre records so that eventually they may be available for examination by students of the theatre at any center most convenient for the students concerned.

The designation of Vassar College as the initial center of Federal Theatre research was made, Dr. MacCracken said, as a result of the college's acceptance of a special loan collection of Federal Theatre records by arrangement with the Works Projects Administration. The college is providing space to house the collection and office quarters for administration. The work will be done in Poughkeepsie, New York and Washington.

Included in the material to be catalogued and made available for public study are 1,000 prompt books of Federal Theatre productions complete with stage and lighting designs; several hundred volumes of mimeographed publications covering surveys of source materials of the modern theatre; a theatre library of several thousand volumes assembled over a period of four years by gifts from private publishers; and unfinished pieces of theatre research begun by the Federal Theatre and carried over a period of several years in many sections of the country.

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THEATRE DISTRICT

Dows to Book Portland (Me.) C. of C. Stage Shows; From Vaude to Opera

Stage show ideas proposed by Charles J. Freeman, Interstate (Texas) booker and exec. of Consolidated Radio Artists, are being followed by the Portland (Me.) Chamber of Commerce in the operation of the Keith theatre there. However, Freeman is not doing the booking, the trade rumor has it, turning the show-buying over to the A.B.B. Dow, indie office in N. Y.

Portland Freeman a few weeks ago on what to do about shows for the theatre. Freeman outlined a varied schedule of vaudeville, band attractions and legit to mix with the trade board's own idea of a 10-week stock policy visit visiting names. Freeman was asked to book the house and to guarantee, but first he had to get the C. of C. members to personally guarantee salaries, etc.

This was his last communication with the C. of C. Next thing he knew, A.B.B. Dow was doing the booking.

Me. Spot Opening Nov. 20

Portland, Me., Nov. 20. The Chamber of Commerce-organized Maine Civic theatre, which will use the old B. F. Keith property, is slated to open Nov. 20 with a two-day session in San Carlo opera, thence going into as ambitious a schedule of live entertainment as this north-of-Boston area has witnessed in years. The risks are being assumed by business.

Heavy current expenses are being paid out of commitments tendered by C. of C. members. The theatre is to be made when and if the enterprise makes money. Profit is not expected to be large and it's gathered that backers will be satisfied if an even break is registered, idea seeming to be the high-grade theatrical effort will brighten up town and help business generally.

Year-round straw hat, in other words.

Arthur J. Noon, president of the local Chamber, is the sponsor of the sponsoring organization, which, incidentally, will not be incorporated. Freeman's manager, Norman T. Stocker, a native Portlander who has had considerable vaude experience as a performer, is in charge of the booking end; his most recent business connection was with the Essex (N. Y.) Fair association.

Since taking charge here, Stocker has been traveling the local lunch-club-fraternal-brotherhood circuit, organizing goodwill.

As tentatively lined up, the opera will be followed by two weeks of first-line vaude, which in turn will be succeeded by two weeks of legit. Early in the week, the Guy Merrill Patterman Players, now at the Empire theatre, Salem, Mass., will arrive for 10 weeks of stock.

Thereafter vaude will move in again, to be continued into and through the summer months, as occasion may warrant, by more legit.

Films—even roadshows—are out. A 10 to 15 top will prevail for the two-day.

In the setting of the pretentiousness of the opera may be gathered from the fact that management is tossing the Eva Littlejohn, "Colony" Broadway company, Dead End Kids, Horace Heidt, Fred Goetz, Hugh Herbert, Linda Ware, Edward Everett, and Jack "Springtime for Henry," Jackie Holmes in "What a Life," Taylor and "On Broadway Time."

Vaude booking is being done through A.B.B. Dow, indie office, arranged by Stocker's N. Y. rep, Bert Jones. N. M. Gorman is advising on legit.

NEW NITERY OPENINGS

Milwaukee, Nov. 7. White Owl, new dine and dance spot, Anigo, opened last week featuring Mildred Bennett, Vanita and Helen Foster.

Ed Kennedy is the new manager of the High Life Spot. The spot has been redecorated and featured Ed Davis, Freddie Kuehner and Everett Engerson.

Fisher and Harrison Sue Shoe Chain for Photo Use

Alex Fisher and Ruth Harrison, lullaby dancers, filed a \$50,000 suit against Murray M. Rosenberg, Inc., owner of a shoe chain, in N. Y. supreme court last week claiming unauthorized use of Fisher's photograph with Irene Castle.

Miss Harrison's part of the action claims that since the team has been known professionally for many years, it has hurt their reputation to have them apparently separated.

2 JERSEY SPOTS INCREASE VAUDES

Me. Spot Opening Nov. 20

Full seven days of vaude a week has been installed by Harry Doniger at his Colony, Union City, N. J. He had been using stage shows only on Wednesday and Friday nights previously. Policy is split week opening Oct. 20, with the Arnelles for four days, following with Estelle Taylor for two days and using Frank Sampson and his Breville unit for four days over the weekend starting Saturday (4).

Doniger is adding to the name attraction. House seats 800 and has gone from double to single features since the live shows were installed. Doniger, during the summer, was using advertisement spots on Broadway.

Orpheum, Jersey City, operated by Leon Roenbalt circuit, has increased vaude from Friday night only to continuous shows Friday and Saturday. Single features are used on these days.

MARCUS SETS UNIT WITH MEX GOV'T

Chicago, Nov. 7.

A. B. Marcus has set his show for Mexico City in a deal with the Mexican government. Gine Arts for a minimum of eight weeks starting May 1.

In the meantime he will continue routing the show through the United States, and has been set for another week in the Balaban & Katz State-Lake, starting Dec. 29, making it the date in that house within six months.

Dick Powell Booked For Buff, Chi, M'w'kee Dates

Dick Powell, who closed last night (Tuesday) at the New York Paramount, will play three more theaters, before heading for the Coast. He plays off in N. Y. until Nov. 11, when he opens at the Buffalo, Buffalo. The Chicago, Chicago, is contracted for the week of Nov. 24, with the Riverside, Milwaukee, immediately following. Dates were agent by the William Morris office.

Talk of Powell going into a Broadway musical is unfounded. He returns west to spend the Xmas holidays with his family. No legit dates have been set for him.

Albany's Comeback

Fabian's Palace will play the Dead End Kids for six days starting Friday (10).

First time in several years this house has booked a stage show for more than one day.

B. O. FAIRIES TO MERIT DATES

Another Deterrent Is Pic Players' Angling for Personalities Without Having Artists Prepared—Influx of Studio Names Exceeds Available Bookings

'GOODBYE' TO 'HELLO'

Influx of film names for personal appearances in vaudithouses continues, with the bookings not keeping pace with the supply. Theaters have eased up on the rush to buy the celluloid personalities, since the players' box return, in some instances have not been up to expectations or commensurate with the salaries paid.

Another deterrent for the bookers is the fact that many of the Hollywoodians are angling for theatre dates without having acts prepared. The day is long past, according to the show-buyers, when a name could ease by merely saying 'hello' to an audience, and act must go with the name or it's no dice.

Extent of the Hollywood influence on the vaudithouses, however, is very noticeable this week, with several of the major stage shows theatres holding on to long refuges, such as: Constance Bennett, at the Shubert, Cincinnati; Edmund Lowe, Loew's State, New York; Joe E. Brown, Palace, Cleveland; Marie Wilson, Colonial, Dayton; Martha Raye, Paramount, Toledo; Dead End Kids, Earle, Philadelphia; Jack Haley and Marie Carlisle, Earle, Washington; John Boles, Minneapolis; Edna Gurney, Chicago, Chicago, and Hugh Herbert, Adams, Newark.

A string of film personalities, most of them still on the Coast, are awaiting word on stage bookings. They include Patricia Ellis, Raymond Walburn, Claire Trevor, Bela Lugosi, Stuart Erwin, Charles Butterworth, Freddie Bartholomew, Marion Mar, The Edgar Kennedy, Brown and the Ruth Terry. Added to these is Lupe Velez' plans to tour in a tab musical called "The Spitfire."

In sharp contrast with the Hollywood invasion is the fact that few radio names, excepting bands, are slated for stage appearances. Up until this season, radio usually brought in much more than the vaudithouse talent roster did pictures.

OPPOSISH FORCES RKO SPOT TO USE VAUDE

Stage shows at the Windsor theatre, operated by the Brandt circuit, are in the Fordham section of New York, has forced the opposition, Fordham, RKO house, into live talent on Friday nights.

About two blocks from the Windsor, the Fordham offered Jerry Baker, Lewis and Ames and other talent last week. Windsor has Ben Bernie currently.

AGVA Huddles With Chi's Class Niteries

Chicago, Nov. 7.

American Guild of Variety Artists, through local rep Leo Curley, last week signaturred closed shop agreement with the "swank Chic" James C. O'Neil, now preparing for a series of conferences with the other class niteries locally, including such hotel spots as the Palmer House, Empire Room, Stevens hotel, Continental Room, Bismarck's Walnut Room, Drake hotel's Gold Coast Room.

AGVA Denies Philly AFAites Local Autonomy; Will Operate Independently

Betcha-Dollar Bernie

Ben Bernie, currently at the Windsor, Bronx, with his band, turned up at Empire, Yonkers, track between shows Saturday (4) with pockets jingling with silver. He explained he had developed into a betting commissioner, but of the two-buck variety, having been asked to place wagers on the nags on behalf of the ushers, ticket taker and others around the theatre.

Last season the leader had a racing stable of two ponies, but prefers to forget about it.

PITT NITERY OPS' HEADACHES PILE UP

Pittsburgh, Nov. 7.

Headaches continued to pile up on cafe owners here as result of recent high-tide policy of state liquor control board working under strict orders from Governor James I. New Year's Eve this time, the biggest night of the season for the booze joints, is a headache for the cafe owners. It can't be any New Year's Eve.

Falls on Sunday this year and Pennsylvania law forbids sale of liquor from midnight Saturday to 1 a.m. Monday morning. Restaurant men, hotel-keepers and niteries owners have all joined in petitioning booze board to permit drinks to be sold after midnight on that Sunday so they can at least hold a belated celebration, but so far they've received no reply and some of the more pessimistic operators don't figure they'll get one either. Barring that, they'll have to prepare for at least from board to put on an orchestra and floor show after 12 o'clock, in which case they'll tell customers to bring their own liquor and cash in a bit on set-ups.

Whatever the outcome, however, boys are going to lose a wad of coin. Expected casualties in niteries field haven't yet developed as result of liquor board's 12 o'clock closing edict for Saturday nights, because big football week-end has brought big crowds in from out of town and kept the weekendend by night. Only one spot, the Show Boat, has other than its generally expected there will be more once December has rolled in, and the boys are on hand to get the New Year's biz, but they haven't seen that lucrative now.

Texas Nitery Bankrupt; Lists \$54,636 Debts

San Antonio, Nov. 7.

The Omos Drink Club was adjudged a bankrupt in an effort to get out of the Federal court here. Petition listed liabilities at \$54,636 and assets at \$10,322.

Omos has played, at one time or another, all the big name bands for the past few years, and a week's niteries. W. B. Bedford, manager, will continue to operate the club until the end of the current year.

Couturier Bankrupt

Bridgeport, Nov. 7. James Couturier, former proprietor of Belmont Showboat, niteries, filed a bankruptcy petition last week.

After four years at Showboat, Couturier was given notice by city landlords of property.

FIR D'orsay opened at Cafe L

made in Los Angeles.

Philadelphia, Nov. 7. The Philly branch of the now-defunct American Federation of Actors announced this week it would not an independent body and would not remain a part of the American Guild of Variety Artists.

The decision came at a meeting of the members after Thomas E. Kelly, biz agent, told them AGVA refused to grant the body local autonomy. Main bone of contention was the local's right to handle its own funds, which Kelly said AGVA refused to recognize in alleged violation of its constitution.

The local has again taken the name of "United Entertainers Assn." its label before it joined AFA. Kelly said the stand to remain independent and the local of the Musicians Union, the Bartenders and Waiters Local, and the Central Labor Union. "Although we're independent we will recognize members of AGVA when they come to play local clubs," Kelly said. He said his group would fight any attempt of AGVA to set up a local here, however.

Kelly's quarrel with AGVA over autonomy is similar to the four-year fight with AFA over the same point. In 1934 the local of the Musicians Union and took the USA status. On September 25, 1938, they rejoined the National Association, one of the national societies, promised Kelly the local could manage its own funds and President of the USA are William A. Jones, president; Joseph Gansler, secretary; Roy Scott, treasurer and Fred Barker, AFA.

The USA is currently engaged in negotiations with the Entertainment Managers Association, one of the national centers, in an effort to get a "closed shop." Virtually all AFA members have joined the USA, Kelly said. "But there are a few chiselers we're trying to stop," he added.

AGVA GIVEN FEMME ATTY, MILDRED ROTH

Mildred Roth, who was assistant to the late American Equity legal department, has been elected to the AGVA's legal department, has been elected to the AGVA's legal department, has been appointed counsel for the AGVA. Roth, who is the wife of Katherine Corcoran has taken her place in the Equity office.

She is the wife of Paul N. Turner's office before switching to Equity. She was formally admitted to the bar some months ago.

JOE MOSS BANKRUPT

Cafe Man, With the Int'l Casino, Lists \$15,537 in Debts

Joe Moss, manager of the National Casino, Inc., 1514 Broadway, N. Y., which operates the International Casino, has filed a petition for bankruptcy in N. Y. federal court Saturday (4), listing assets at \$200 and liabilities at \$15,537. The largest claim is for \$400,000, jointly by Ted Hammerstein and Lou Morris for alleged breach of contract. The claim is disputed. That's a suit involving the niteries' recent refinancing.

Other creditors in the theatrical field are Tappan Agency, 1619 Broadway, New York, for \$100,000; for core of Dempsey's, \$30,000; a loan; Yasha Bunkoff, \$975; Harold and Josephine, \$100; Frank's, \$100; of America, \$2,600; Harold Koenigsberg, core of American Federation of Musicians, \$2,600.

Moss' present private venture, the Hollywood Road, in New York, was involved in bankruptcy two seasons ago.

Brandt Sets Garr

Eddie Garr, comedian, begins a tour of the Brandt theatres at the Flatbush, Brooklyn, Nov. 16. Garr will play at the Flatbush, Brooklyn, vaude in the west.

Prior to that he had the lead in "Hollywood Road" in New York for a short time.

Mgrs. Mulling Equity's Drastic Ticket Code Proposals, Including Suspensions, Fines, Expulsions

Equity's ticket code delegation called on the managers in the offices of the League of New York Theatres Friday (3) and, in effect, said that if the showmen are in a situation where they are paying high prices they should provide the stiffest kind of penalties for violations of the rules. They specifically mentioned the maximum of 25% of all tickets kept on sale at the box offices.

Regarding to the managers' ideas of stiffening the code, the actors side suggested the most drastic provisions, such as suspensions for one month and a fine of \$1,000 or more for the first violation, and expulsion for the second. Equities feared that the League would never assent to such regulations and their proposals what surprised that their proposals were accepted for consideration.

Whether suspension from good standing would call for a manager to close a show, hit or not, is to be determined. There is no doubt that the case of the brokers they would not be allotted tickets during the suspension period and for the second offense forced out of the ticket business. Some managers, in discussing the stringent proposals, said that the penalties seemed entirely too harsh and that while an agency might be ruled out, it would not be equitable to require them to be forced to leave business since their money is invested in production and advertising.

The session seemed to be in accord that ticket control must be continued as far as possible. It was determined that they will not subscribe to the code as now constituted. The managers are still keenly anxious in back of the code, since that is accompanied with a penalty whereby they would not change its rules and make producing more difficult. Managers are due to meet on Wednesday and will discuss the code on the Equity plans. The code as it was continued until Nov. 15, which means a deadline for the ticket brokers say they agreed to abide by the code up to Nov. 1 only.

The conferees were also in agreement that there had been less expelling under the code and fewer complaints from patrons within the past year. Recently, however there has been plenty of tickets for the new code at high prices. Some questioned a number of brokers last week over alleged violations. Some have explanations for the violations, but where agency were detected breaching the rules no penalties were decided on. Minor infractions were noticed at almost all agencies and there were cases where (Continued on page 46)

FEMME LEAD HOLDS UP 'WOMAN BROWN'

Inability to cast a satisfactory female lead is holding up production of "The Woman Brown," which Maxwells is struggling with in collaboration with Bernard Klavans, of Warner Bros. Film company, which has been the play, but even could not find a picture name in the part. Bern Davis is to handle it in the screen production.

Remainder of the cast is set, including Frederic W. G. and the male role, Cecil Humphries, Harold De Becker, Dick Van Patten, David Edwards, Edwin J. and Clark and Ralph Sumner. Raymond Sorey is to do the sets.

Dick Van Patten, the thirty-eight-year-old who played the same part at the 'Brown' troupe in Provincetown during the last season, was in "Borrowed Time" on Broadway.

Berlin Bids Mary Healy For 'Louisiana Purchase'

Irving Berlin registered a bid at 200,000 for Mary Healy's new musical lead in his forthcoming stage musical, "Louisiana Purchase," slated for Broadway production early in 1940. Currently she is making in the picture, "He Married His Wife."

Byron Back to N. Y.

In Arthur Hopper, president of Equity, is Guy Brock from the Coast, this week. He has been under treatment out there for a cardiac ailment for the past six months. Fearing that no real improvement was being made, veteran player decided to return to the metropolis and further medical treatment.

It is doubtful if Byron will be able to participate in Equity affairs this season. Early in the fall, when it was apparent that he would not be able to be on hand, Bert Lytell, first v.p., was named acting head of Equity.

Edna Wallace Hopper Just Wants the World To Know What's What

Edna Wallace Hopper, who followed a long legit career with a 12-year p. a. tour exhibiting herself as the perennialist perennial, may take to the boards again in the spring as a member of the Equity's new juvenation. Despite science and endless hours of toilette and cosmetics, all that partially responsible for pushing Miss Hopper off the stage in 1931 were wrinkles. So she's preparation to undergo a new type of operation in about two weeks to remove them.

When the prune-like appurtenances are gone from her approximate head and face and neck, Miss Hopper hopes producers and vaude bookers will again beat a path to her door. In the past, she has lectured tour, probably to South America, and talk about her operation.

The operation itself will be something in the nature of an initial cosmetic performance for the neck. Miss Hopper has invited medical men to "oklahoma" to Rochester, Minn., to view the results of the operation. Dr. I. Daniel Shoroff, plastic surgeon, has been chosen to do the ringdove for the gala signing, said to be the next step after monkey business. Miss Hopper's skin will be slit back to the hairline, pulled as tight as the head on Genesee and then embroidered back in place.

Miss Hopper called a press conference on Thursday at which she pressed a studied lack of interest—to warn the public about her operation. She wanted to avoid, said, any false impression getting about that she is sick when she is in the hospital. She also revealed that she has spent the year since 1935, when she last radio program was heard, in studying the "Dow theory of market economics" and now, Miss Hopper, who spends 90 minutes each morning raking up, explained.

"HOT MIKADO" TOURING SANS SALARY BONDING

"Hot Mikado" opened on tour Friday (3) without the management being required to file a bond guaranteeing salaries. Michael Todd, however, deposited somewhat more than \$100,000 with Equity to ensure return transportation in the event that the management does not provide rail fares when the tour is permitted to go. As previously indicated, Equity decided that a letter signed by Michael Todd and Robinson, who for Forskins guaranteeing salaries was deemed to be sufficient protection.

S. N. Bohman is understood to be working on the tour. His part was still hasn't gotten around to writing his projected drawing room comedy with a star named "Pia" Sherwood likewise denies persistent reports that he has written a play for the Lunt or, even outlined one, although he says he has had one in mind for a couple of years. He explained.

Hay in Winter

Hilltop theatre, local pioneer strawhat aggregation, will essay a "Hay in Winter" at the season with a production of "Three Live Ghosts" Nov. 25. The new production of Don Swann, Jr., and W. Ramon Hamel, cast will include Mary Jane Stockman, Jean F. and Mason, Clara C. and Alan Dale, Jr., Thad Sharetts, George Herrick and Homer Todd.

4A's Money Troubles Traceable To FFA, IATSE Probe and Battle: Only Equity Favors Added Levy

Ribber Ribbed

Katharine Hepburn, who was recently ribbed by other members of the "Philadelphia Story" cast, at the Shubert, N. Y., when they took turns wearing a red wig and a beret, her updo, evened the score last week. She secretly substituted real brandy for the pseudo-cognac which Van Heflin tosses off in the third act. After unapologetically guilting down the half-tumblerful of McCoy liquor, Heflin virtually strangled it. He was several minutes before he was speak naturally and he was scarred-faced the rest of the performance.

Now he always sniffs the glass she hands him.

Legit Strong In Expts. But Films N.S.G.

Minneapolis, Nov. 7. Strange theatre thing here is that the two legit roadshows to play the town this fall this season have pulled capacity houses at all performance scales while film houses are crying their heads off because of poor bit.

Of course, the attractions' exceptional boxoffice strength may mean there is no significance to this development. Lunt and Fontanne and "Tobacco Road" are the offerings in question.

The fact remains, however, that Lunt and Fontanne, here last season in "Amphytrion" and "The Sea Gull," instead of "Taming of the Shrew," did poorly. While "Tobacco Road" visit five years ago pulled far short of capacity. While last year and five years ago the film houses were prospering in comparison to the present season.

One explanation in local show circles is that the class of clientele attracted by legit attractions isn't so hard hit by the current depression here and is not so weaned away from these infrequent theatre visits by confining radio and sporting occupation. A more plausible low-down, however, may be the more reasonable scale for the shows, it's pointed out. Whereas Lunt and Fontanne here are scaled at \$2.30 top here, "Tobacco Road" was priced at \$1.65 instead of \$2.75. The latter has been becoming more price-minded all the time, the trade asserts.

'Nice Goin' 'Comes Back for Retakes; Halley Vice Wheeler

"Nice Goin'," which was brought back from Boston to New York City (5) for revision, is expected to return in four weeks. The new Laurence Swann musical with Halley Wheeler as "Sailor Beware," is penciled in at the Belasco, N. Y., the latter is expected to be the first stage going to "Dubarry was a Lady," due in early next month.

Although having a run of the play, Halley Wheeler has decided to withdraw from the cast, with Jack Halley mentioned to replace him. Wheeler is not under contract for the show early this week, however. Equity rules plan to have a run of the play contracts must receive compensation if the show returns. Wheeler has agreed to Equity is expected to make a compromise for a lesser period of darkness. It is not yet known if he has arranged for a settlement of any claims against the manager under the contract.

In back of Equity's assent last week to the extension of a per capita tax to be paid the Associated Actors and Artists of America for the next six months, is the fact that the parent actor-artist union has been operating generally in a losing effort to reduce the deficit of the Four A's, a ball of unusual proportions which is staged at the Waldorf, Astoria in February. It will take the place of Equity's annual event, which was dropped several seasons ago.

Present financial status of the Four A's is traceable principally to the long investigation of the now defunct American Federation of Actors and the preparations for a strike when the actors would be the stagehands was on. Most of the Four A's' strikes were asked to contribute four cents per month per member, but Equity is the only one known to have favored the grant.

The American Federation of Radio Artists refused point blank to pay the Equity, saying it owed too much to other affiliates to assume further obligations at this time. Other affiliates, however, are in a position to be called on for aid, replies mostly being that they would pay the bill, even when they are able to raise the coin.

Under its constitution, the Four A's is paid \$1 annually for each member in the affiliate. During the summer, Major expense of the parent union is Frank Gilmore's salary, which is \$10,000 a year. Office rent is \$2,000, but \$400 of that item is assured by the Four A's, whose activities in behalf of the organization are paid for on a continuing basis.

When the strike loomed it was freely conceded that if the battle between the actors and the radio artists would probably "break" Equity along with the other affiliates. The legit unions, however, are not so newsworthy in the actor-artist group and such advances are on the books. Equity is still in the best financial position of all the unions. While the coin will be repaid is not definite, for it is known that some of the affiliates are not so thoroughly organized. That especially goes for the new vaude union, the American Variety Artists, which replaced A.A.

'One Big Union' Cold

When reports emanating from the Coast last week indicated that the Guildmore might retire on a pension in favor of Kenneth Thomson, those in the know explained that the Four A's was not in financial condition to pay that. That idea was in furtherance of the "one big union" idea, the latter movement has since been abandoned. The committee may never be attempted.

Stated that the confusion over inter-union relations, even among members of the Four A's affiliates is clearing up. The memberships are in the know. It is liable to half dues and initiation when changing from one jurisdiction to another. When the Wheeler is called for a curces a withdrawal card from the original union to which he or she belonged, the new union is liable for until returning to that union.

PHIL BAKER MULLS NEW B'WAY COMEDY

Phil Baker, who recently concluded a radio series for Dole pineapple, is now mulling over the production of an unrevealed comedy, with Nancy Carroll mentioned for the part. Baker is expected to return (Tuesday) for several weeks' vacation at Miami and will decide on whether the show going to Broadway. Comedian wanted to appear on Broadway in "Idiot's Delight," which was not to be. Baker is expected to return to the theatre in "Idiot's Delight" in the Metro did a Broadway hit in 1938 and Baker has turned down several vauze offers.

Critic Turns Actor, Actor Turns Critic, and Tobacco B.O. Perks

Minneapolis, Nov. 7. Prize theater publicity stunt here was conceived by George Adams, Times-Tribune manager. Editor Adams, who has a keen interest in the show biz, does everything possible to boost it, and occasionally enjoys playing with it in his bag of publicity tricks and stunts. The moderns howl the moderns made the moderns.

Stunt, which resulted in a flock of local newspaper stories and lengthy wire yards for "Tobacco Road," had John Barton, the Jester Lester of the company at the Lyceum here, last week, receiving a letter to Merle Potter, Times-Tribune critic, angrily calling the latter to account for his adverse notice of Barton's performance, which, it was pointed out, has been abominably praised elsewhere.

In conclusion, Barton challenged Potter to play the role himself for at least three minutes, demonstrating how it should be depicted, and to exchange jobs and write the review of the critic. Of course, as has been pre-arranged, Potter accepted the deal. The Times-Tribune carried a story in its front page, announcing that Potter would play the Jester role, and another long story, containing the Barton letter and critic's reply.

Potter got the idea for the stunt after reading Potter's unfavorable criticism and hearing some squawks. He arranged it with the Lyceum press agent, after cooking up all the details. At first, Irving Company managers were reluctant to play ball, fearing Potter would ruin the performance and disliking the idea of a red-hot critic playing the actor to the critic. However, he finally saw the light and the stage Jester, Mayer, was asked to play Barton—the first one wasn't sufficiently abominable to suit Adams.

Kirkland's Meads and half-owner of "Tobacco Road," flew in from New York to "catch" Potter and to make the critical review. At the start of the performance Thursday (7) night, praising the critic for his review of the Lyceum, he acted as a critic-baiter. The theatre was packed to capacity and several hundred people turned up to see one of the local theatre's penitents and John Barton, opening a Minnesota theatre where the critic had been on his hands, standing in the aisle to witness Potter's debut as an actor.

Potter came through surprisingly well for a novice. He was not as good as a critic, but he was not as bad as a critic. Early in the first act Barton made an exit into his shack and Potter, as Jester Lester, appeared at a moment later Jester reappeared in the person of Potter in full make-up. For three minutes the critic carried on without blowing a single line. Moreover, his voice carried into the balcony. After the three minutes, Potter exited and Barton resumed the role.

After the stories went out over the AP, UP, and DWS wires, all three services also had carried adverse notices. The Morning Tribune, which followed day ran a lengthy review, with a two-column head, by its critic, Carl N. P. The following day, the Jester Lester, along with plenty of art. The evening Times-Tribune also had lots of art. A story by one of its featured writers, the John Barton review (written by press agent Mayer) and a critical almost a column long by Potter describing his experience and sensations.

Jester Lester "Actor-Froo" Potter said he believes he proved conclusively the contention that the role is actor-proof. Among other things he wrote:

"Now that it is all over, we've got to go together and we've got to find a moral in this thing—and maybe I have it. That an actor's a critic, and a critic's an actor, and you can't tell the difference. Lines, just run in a few extra cuts and no audience will know the difference. If it does, it's my work."

The Mayer-Barton letter invited Potter to "come over and see me" next week, where he would be a one-nighter, and spell me again. "I'll let Potter have the makings of a competent actor."

Blind Performers Deliver 1-Acter, Musicales in St. L.

St. Louis, Nov. 7. A musical program by "The Blind Relief Parade of 1939" played a one-act play, "Ethics or Love," with all participants being blind, last week, to a large audience. More than 700, many of whom also were blind, to the opera house in the Municipal Auditorium. The outstanding artist was Verner Schuch, pianist. Other soloists were Eugene Guiber, flute player; Morris Violini, guitar player in the seven-piece orchestra, and Alfred Conrad, trumpeter.

Entrances and exits were easily made, the players following the edges of canvas coverings on the stage. The orchestra was directed by Bart Slattery, announcer at radio station WIL, was m.c.

B.O. MEN PROTEST IA RULE ON WAGE TIT

Bargaining committee of Broadway treasurers and actors' local, the B.O. Men, affiliated with the stagehands, again conferred with the managers at the League of New York Theatres last week. Box-office men were there to protest over the new rule, which was an International Association of Theatrical Stage Employees regulation that bars de facto union pay for non-union artists.

The committee stated that they had been informed early by the IATSE official that while that rule applies to stagehands and motion picture projectionists, it does not apply to the treasurers who recently walked out of the Theatrical Managers' Guild. The treasurers, who obtained an IA charter. While it was indicated that the managers would not pay the treasurers, they said they would check with IA on the claim that the b. o. people are not included in the one-year rule.

Box-office people are seeking a boost from \$15 to \$20 for treasurers and a similar \$15 increase for assistants, who are now getting \$50. When the one-year union rule was "dug up" by managers, b. o. men were somewhat panicky, since they had walked out on TMA's rule, but they would not easily get higher pay if having the easing of the stagehands' rule.

A number of ticket men who are in the new treasurers union are also TMA's members, which permits them to hold company with the managers, but does to both unions are required. Starting with Nov. 1, the initiation fee to TMA was raised from \$500 to \$500. Anyone joining at a special rate must sum, plus \$10 for fees.

Janet Marshall, Golden telephone winner, has returned from Mexico with a new comedy, "Found in a Can," which Salinas and Golden and John Golden has first look at it.

Special Armenian Legco Co. Makes Armians U.S. Our at \$150 Top

An Armenian language legist here exists in the United States and regularly presents stage performances in a dozen cities. Performances are confined to Sunday nights, as the majority of Armenians are working people who get up early and go to bed early. Admission scale never exceeds \$1.50, and in some of the larger communities, there are 50c seats.

Leading man, producer and director, is a native Armenian, and his son, who on Sunday (5) was tended a jubilee celebration commemorating his 25th anniversary. The Armenian scholar theatre, New York. A committee headed by the Armenian bishop of the United States organized the event. Sourabian and his group of actors, five men and three women, presented excerpts from his repertoire.

Current Road Shows (Week of Nov. 6)

'Abe Lincoln in Illinois' (Raymond Massey)—Foray, Philadelphia.
'Blissdom Time'—Phylax, Hollywood.

Calbourne-Jones (repertory)—Rialto, Alexandria, Toronto.
'Desert Song'—Billmore, Los Angeles.

'Barry Was a Lady' (Ethel Merman, Bert Lahr)—Shubert, New Haven (11).
'The Coast Him' (repertory)—Academy of Music, Roanoke, Va. (6); Reynolds Auditorium, St. Louis (7); College Auditorium, Greensboro, N. C. (8); Winthrop College, Rock Hill, S. C. (9); Duke High School Auditorium, Asheville, N. C. (10).

'Farm of Three Echoes' (Ethel Barrymore)—Casc, Detroit.
'Golden Boy' (repertory)—Civic Center, Bartlesville, Okla. (6); Shrine Auditorium, Oklahoma City (7); The Playhouse, Tulsa (8); High School Auditorium, Lubbock, Texas (9); Liberty Hall, El Paso (10); Temple of Music, Tucson (11).

'Hamlet' (Maurice Evans)—Grand Opera House, New York (11).
'The Boys' (Bill Robinson)—Boston Opera House, Boston.

'I Married an Angel' (Dennis King)—Theatre, New York (11).
'The Large' (Paul Muni)—Hanna, Cleveland (6-8); Erlanger, Buffalo (9-11).

'The Boys Goodbye' Locust, Philadelphia.
'Leave It to Me' (Victor Moore, William H. Chyff, Sophie Tucker)—Nixon, Pittsburgh.

'Mama's Daughters' (Ethel Waters)—American, St. Louis.
'Mornings at Seven'—Plymouth, Boston.

'My Little Children' (John Barrymore)—Selwyn, Chicago.
'No Time for Comedy' (Katharine Cornell)—Harris, Chicago.

'Of Mice and Men' (Guy Robertson)—Erlanger, Philadelphia.
'The Time of the Year' (H. H. Brown)—Indiana, Indianapolis (6-7); Music Hall, Kansas City, Mo. (9-11).

'The Road' (Laurette Taylor, Florence Reed)—National, Washington.
'The Opera—Wilson, Detroit (5-12).

'Springtime for Henry' (Edward Everett Horton)—Hartman, Columbus (6-8); English, Indianapolis (9-11).

'Dancing of the Shrew' (Alfred Lynn Fontaine)—Metropolitan, Seattle (6-8); Mayfair, Portland, Ore. (9-11).

'Tobacco Road' (John Barton)—Grand, Waco, Wis. (Myers, Waco, Wis. (7); Parkway, Madison, Wis. (9-11).

'Tobacco Road' (Slim Timblin)—Criterion, Bridgton, N. J. (6-7); Orpheum, Reading, Pa. (8-9); Garrick, Norristown, Pa. (10-11).

'Tonight We Dance' (Ruth Chatterton)—Cox, Cincinnati.
'Very Warm for May'—Colonial, Boston.

'What a Life' (Jackie Coogan)—Strand, Oklahoma City (7); Orpheum, Cleveland (8-9); Alvin, Minneapolis (10-11).

'White Seal'—Erlanger, Chicago.

Sherwood Urges Authors Spread Doctrine of Intellectual Freedom

Levin-Lundy Team For Legit Production

Herb Levin, once with Paramount, and Ben Lundy, who spent some time with Robert S. Baker, formed a legit management and production partnership in New York. The duo will produce at least one play on Broadway this season. Levin is the son, by a prior marriage, of Mme. Francis, the world's now the wife of Nate Spingold, v.p. of Columbia Pictures.

Plea for authors to spread the doctrine of intellectual freedom to people who are hungry for it and who may be stimulated to a new faith in the brotherhood of life" was made by Robert S. Baker, president of the Dramatists Guild annual meeting Monday (6) at the Lincoln Hotel.

"We must seriously confront the fact that if freedom of thought and speech is the goal of the rest of the world," he said, "it will become sick and timorous and querulous and will die here, too. However, he declared, "there is a new and decisive force in the human race, more powerful than all the tyrants and the force of massed thought—thought which has been provoked by words, strongly spoken."

'SUMMER NIGHT' ENDS \$60,000 IN THE RED

Presentation of "Summer Night" by Vicki Baum and Benjamin Glazer at the St. James, N. Y., last Thursday (2) proved a fast and furious flop. Comedy drama which drew a weak press, was yanked Saturday (4) night. Paramount will lose the venture was \$60,000 in the red. Louis E. Gensler, back on Broadway after a term in the penitentiary for a comedy-drama. Understood that some of his own coin went into the show. Gensler stated that his own activities had backed from the Coast, though not picture money. "Paramount will be on the financial end of 'Night' had no basis. It appears that Glazer received the original story and checks in payment to the author were supposed to have been used by Glazer to pay off on production, which accounted for the Par report. A well known cartoonist is one of the possible backers. Most of the outlay went for settings designed by Robert Edmond Jones.

There were attempts to raise coin the day prior to premiere from leading film concerns, who were asked for an advance on possible picture rights, but none are known to have backed the idea. Had the money been in "Night" would have been postponed, producer wanting to make cast changes, while further production had been deemed necessary. "Night" had a number of former Hollywood players connected with it, authors, manager and several leading people being the repatriates.

SUMMER NIGHT

Opened at the St. James Nov. 2, 39. Melodrama by Vicki Baum and Benjamin Glazer. Bailed untravelling to theater with the reviews. Anderson (Journal) thought it "uninteresting." "The New York Times" said Brown (Post) said "its silliness is outdistanced by its dullness." "Vaueur" (thee) review in this issue.

Ballet Russe, AGMA Discussing Contract

Threat by the American Guild of Musical Artists to picket the Metropolitan Opera House, New York, Monday (6) night unless the Ballet Russe, which the Ballet Guild has threatened to picket, is expected to begin negotiations leading to an AGMA term.

Russians, backed by NBC, and the Ballets Russes, which came to this country two weeks ago and is booked by CBS, are the only important groups not operating under an AGMA agreement. Terms to be demanded by the Ballets Russes today, are similar to those accepted by other touring outfits, are for a \$45 a week (about \$172 a month) (approximately \$4 a week) is a guarantee of nine consecutive months of work in every rehearsal pay is \$20 a week.

Picketing of the Met would have been serious for the Russes, as it is expected that neither musical group, stagehands, both highly organized, would have crossed the line. Ted C. AGMA ballet organizer, has turned the steam on the Monte Carlo troupe recently as result of quarrels with American ballet dancers. Later claimed they were organized because they were natives of "the olden times" while the foreign groups, booked by the major broadcasting companies, were getting off without contracts.

Sherwood, whose Pulitzer Prize-winning, "Abe Lincoln in Illinois," is regarded as a polemic appeal for the Democratic ideal, consented to the early release of the film version of the play so its message could have the wider coverage possible via the screen during the present world war. The film, which is being shown toward that view during his Pan-American trip last winter. He is now in London.

"In the first two months of the second World War the great bulk of the fighting has been with words. We control the present situation of wholesale war with a minimum of warfare. How can anyone estimate the influence of this situation by two books written by two obscure German soldiers? One is "The Book of the Dead," and the other, "All Quiet on the Western Front." These two books, less millions of men under arms. The other book, "All Quiet on the Western Front," has made men restrain them from using those arms, by showing them from war's destructive effects."

"Every soldier now knows the question that no general can answer for him, and no general can answer for him, no matter how far from the front lines, now knows that his home is in the hands of the enemy. There is a new and decisive force in the human race, more powerful than all the tyrants. There is a new and decisive force, thought which has been provoked by words, strongly spoken."

"The book, "All Quiet on the Western Front," has made men restrain them from using those arms, by showing them from war's destructive effects."

Considerable discussion took place at the meeting of the American Guild of Musical Artists, which is a cooperative production, concessions for signing contracts, and the Guild's view on all film sales to 25. Latter point was not voted on at the meeting.

However, in response to one query, Sherwood revealed that he had been asked to head a bureau or committee at the Guild to read and offer criticism upon the works of the writers. He said that he had been asked to read scripts by outside members, but the group's activities are limited to the production of plays, and he said that the Guild is continuing to get by. He said that he had been asked to read scripts by outside members, but the group's activities are limited to the production of plays, and he said that the Guild is continuing to get by.

Edgar 'Ladder' Davis' 'Persecution' Suit in Tex.

San Antonio, Nov. 7. The trial of a suit by Edgar Davis, of Luling, last week at Lockhart, Tex., against the estate of Robert Davis against the commonwealth of Massachusetts and six individuals, including the late Edgar Davis, which played for free, claims that he was persecuted by the state to collect approximately \$600,000 in income taxes.

The suit, which contends he was a resident of Texas in 1926, the year in question, and therefore does not owe taxes to Massachusetts.

Plays Out of Town

MORNINGS AT SEVEN

Evelyn Wahle played a German maid and had one amusing romantic scene with the Jewish patrolman. The tag-line of the play is smashed across by Edward McNamara, who has three lines in all. It makes for a vine curtain.

The setting is handsome. Land

SUMMER NIGHT

Comedy-drama in two acts by Vi Dawn and Benjamin Glazer; presented Lewis E. Gensler; staged by Lee Stranbe settings, Robert Edmond Jones. At the James, N. Y., opening Nov. 2, '30; \$5 18P.

Bonfils & Sommes gently prodded 'Pastoral,' which opened at the later read: 'All right boys, you Copy went on to say that it

of play that audiences

Willie West and McGinty follow everything on the menu, and it's as well, for few things could follow them. It's 17 years since team players around here, first as Wild, Willie West, and then as Wild, West & McGinty.

Show cost \$70,000 to produce, which is biggest investment for Palladium with exception of "The Begins at Oxford Circus" a couple

Bonfils & Sommes gently prot-

picture producers for Paramount
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 cellent run at the Fulton, N. Y. I
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 al musicals on Broadway before g
 ed against adverse notices given

had your fun—no hard feelings.'
The kind of play that audiences like.

From this inborn human pattern...

as familiar as thirst, as certain as hunger,
comes the enormous leverage radio
adds to a selling message



People listen together. And people *together* are more intensely moved than people alone. People laugh more when they're together...respond more when they're together...are influenced more when they're together...than when they're alone. That's why people *together* are sold so much more successfully than people *alone*.

Here you have one of the deep roots of radio's success; one of the brilliant inks with which radio writes the accomplishments of its clients. People hear the radio sales message together...respond to it together...talk about it *then and there!*

Nowhere else does an advertiser get this *simultaneous* impact on the family...this immediate, *stepped-up* response to his sales message. Nowhere else does the advertiser start so many conversations, so many sales, so quickly, so surely, as in radio. Because people listen *together!*

Radio's unique ability to reach a roomful of people at the same time is but one of a dozen fundamental encouragements radio gives to advertising copy. We'll be glad to submit the others, at your convenience. They, far more than the vast size of audience delivered to radio clients, explain the advertising history of the past decade! Write to CBS at 485 Madison Avenue, New York City.

Columbia Broadcasting System

WORLD'S LARGEST RADIO NETWORK

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ARE-THE-LEAT

Radio-Pix Buildup Booms Met's B.O.; Durbin Headed for Co., Peerce Maybe

Radio and film names have made the Metropolitan Opera Co. of N. Y. a national, not a local organization, declares Earl Lewis, assistant general manager of the house, who has been in charge of the boxoffice for 30 years. Mr. Lewis points out that two weeks before the season opens 91% of all subscriptions have been sold out, with 38% of these coming from out of town, in comparison to 5% some 25 years ago.

The broadcasting will the Saturday matinee operas, and the presence on the roster of persons whose picture appearances have made them household names, have combined to make visitors to N. Y. much more conscious of the Met than they ever were before. Publicity specially pointed to dispel the idea that the Met is too stiff-shirt has attracted the younger people. The annual surprise party, where the entire company does a burlesque on opera, with elaborate stories and photographs has popularized the singers tremendously.

'None can witness Lili Pons in lights doing an acrobatic act with Lauritz Melchior without coming away refreshed,' Lewis concluded. The sight of the 90-pound Pons holding the 250-pound Melchior with one hand, while the wires above strain to the utmost, has been so successful since first introduced that the act has been repeated year after year with undiminished success.

Deanna Durbin is expected to become a member of the Met, according to Lewis. The 17-year-old soprano is several years away from an actual appearance at the Met, but she is reported studying opera diligently with Andras de Segovia.

(Continued on page 53)

Plenty of Coin to Be Had for B'way Legit; The Case of 'Father'

There is some question whether Hollywood coin will freely flow along Broadway for production, but legit is getting plenty of backing from new sources and it appears to be considerable money available for likely stage ventures. Encouraging evidence of that is the success of the most recent comedy arrival, 'Life with Father,' which is running for a record 100 weeks. (Latest on the Hollywood-Broadway situation on page 5.)

Oran Serlin is the producer, but on the managerial and five or six others are concerned. Not the least is a silent partner in one or more attractions. Wealthy socialist and sportsman is known to have invested in 'Father.' He is reported by Martin Gable and Carly Wharton, wife of John Wharton of the Play-

(Continued on page 61)

Mickey Rooney Upped To \$5,000 Per At M-G

Hollywood, Nov. 14. Mickey Rooney had his contract adjusted by Metro and is now reported drawing \$5,000 weekly on a 40-week basis running for a term. Youngster has been the studio's box-office ace the past year at stipend of around \$1,000 a week with a \$10,000 bonus per picture. His earnings were reported around \$100,000 yearly as the studio used him extensively.

William Morris agency negotiated the new deal which became effective last week.

Miami in Early Start; Havana, Rio Expected

Miami, Nov. 14. Hotels and nighteries are making ready to take advantage of an expected resort boom here by removing shutters weeks ahead of normal seasonal unveilings. The Royal Poinciana presents today (Tuesday), whereas its usual dusting-off date had been around New Year's. It tees up with a line of 10 Chester Hale girls recently back from Cannes, Joan Abbott and a couple spear actors of the Ringling Bros. show. On the pad for later are Rudy Vallee Dec. 29-Jan. 1, and Harry Richman with Abe Lyman orch starting Jan. 16 for a month, with options. Continental's Cuban room is next to lose out the mal with Dec. 10 set for the inaugural. Oscar de la Rosa's rhumba crew is in for at least 76 weeks. Dempsey-Billmore follows on Dec. 21. It has added 76 more rooms and a swimming pool in expectation of the World's Fair. Acts haven't been set yet, although Vincent Brigale's band is signed to (Continued on page 37)

GEN'L MILLS DECIDES BASEBALL TOO COSTLY

While General Mills doesn't have to exercise its time options until Jan. 15, indications have already been given of the miller's intention to pursue a more economical policy on play-by-play baseball broadcasts this coming season. Problem said to be facing the cereal maker is to bring down the cost of this type of exploitation to the point where it

MUSICIANS UNION TO CHECK INCOME

N. Y. AFM Local (Richest in Country) Wants to Keep Tabs on Members' Affluence

Most drastic piece of supervision ever imposed on union musicians is the rule which Local 802 of New York City (American Federation of Musicians) put into effect last week requiring that payments for photograph recording, transcription, commercial radio, sound effect dates and other miscellaneous engagements be made through the local's collection department. Under this regulation the union will serve as a repository of all monies earned by its members in any studio, and the coin turned in must not only be that of the members of an instrumental unit but also that of the leader.

Through this move to serve as a second-hand paymaster for its members the union will be in a position to keep close tabs on the earnings of everybody in the union. The local has had such information on all other classes of engagements available to it for some time, since its rules require that copies of contracts (weekly, one-nighter and other) be turned in to the union.

(Continued on page 61)

SWING KINGS TAPERING OFF?

There's much concern among the jive maestro and, more significantly, among their managements, as to whether or not swing is on the downslide. The boxoffice being the all-determining barometer, the recent takings of some of the foremost swing exponents is the cause of all the worry. That goes for bands on the road, as well as in New York.

Two of the best in the eastern metropolises are disappearing, and whether their hotel spots aren't conducive to killer-diller music, especially with dinner, or whatever else is the reason, the b.o. experts are bothered by the subnormal bite. And the continued good b.o. of staples such as Whiteman, Lombardo and Duchin is even more conclusive evidence.

Steuer Advises UA Pact 'Worthless', Goldwyn Flirting with RKO and Par

London Hot for Clare Boothe's Anti-Nazi Play

London, Nov. 14. 'Margin for Error,' Clare Boothe's anti-Nazi play current on Broadway, may see presentation here this season, George Black, producer, figuring it a cinch at this time. He has entered into negotiations with Aldrich & Myers, producers, and Miss Boothe for the English rights through Herman Citron, New York agent.

Clare Boothe, prior to the opening in New York of 'Margin for Error,' answered the protest of the German consul by stating that she did not intend any political implications. Play is a comedy-mystery set in the German consulate in N. Y.

Jas. Roosevelt's Own Indie Film Co., RKO Outlet?

James Roosevelt is shaping his own production unit and is preparing a leap into independent film making. Much of his time spent in New York during the past week was devoted to plans which will take more definite form on his return to Hollywood.

Under contract as vice-president of Samuel Goldwyn Productions will expire on Dec. 31. Distribution terms for his own productions, which as yet have not been given a trade name, have been discussed with George J. Schaefer, president of RKO, and a definite deal may be consummated in a few weeks.

Producing headquarters will be set up in Hollywood, and several important producing names are mentioned in connection with the Roosevelt unit.

B'WAY MUSICALS IN MIXUPS OVER COMICS

Among the musicals due in mid-winter are 'Wild Bill Shakespeare' which will bring Alex A. Aarons back to the Broadway production field, and 'Keep Off The Grass,' which Harry Kaufman is lining up. Several comics are mentioned for the same shows, though none appear to have been contracted for. Present line-up calls for Jack Haley and Martha Raye toping 'Bully,' but Jimmy

(Continued on page 34)

Advised by his attorney, Max D. Steuer, to break off with United Artists as existing releasing contract is worthless, Samuel Goldwyn is understood flirting with both RKO and Paramount for distribution of his future output. 'Baffler' is the last of the features he delivers to UA on this season's commitment but there is no word from him as to other future product.

Goldwyn is shutting his Coast plant Jan. 18 and is expected to go east for discussions at both RKO and Paramount home-offices. Producer is understood planning an organization shuffle if any new deal is struck. He would make four to six pictures annually and bring in two associate producers to work directly under him.

If Goldwyn connects with either RKO or Paramount, he would continue production on his own list, with the releasing company doing part of the financing as he figures his features would be used as leaders in selling either studio's product in the summer of 1940.

UA is reported agreeable to Goldwyn pulling stakes but would insist he turn back stock at the price he paid, otherwise UA will demand he live up to terms of the contract he signed with it.

Suit Still Pending Whether Goldwyn will actually be able to pull out of UA and distribute through another company still hinges on the outcome of his suit against UA argued last spring in N.Y. supreme court. Decision is now being awaited.

In this litigation, his attorney, Steuer, asked for declaratory judgment which would set aside Goldwyn's present exclusive producing and releasing contract with UA—which expires in 1945—and permit (Continued on page 34)

See Television As Real Impetus For Any Pix Prod. East

With television almost certain to emanate from New York in years to come, business in the east is being urged to take advantage of the new medium as furnishing the real impetus to picture production along the Atlantic seaboard.

With radio, film and legit talent and technicians available in the east, film producers for telecasting undoubtedly will be turned out in New York, the trade believes.

More on eastern film production on page 33.

Reinhardt on Television Hollywood, Nov. 14. Max Reinhardt, the dramatic prodigy on Don Lee television station as a Royal Starlight feature, First Time the Prof. has given view a tumble.

Americo Aboaf, Joe Souhami.

Silverstone Reviews UA's Strong Position to Board; Korda's Plans

United Artists will in no way cut its production budget for next season, Murray Silverstone, chief of worldwide operations for the company, told a board of directors meeting yesterday. He said it would advance on the boldest policy and most ambitious scale of its career and revealed that domestic sales for the current season are \$7,000,000 ahead of the same date in 1938.

Directors' meeting followed immediately the annual get-together of the stockholders. Held at UA headquarters in New York, it was the first annual confab which not one of the five owners appeared in person. Representing the owners were James Mullen for Sam Goldwyn; Herbert H. Maass for Mary Pickford; Dennis F. O'Brien for Douglas Fairbanks; C. B. Schwartz for Charles Chaplin, and Emanuel Silverstone for Alexander Korda.

Each of the stockholders, under the cumulative system of universal voting used, elects one director. Reputed named were named directors in each case. No change from last year was Maass, who will serve in place of Theodore Caruso, Jr., a New York attorney for the late Irving G. Thalberg Jr. All the corporate officers were also re-elected.

Korda on Coast
Alexander Korda, British member of the United Artists Corp., flew from England last week for the announced reason of attending the stockholders' meeting yesterday. Korda failed to appear. He planned to go to Coast Friday (10) night to see his wife, Mrs. Dorothy Korda, who he might return for the meeting, but he phoned his New York representative, Elie Rebus, to inform him, stating that he would like to act at the meeting in his stead.

Korda, who was accompanied by his attorney, Basil Bleck, conferred with Murray Silverstone, UA chief, most of Friday, awaiting his arrival. No decisions on his future plans were reached. It is understood that he will return shortly for further confabs.

Korda said on his arrival that the (Continued on page 3)

Goldwyn Flirting

Continued from page 1

him to distribute through other companies. Goldwyn's battle with UA came out into the open last January when the four other stockholders, Mary Pickford, Alexander Korda, Douglas Fairbanks and Charles Chaplin, unanimously overrode his objections to releasing Alexander's contract with Korda and Fairbanks. They also vetoed his dissent against the "Silent Plan," a schedule of bonuses for the producers.

Whatever the outcome of the pending Goldwyn suit, the divorce himself from UA and still has what Steuwer considers an ace in the hole in UA's hands. He turned over to Goldwyn his share of the producers' bonus voted about two years ago. Steuwer has no claim on UA's tied strings to Goldwyn's acceptance of this money, amounting to \$100,000, which is contrary to his contract with UA. It will give him another reason for claiming UA has broken the contract, automatically releasing him.

It was indicated yesterday that Steuwer will take no action in the pending outcome of the other suit. Whether or not it becomes ground for contract nullification, it will at least be cause for a suit to recover the coin without signing a qualifying agreement.

At yesterday's (Tues.) board meeting of UA, Murray Silverstone recommended the company at strong manpower position, and added, in relation to queries sent Goldwyn, that the company has no exclusive contract with him and for his picture until 1945. What the course may take is something of a guess.

No Letup at Roach

Hollywood, Nov. 14. Production sked on the Hal Roach lot calls for continuous work until next summer. "Captain Caution," next feature to go, is being readied to roll as soon as \$1,000,000 B. C.'s is completed.

Three of the nine pictures promised for 1939-40 have been delivered and one is in work.

HOLLYWOOD NOT WORDED BY N.Y. PIONEER

Hollywood, Nov. 14. Florentino H. LaGuardia's threat to move the film industry to Astoria is causing nothing but snickles smiles among the hills of Hollywood. Thus far, Roach seems to be a local ineffective campaign. Hollywood is sitting pat. Paramount is going ahead with its plans for a new \$120,000 plant on the outskirts of Los Angeles. Wilbur Smith, who has been declared that 75% of all picture production is wrapped up in California sunshine and will remain that way. Warners recently decided to move all its shorts production to the Burbank plant. Elie Rebus, who recently threatened to produce on Long Island, has moved back to Hollywood. It's hiszone's move.

Unit Production Setup By Yiddish Film-Makers in East

New production setup, patterned after the unit idea employed by major producers, has been established in New York to turn out Yiddish films. Members of the combine are Roman Rebusch, Ludwig Landy and Ira Greene.

Rebusch will head one unit, Credito Pictures, with Landy and Greene make up the other, operating as Elite Productions, Inc. Rebusch and Landy, in addition, are partners, each having an interest in the other's films, although under the unit system of production, neither will take part in actual work on films of the other. A first distributing system will sell the films for both units.

First film issued under the new setup will be Rebusch, titled "Mistle Elf" going into the market this season. Elie put its first picture into production last Wednesday (8). Rebusch is producing "Service's Ideal" in Hudson Heights, N. J. It's an original by Ossip Dyworny, based "Foraie Me" and stars Mena Osher and Helen Berne, Yiddish legit actors. Max Nasseck, who has worked for Paramount in United Artists abroad, will help. Original music will be by Alexander Olshansky, starring Victor Cherkin, in about four weeks. It's an American comedy by Joseph Berne and Law Jacobs, but may be rewritten by a name Yiddish author.

Greene J. Landy's partner in Elite, is the money man, never before in production, but has been working in the foreign-language as well indie-made pictures in English.

Academy Award committee has recommended the company at strong manpower position, and added, in relation to queries sent Goldwyn, that the company has no exclusive contract with him and for his picture until 1945. What the course may take is something of a guess.

INTENT ON CINEMA

Aligns United Labor Front to Force at Least 10% of Hollywood Film Production East — Quizzing Rockefeller (RKO) and WB (Shorts)

BOYCOTT THREAT

With a Cinema City development for New York deeply interesting Mayor F. H. LaGuardia, in his office to weave back some of the production that is now centered in Hollywood, his first step is expected to be a hurdle with producer representation. The initial thrust of a united labor front may be a boycott of the theatres as a means for serious consideration. Any strike weapon, however, is reported frowned upon by labor men. The proposal mostly is to be used as a bargaining consideration, is an appeal to all labor to stay away from theatres in New York.

Such a campaign would not be based on the squawk, concurred in by the mayor, that eastern capital is being utilized for manufacturing that is virtually the total gain of California, with taxation, employment, and so on. There are no results, to the exclusion of New York. In labor circles, it is believed an ultimatum boycott could be serious so far as theatre operators are concerned. It might, in turn, throw the full force of the industry to the aid of exhibitors, also, and at least make the producers listen.

It is fairly well known in the trade that unions have been flirting with the idea of incorporating a clause in their bylaws whereby each producer would have to make 10% of his feature product in the east. However, no agreement ever was reached even within their own ranks. Hollywood locals naturally not being in favor of such requirements.

All that is asked is that 10% of production, now handled in California, be transferred to New York, although more will be sought and made for footing. It is estimated that at least \$200,000 a week would be realized for film labor on a basis of 10% of the whole.

Plans for a Cinema City, where all producers, desiring to participate could have their own quarters, have been shown LaGuardia and he is interested in the point. It is understood, that he has commented that he has no doubt the necessary financial transfer to New York could be made. The cost of a so-called Cinema City would range upward of \$100,000, he is estimated in informed quarters. Where it is believed the banks would go for it because those that have anything to do with the picture would like to be "within scolding distance of the studios".

Sile Near the Fair

A site one mile from World's Fair, which is available, is mind in the event such a project is carried through. Plans as tentatively drawn would be for a development in which each producer would have an administration building, stages, and a building for a back lot, completely without interference from any film-maker using the site.

Very determined in his fight to get film production for New York, the mayor is doing a lot of "digging" to get the industry to do so. He is, presently, is checking into the whys and wherefores of the situation. He foreign-language as well indie-made pictures in English. Academy Award committee has recommended the company at strong manpower position, and added, in relation to queries sent Goldwyn, that the company has no exclusive contract with him and for his picture until 1945. What the course may take is something of a guess.

(Continued on page 60)

U. S. Filmmers Amenable to Some Reasonable Compromise on Frozen Coin in England, Perhaps 50-65%

Armstrong's Pic

Negro film made by M. C. Pictures in the east, starring Henry Armstrong, world's welterweight champ, will be released under title "Keep Punching". In the cast are Willie Bryant, May Johnson, Hamtree Harrington and the Hall Johnson choir of 30.

Picture was produced and directed by John Klein at a cost claimed to be \$40,000.

HEPBURN MAY DO A FILM IN THE EAST

Katharine Hepburn, who is slated to take "The Philadelphia Story" on the road in February, may do a picture in the east before then. Actress refuses to discuss the matter, but is known to have interviewed several Broadway actors in regard to a possible film to be made at Atlantic City.

John Wildberg and Jack Skirball, who are planning a screen version of the Sinclair Lewis play, "Angels in Marble," and Miss Helen Brown, who is in the production, but nothing has been set. It's also reported that the eastern film project is connected with one of the offers by a major company for the "Philadelphia Story" screen rights, which the actress owns.

Her contract with the Guild to appear in "Story" expires next June, so it's believed she may intend to do the picture version of the Philip Barrie comedy after she reaches the Coast early next summer on her tour. She has not concluded a deal to transfer her rights to "Story," although various propositions have been on the fire ever since the play opened on Broadway last spring. One of the stipulations in her purchase of the rights to the show is that the Dramatists Guild must approve the terms of any resale. Understood Guild officials haven't yet been called upon to okay any such deal.

The Theatre Guild hasn't yet announced the tour, but it is listed as one of this season's subscription offerings in the road cities where it hasn't yet played—Pittsburgh and Chicago. In addition, the east has been notified the tour will begin in New York. Presumably the tour could be set back a trifle, but not very much if the road subscription commitments are to be filed.

ITOA Asks N.Y.'s Mayor LaGuardia To Assist In Electric Rate Cut

Aid of Mayor LaGuardia in securing lower rates for electricity in New York was asked by the Independent Theatre Owners Association last week. It was pointed out that Los Angeles rates are 58.7% cheaper than New York's. Chicago's 55.5% and Newark's 26%.

London, Nov. 14. Government decision on the amount of money American film distributors may send home is expected next week.

Presently, lenders predict that 35% of money collected from distributing pictures in Great Britain will be permitted to leave this country.

Although discussions continued in London all last week on the frozen film coin situation, the permanent policy regarding picture distributor money still was unsettled up until late yesterday (Tuesday) afternoon. British government officials, who are in contact with the distributors represented both by the Hays organization and Ambassador Joseph Kennedy, as official U. S. representative in Great Britain, and the British government, affording the official English viewpoint.

An accord has been reported near final, but distribution companies in N. Y. have been hearing that for weeks without any official decision reached. British government has clamped down on shipments of all rental coin collected on new contracts, permitting remittances on old contracts as usual up to now. Which is why one major company, a couple of weeks ago was able to ship nearly \$100,000 out of London, and another, a few days later, the accumulation for about a month.

Initial proposal of the British was to allow remittances on old contracts, although American distributors have yet to be handed official notification of such a proposal. It is not clear whether to freeze 50% or 65% of total distribution coin within England, with the balance in N. Y., that 50% will be final figure.

American distributors, although willing to yield to any reasonable alignment, realizing the monetary strain on any nation at war, naturally are not in favor of any restriction as possible to be placed on the export of currency from Great Britain.

Indications also are that they will be willing to go ahead under if modified. (Continued on page 34)

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Diminishing Interest in Grand Nat'l Refinancing; Hammons Shuttles 8 Exchanges; Warner's Takeover Plan

Crisis for Grand National ended rapidly earlier this week with success behind the promised \$100,000 production fund showing a distinct lack of enthusiasm on procedure with the deal, and pres. Earle Hammons scurrying around to get \$100 additional which would make it all that is necessary to swing the Federal financing designed to breathe new life into the company before a meeting of creditors scheduled in U. S. district court for 10 a.m. today (17).

In the meantime, Franklyn Warner, prez of Fine Arts pictures, which has about \$500,000 tied up in it, is from the Coast and reportedly with a plan of his own to take over the remnants of the company. Hammons, however, has given up the ghost, and attempt to recover part of his coin by operating the distorting outfit himself.

Hammons, meantime, to save as much of the money as possible with which he is personally keeping the company going, closed eight exchanges over the weekend and gave away to those attempting to buy a two-weeks ago notice that they wouldn't be required for another two weeks. Hammons also attempted to make a deal to acquire three indie-made pictures which he could distribute in order to recoup the exchanges and obtain some income. As it stands now, the company has exhausted virtually all of its cash on the product it has and there is nothing for the exchanges to give up the ghost (Wednesday), with some employees being taken back to work immediately.

RFC Bailing
Holding up the refinancing is the action of the Republic of Finance Corp., to come through with a \$450,000 loan, which has promised Hammons that it will write \$150,000 from other sources. This \$450,000 would be used to pay off the company's debt, and the RFC operation again. RFC refuses to pay over its share on the theory that it will almost all go to the Republic of Finance, as far as being able to create an income for itself, would be as good as had a condition as before. Hammons claims to have obtained \$125,000 of which \$100,000 is undesignated to have been given to Electrical Research Products, Inc., which owns the mortgage on GN's studio. The \$100,000 production fund, being provided by Felt & Co. and the Irving Trust, hinges on receipt of the operating cash. With GN in bankruptcy, continued delays in getting the promised RFC money and the difficulties of the RFC, their way, the production fund sources are beginning to lose interest in the whole project, although they are still fully ready to come through if quick action can be promised.

WB THROWS SWITCH ON 8 PIX BY YEAR'S END

With only one feature in work on the lot and on one location, Warners is about to throw switch in production before Jan. 1. The 'Life of Dr. Ehrlich' is before the cameras in Burbank and 'Fighting City' is in the wilderness near Flagstaff, Ariz.

'We Shall Meet Again,' starts next Monday (20), to be followed in swift order by 'Villa on the Hill,' 'Disappearing Three Cheers for the Irish,' 'Episode,' 'Song of Heroes,' 'The Sea Hawk' and 'Torrid Zone.'

Columbia starts two pictures this week, beginning Tomorrow (Wed.) with 'Double in Diamonds,' a Lone Wolf episode, and following Friday (17) with 'Daughters of Today,' slated to roll Nov. 24 is 'Fifteen Little Peppers Midway.'

Agent Sues Dieterle

Los Angeles, Nov. 14. William Dieterle, director, is defendant in a \$10,000 commission suit filed by the William Stephens agency. The agency demands 10% of director's salary for handling 'Hunchback of Notre Dame,' under a contract allegedly signed Nov. 15, 1937.

But No Sheepskin

Hollywood, Nov. 14. 'Sophomore' is the sequel to 'High School,' recently completed in a series of Jane Withers starring at 20th-Fox. Jack Zungwiler, jr., and his Edith Scouras, are gone to San Antonio, Texas, to assemble material for the new picture. Idea is to carry Miss Withers all the way through college. Following 'Sophomore' will be 'Junior Year' and 'Senior Year.' After that, it all depends.

'First Love' a 2d Hand Title, So Shuberts Drop Suit Against Universal

Select Theatres Corp. (Shuberts) has dropped its plagiarism action against Universal Pictures in N. Y. Supreme court, which had sought an injunction, accounting of profits and damages against 'First Love,' claiming title infringement. The Shuberts discovered that the title had been used in two pictures prior to their use of it in 1926, and in several plays as well, hence it is in the public domain so far as they were concerned.

It was asserted that Lee and Jacob J. Shubert in June, 1926, acquired a play from Louis Verneuil entitled 'Pile ou Face,' included in the deal were the picture rights. The play was retitled 'First Love' and was shown in several cities, including New York. It is claimed that Universal was asked to desist from use of the title, but refused. The action is being brought on any other line as the Shuberts claim that the film rights to the play will be destroyed if U does not change the tag on its picture.

ELECT GIBNEY PREXY SCREEN WRITERS GUILD

Hollywood, Nov. 14. Sheridan Gibney was elected president of Screen Writers Guild; Sidney Buchman, vp.; Boris Ingster, treasurer, and Dwight Taylor, secretary.

Directors are Ralph Block, Charles Brackett, Lester Cole, Philip Dunne, Mary McCall, Jr., E. E. Paramore, Gertrude Purcell, Wells Root, Dore Schary, Jo Swerling and Dalton Trumbo. Alternates are Melville Baker, David Herts, Gladys Lehman, Robert Rosen, Milton Sperling and John Wexler.

20th-Fox Prod. Ebbide Accounts for More Cuts

Hollywood, Nov. 14. The 20th-Fox payroll is due for another cut. Studio heads will depand heads told to prepare for further pruning of rosters. By week-end only one picture will be in production on the lot. 'Little Old New York' and 'Grapes of Wrath' wind up by mid-November. 'The Gene Autry's' Shooting High' is scheduled for start next week.

Studio cuts are said to be in keeping with production demands and restorations are predicated on actual activity.

'Unusual' Sets Stall Start of Welles Pic

Hollywood, Nov. 14. Orson Welles' RKO picture, 'Heart of Darkness,' originally slated to roll tomorrow (Wed.), was set back to tomorrow (Wed.) for lack of unusual sets. The 11 to allow for construction of unusual sets. Story is getting a final polishing by Welles, who also produces, directs and stars.

Banks, Gracie Fields Set To Make H'wood Picture

London, Nov. 14. Monty Banks and Gracie Fields have booked accommodations for America from Genoa, sailing this week. Understanding here that, both are Hollywood-bound to make a picture together early for 20th-Fox, to whom she is under contract.

13 PA. TOWNS BLUE LAWS

Philadelphia, Nov. 14. Blue law advocates, led by Rev. William J. Conner, secretary of the Lord's Day Alliance, took it on the chin at last Tuesday's State election when the return showed that 13 of 14 communities voting on the Sunday motion picture question had voted 'No' to the Sabbath laws.

The communities turning their backs on the blue law were Freedom Bell, Col. Beaver county, Pa.; Penn and West Reading, Berks county; Pottsville, Schuylkill county; Bucks county; Coalport and Bigler, Clearfield county; Shinkhouse, Potter county, and Bloomsburg, Elkland, Mansfield, Wellsboro and Westfield, all in Tioga county.

The only town to vote to continue the ban on Sunday films was Port Jervis, a suburb of Wilkes-Barre in Luzerne county. Under the act of 1935 repealing the Sunday Blue Laws, communities are granted local option in deciding whether to enact Sunday pictures and are allowed to bring up the question to a vote every five years. The communities that cast the vote to continue the ban on Sunday pictures were those who never had Sunday pictures before.

The result of the ballot is interpreted as a rebuke to the blue laws who were seeking to extend the ban on public showing on Sunday motion pictures in those towns already having them at the 1940 elections.

LATE E. PAUL PHILLIPS' DUTIES SPREAD AROUND

A successor will not be appointed for E. Paul Phillips, head of the Paramount real estate department, who was killed in Minneapolis last week. Phillips' duties will be spread around among his assistants in close contact with him on realty matters, including Leonard Goldenson, Leon Newman, Dickson, William G. Lawrance. Last-mentioned was assistant to Phillips on real estate.

Niven Sails for England, Uncertain As to Future

When or if he will return to the United States is as much a mystery to him as anyone. David Niven said Saturday (11), prior to sailing for Italy, which he will return to England. He declared he hoped to be back shortly, but it would depend upon demands of the British War Office. Niven is a graduate of Sandringham, the English West Point.

Forster, who just completed 'Raffles' for Sam Goldwyn, is slated to go into a sequel shortly. Studio has England. He declared he hoped to be back shortly, but it would depend upon demands of the British War Office. Niven is a graduate of Sandringham, the English West Point.

Foster Ends at 20th

Hollywood, Nov. 14. Norman Foster wound up his director contract at 20th-Fox and checked off the lot after completing 'The Sign of the Cross' in Paris. Since joining the Westwood outfit in 1937 he had directed nine pictures.

Long Roar for Beery

Hollywood, Nov. 14. Wallace Beery signed another Metro contract. He's been at the studio 13 years.

'Affecting the Public Interest,' In Warner Bros. Anti-Trust Ruling

Studio Contracts

Hollywood, Nov. 14. RKO lifted Wendy Barrie's option. Diana Burnett inked writer pact at 20th-Fox.

Warners handed new ticket to Wayne Morris. Metro contracted Dodie Smith, writer.

Warners renewed Julius Epstein's writer pact. Universal's Merrick signed player pact at Warners.

Metro picked up Laraine Day's player option. Richard Rossow drew a new deal as director of location units for Warners.

Elizabeth Byrnes, contest winner, given contract by 20th-Fox. Universal's Anne Gwynne's player option.

Par Buys 'Kiss Boys' Reportedly to Cash In On 'Gone With the Wind'

Paramount is understood to have paid approximately \$75,000 last week for film rights to the Clare Boothe Luce play, 'Kiss the Boys Goodbye,' last season Broadway success now touring.

Studio in buying 'Boys,' is figuring to cash in on publicity attendant to the release of 'Gone With the Wind' as the plot of 'Boys' deals satirically with the lengthy search by David O. Selznick for a Scarlett O'Hara. Par plans to have its film finished by March, when 'Wind' will be on general release.

For Mary Martin

Hollywood, Nov. 14. Clare Boothe's 'Kiss the Boys Goodbye' is intended as starrer for Mary Martin. Production start awaits the player's release from the New York singer, 'Going Places,' now in rehearsal.

Paramount world prems Martin's picture, 'The Great Victor Herbert,' her home town, Westford, Texas.

NINE PIX IN WORK. PAIR PREPPING AT M-G

Hollywood, Nov. 14. Start of 'Arrouse and Beware,' the Wallace Beery starrer, this week makes nine pictures in production on the Metro lot, with two more due to roll in two weeks.

Before the cameras are 'New Moon,' 'Broadway Melody of 1940,' 'Fog,' 'Red Toe Narrow,' 'Not Too Deep,' 'Ship of Chicago,' 'Congo Music,' 'Shall Around the Corner' and 'Young for the Master.' Next starters are 'Edison the Man' and 'Go West.'

Bromfield's 'Here Today' Fetches 75G From 20th

Hollywood, Nov. 14. Louis Bromfield sold his new yarn, 'Here Today, Gone Tomorrow,' to 20th at a price announced as \$75,000. He is currently working at the studio, is slated for the scripting job.

Story of modern New York is scheduled for the 1940-41 program.

Jack Warner Personally Signs Michael Harvey

Michael Harvey, Broadway player, who has been inked by Warner Bros. to a standard six-month option stock term, leaves for the Coast today (Wednesday). He was ordered signed by Jack Warner during his recent visit here. Warner saw Harvey at a juve in 'Man Who Came to Dinner,' Lawrence Tibbett, jr., since has taken over his part in the show.

Harvey had a minor role in 'American Way' last season and was in stock during the summer.

Philadelphia, Nov. 14.

Federal district court Judge William H. Kirkpatrick in a memorandum opinion handed down Wednesday (8) ruled that the motion picture industry must be recognized as 'affecting the public interest' and must be dealt with as such. Judge Kirkpatrick made this important observation in connection with his grand jury verdict Monday (4) against 13 major distributors and exhibitors on petition of the Landis theatre, including N.Y. restraining them from carrying out contracts allegedly detrimental to the Landis.

It must be recognized that the public has a very definite interest in the services of recreation, education and information which the motion picture industry furnishes. Judge Kirkpatrick said.

'I believe that the courts have already reached this point. But that a situation such as is presented by the facts of this case, cannot be dealt with as though it were a matter of licensing retailers to sell a patented article, or of the restriction of the theatre industry, but rather by manufacturers of automobiles.'

Judge Kirkpatrick based his injunction on the grounds that the contract between the district court and Warner Bros. chain, which operates two theatres in Vineland in competition with the independent theatres of the Clayton and Sherman Anti-Trust acts. The defendants put up a fight, but the court ruled in favor of the outcome of appeals to the U. S. Circuit Court of Appeals scheduled to be argued within the next few weeks.

Judge Kirkpatrick denied the argument offered by the defendants that the monopoly in Vineland was necessary for the protection of Warner's business in that town.

'The defendants' principal arguments all come down to this proposition: that the public has a right to be served by two theatres.'

Room for Two Delayers

'Of course if I thought that the rights granted by the distributors to the public would be so easily lost, I should not enter this decree. But it seems perfectly plain that there is room for two theatres in that town. As a land, a fair division of first run feature pictures will naturally affect the earnings, but it will take away its virtual monopoly and place it upon a competitive basis. But there is nothing in the record to indicate that it is necessary for the protection of Warner's rights and its business in that town. The present monopoly should be continued, to the destruction of the competitor's business, inasmuch as what is clearly the public interest.'

'The motive professed by the defendants to favor an old customer as against a new one is merely a pretense of a business policy which may be sound enough but which cannot stand before the law. If it were a defense there would be very few decrees entered under this act.'

The defendants in the case filed two months ago by the Landis Theatre in New Jersey, Warner Bros. Pictures, Inc.; Warner Bros. Circuit Management; Warner Bros. Theatres in New Jersey; Warner Bros. Theatres, Inc.; Delaware; Vitaphone, Inc.; Paramount; RKO-Radio, Loew's, Inc.; and the United Artists, Universal and United Artists Circuit.

DWAN DRAWS CALL ON SHIRLEY'S 'JANE'

Hollywood, Nov. 14. Allan Dwan gets the directorial job on 'Lady Jane,' next Shuster Television star at 20th-Fox. Shooting starts early in January. Dwan is currently in Palm Springs for a vacation after making 'The Blue Bird' under Walter Lang's direction.

His Favorite Author

Hollywood, Nov. 14. Edward Small bought the screen rights to another Alexandre Dumas novel, 'Conscience Brothers,' to be taken over the spring for United Artists release. Book goes into the scripting mill this week.

Indirect Film Commercials Always Hypo Sales, a Hooper Report 'Avers

Advertising in pictures, long frowned on by the Hays office, has bobbed up again, this time with reference to liquor displayed or alluded to in films. An analysis of how intemperate and feature pictures have been connected by C. Nelson Schrader, who headquarters with C. E. Hooper, Inc., Schrader is credited with undertaking this reporting service to inform advertisers upon the extent to which products are mentioned on the screen as well as to try valuating the impression left on theatre-goer's mind.

This survey showed that out of 140 features inspected, alcoholic beverages were referred to in one way or another in 137 of them, classification making 139 as favorable mentions and the remainder as unfavorable. Champagne is listed as being mentioned 24 times, all favorable, heading the compilation.

In his report, Schrader touches on "Love Affair" because of the scene in which pink champagne is ordered. This and a similar episode in which a man drinks against the wall is also favorable, is credited with having a "profound" effect on the sale of the beverage, his being one of the sales of the colored champagne tripled since showing in the film. He recalls that a short time ago Renault Co., an American wine outfit, was preparing to merchandise a "pink champagne," purportedly inspired by the trailer for that vintage in "Love Affair."

He also reported that certain brands often gain mention in films from pure chance while others are "above" others, such as "Chateau d'Yquem," whose products have been used in pictures. He cites "Second Honeymoon" as "Big title of 1938" and "When Love Is Young" as instances where actual brands showed up.

Haysians claim that producer-member companies exert every means possible to keep out anything amounting to free advertisement, but that sometimes such trailers creep into completed picture versions. However, Haysians can give the specific types of beverages could be entirely eliminated if the plot continually called for some drink to them. However, there isn't any more reference to, display of, or mention of liquor in many other articles of merchandise, such as typewriters, radios, etc.

OK HITLER PIC IN N. Y., AND 3 OTHER STATES

New York censors last Friday (10), reversing their stand of the previous week in rejecting in its entirety the "East of Berlin," passed the film with a change in title and deletions. Picture was approved in Michigan on Thursday (9), making a total of four states to have given it the nod, Pennsy and Virginia following it previously.

Agents have been talked by Producers Distributing Corp., handling the pic, on rejections in Chicago and Maryland. Ohio has under consideration, it has already played Washington, D. C., and is getting approval following say-so of National Board of Review.

The New York board, film name has changed to "Beasts of Berlin," but references to Hitler are retained, only a few feet being struck. The American Civil Liberties Union and other free speech advocates protested the pic's N. Y. journey. Board recently reversed on "Harvest," now playing in Manhattan and since approved by Parent-Teachers org for New York schoolchildren.

"Berlin" raises a particular rumour among civil libertarians, who claim it is claimed to be an "artistic film" banned by the state officers on "strictly political grounds." Rumors given were that it is sacrilegious, German and would incite to riot.

20th After Autry Pair

Hollywood, Nov. 14. Twentieth-Fox is dickering with Gene Autry for two pictures instead of one. Sacstrush stars into "Shooting High" on the Westwood lot this week and may stay for a role in "End of the Trail."

Autry's contract with Republic permits two outside pictures.

Grid Coverage, On Top of War Stuff, An Added Cost to Reels

Although the annual fall headache of covering college football is no longer a new thing, it has added this added expense item seems considerably more severe for the reels to take this year because of added coin laid out for European war coverage.

The coverage plans and expense will be about the same as last year, which means that the five reels will spend approximately \$150,000 for the annual tridion season. Estimated that each newsreel spends \$30,000 for the 8-10 weekends of the football season, this total of course, including locals (specials made just for exhibitors in a certain area).

Each reel averages about four grid battles weekly which are sent out nationally. This does not take into account the cost which must be incurred in nearby areas but are not worthy of handling throughout the U. S. Every reel turns out at least three of these locals weekly. Thus, the early Pacific coast games with no teams from midwestern area scheduled are routed only in the far west territory where interest is keen. Grid battles are rated having little interest excepting in the eastern section, but also on clearance and with only limited distribution possibilities, are "musts" for the newsreel editors since distributors must appear exhibitors in the specific regions.

The newsreels now are getting bent as material from France where a pooling government arrangement for gathering material is in effect. Despite any economy possible as a result of this, the reels have to pay so much per foot for sports of the film.

Montague's Foreign O.O. W. P. Montague, Paramount newsreel assignment editor, now goes to check on wartime newsreel coverage, will probably visit Berlin before returning to N. Y. Local editors' shipments of war clips also from the Nazi side of the conflict.

Thus far rigid censorship has kept shipments of war clips down to a minimum. Paramount and all the reels have encountered much trouble from all belligerent governments.

Paramount still has distributing contacts in Berlin, but the U. S. edition of Par newsreel each week, paying for it in American dollars.

Prod. Blackout at Rep

Hollywood, Nov. 14. Shooting on the Republic Civil Liberties Union and other free speech advocates protested the pic's N. Y. journey. Board recently reversed on "Harvest," now playing in Manhattan and since approved by Parent-Teachers org for New York schoolchildren.

Filming resumes Monday (20), with the top-budget John Wayne starring in "The Fighting 69th," followed by the Three Mesquites western, "Heroes of the Saddle," rolling Nov. 24. Studio heads are warning that 100 stories slated for the cameras within the next few months.

Jack Kirsch Contacts Ray Moon of Detroit - Any Neely Passage Would Compel Co-Op Deal

EXCHANGES NO LIKE

Chicago, Nov. 14. A possible buying circuit to be organized by Allied, looms locally. Discussions are purely tentative, but there appears to be an upswelling of exhibitor favor for such an organization, though this buying group would not likely begin functioning for a year, since the 1939-1940 film deals have already been concluded.

Jack Kirsch, local Allied chairman, has been commissioned to look into the situation and weigh matters. He has already been in contact with Ray Moon of Detroit as possible buying head should such a grouping materialize. Moon has been handling his own indie buying circuit in Detroit for some time and was the head of the cooperative buying circuit in Detroit for Michigan Allied.

Question is whether the exchange would give indie circuit a right to such a buying group or agree to enter into negotiations with such a group for block selling.

Kayved It In Past Several years ago the local exchange broke up cooperative film buying circuits by refusing to sell anyone not financially interested in the exchange.

Exchange members would negotiate for product only with theatres or circuits financially interested, and refuse to deal with groups organized only for buying.

It again becomes a matter of bargaining, with the Allied exhibitors convinced that concerted film buying will give the indie theatre an advantageous position in negotiating on film, not only as far as price is concerned, but also on clearance and zoning. Exchanges are readying to combat this effort to put united pressure on them, and while there is no Film Board of Trade for mutual agreement on shipments of war clips, this situation, the distributors are likely to fall back upon the meeting to discuss and mix any film deals with buying groups.

Much discussion revolves about the possible passage of the Neely bill and its effect upon buying groups which would compel in instituting buying circuits to facilitate negotiating for product. With the bill eliminated, the effect of the business of selling and buying film could be accomplished with the aid of special exchange circuits would be through buying groups since it would be an impossible task for negative salesmen to handle individual pictures with individual theatres.

Local 306 Operators Get 10% Tilt From N.Y. Indies

Following considerable delay and the submission of demands to the ITOA, the operators (Local 306) of New York have been voted a 10% increase in their dues. The rate for a total of two in houses of the Independent Theatre Owners Association of N. Y. The increase is retroactive to last Sept. 1, when the old contract expired.

The ITOA board consisted of Guy Basson and Charles Kiehlborn for 306; W. F. Githens of the Embassy Theatre and David Weisick of the ITOA, outside, who served as neutral.

Question of a 25% increase in N. Y. houses other than those comprising the ITOA, also before pending, but no decision is expected for a week or two at least.

Spotting 'Wind' Again Realigns M.G. And RKO Films for M.H., Capitol, N.Y.

Strudwick's Film Break

Hollywood, Nov. 14. Shepperd Strudwick, until recently playing in the Broadway legions, "End of Summer," got a Hollywood break through the illness of Melvyn Douglas, in a roundabout way. Ian Hunter replaced Douglas in "Not Too Narrow, Not Too Tight" and Strudwick was called from Manhattan to fill the spot left vacant by Hunter in "Come Maiale" at Metro.

Rep.'s Takeover of Hub And N. Haven Exchanges Rounds Out Year's Plan

With the reversion of the franchises for its Boston and New Haven exchanges last week, Republic is now operating on a "have completed, do more" started last spring toward elimination of state-rights. It is now operating its own exchange in seven spots which have been conducted by chief Herb Yates and salesmanager James R. Grainger to have been "weak states."

Yates and Grainger are in favor of the franchise method of doing business, however, in preference to operation themselves, and it is understood that if suitable persons can be found, the franchises will be issued. Boston and New Haven offices are operated by Republic, while the franchises will be taken over by Republic, and San Francisco and Los Angeles were taken over last spring.

New policy of quarterly sales meetings for its own salesmen and the franchise holders was inaugurated by Yates and Grainger at the confab of the eastern division in New York Thursday (2). The pair got to Chicago and New York for a midwestern meeting yesterday, to be followed by a southwest meeting in Dallas tomorrow (Thursday) and a southeast meeting in Atlanta Friday.

WARNER UNLOADING ITS SOUTH SEA YARN

Change of mind by Jack Warner, after ordered scrutiny of a story he ordered purchased several months ago, has resulted in the company dropping it around to other studios. Property is "Out of Gas," by Richard K. Newkirk and James Cagney. It's a five-part Saturday Evening Post serial which, despite the label, is a South Sea local color yarn about "Hurricane" and "Mutiny on the Bounty," which they also wrote.

Warners paid more than \$55,000 for the story, a rather sizeable amount, and is said to be willing to take a loss on it. It is understood to have been ordered bought by Warner from a synopsis on the Coast. He read the complete profile while in March, 1939, and was not impressed with change of mind. Several companies interested in the property originally purchased it, but Warner's hands at a figure lower than the latter paid for it.

Newark Nabe's Stench Blamed on Labor Warning

Newark, Nov. 14. Labor difficulties were blamed Friday (10) for explosion of tear gas bombs that routed soldiers of the Strand, South Orange avenue in Newark, N. J. Manager Murray Steinberg of police bomb went off while pickets marched in front of house protesting the management's refusal to hire union operators in projection room.

"Come With the Wind" is still in dispute as to sales policy, the manner in which it will be shown on first-run, admission scales to prevail, and when Metro will begin selling it. Pending final decision, Metro will not start offering contracts on "Wind" until around the first of the year, following test engagements.

Reported unofficially that percentage of 60% on top of the first sale, it is believed the public will be sought an increased admission, necessary due to the length of the film. In 21 reels, the running time is three hours and 45 minutes.

It goes into Locw's Grand Atlanta, Dec. 15, to a \$10 premiere that night and a top of \$150 there, it is understood. At first planning to be a grade-A picture, Metro newspaper people for the Atlanta premiere, that will not be done. Two other engagements are in the run will be New York and Los Angeles, while a third may be Chicago. They will probably open the end of December, with the Metro mid-winter sales session in Chicago to discuss sales policy, and a top of \$150 and other distribution matters, to be held shortly after Jan. 1, presided over by William F. Rodgers, general sales mgr.

While the Capitol is under consideration for the New York test engagement, first-run price range is still in discussion. Understood that admission figures had been set at \$10, but have been changed, but that \$1 throughout the day seems favored. Another plan is in negotiation, the Mutuals are to be showing the picture three day-and-night with the Astor, reserved for the Capitol, and a day-and-night engagement at the Cap on a grand basis. The Rivoli is also mentioned, and the Capitol is also showing a larger capacity than the Astor, for day-and-night.

Meanwhile, an English-made, "Mill on the Cross" directed by the Astor, N. Y., yesterday (Tues.) on a limited run, and two pictures that were in negotiation, the Mutuals are now routed into the Cap. They are "Remember" and "Another Thin Skin" directed by the Astor, taken by the Hall, "Balalaika" and "Judge Hardy and Son," for dating after the holidays. Removed from the Palace schedule, "That's Right, You're Wrong" (RKO) is now pointing for the Hall as result of the shifts that have occurred.

"Wind" was sneak-previewed on the Coast, but the circumstances but has not been seen in the east. Selnick is coming east to see the film in N. Y., until the Atlanta premiere.

NORMAN ELSON NOW HEAD OF F.A. SALES

Norman Elson, operating executive with the Fox Film Corp. in New York, has joined Film Alliance distributors of foreign-made, as general manager of the Fox Film Corp. and as a general financial interest in the company.

At present having exchanges in line with the handling of the FA product, Elson first is to be a part of the country to set additional distributors, and to have independent exchanges. He is expected to leave for the country tomorrow (Thurs.) and then leave for the Coast, to stop en route.

The film alliance has 25 pictures in the country now, of which five are English and one French-made have already been sent on release.

Hang by a 'Shadow'

Hollywood, Nov. 14. Larry Darmour, 39, was taken into the cliffhanger field, with a new serial, "The Shadow," slated to start in two weeks for Columbia release. Producer has been making Jack Holt features for the same company.

WORLD PREMIERE ON

KAY
KYSER
ADOLPHE
MENJOU

in

"THAT'S RIGHT."

and these hottest of names from radio:

**KAY KYSER'S BAND featuring
GINNY SIMMS · HARRY BABBITT
SULLY MASON · ISH KABIBBLE**

and

"The College of Musical Knowledge"

Produced and directed by DAVID BUTLER

Screen Play by William Conselman and James V. Kern.

A NATIONAL EVENT THE AIR!

**...LOCAL BOY MAKES GOOD—
AND THE WHOLE NATION WILL BE LISTENING TO
HIS HOMECOMING PARTY AT ROCKY MOUNT, N. C.,
WEDNESDAY, NOVEMBER 15th!**

Kay Kyser broadcasting his regular program over the NBC Red Network of 104 stations at 10 P.M. . . . and at midnight an NBC Special Feature broadcast over WJZ and a coast-to-coast Blue Network of the monster celebration! . . . PICTURE PRESENTATION AT TWO THEATRES! . . . Barn dance for 10,000 at gigantic tobacco warehouse! . . . State and municipal dignitaries, societies and clubs . . . parades, welcomes, dinners, big doings of all kinds!

**WHAT A SEND-OFF FOR "THE OLD PROFESSOR'S" FIRST PICTURE . . .
OPENING PRE-RELEASE IN SCORES OF FIRST RUNS FOR THANKSGIVING!**

YOU'RE WRONG"

with all these popular screen favorites:

**MAY ROBSON • LUCILLE BALL
DENNIS O'KEEFE • EDWARD
EVERETT HORTON • ROSCOE
KARNS • MORONI OLSEN**



**R K O
RADIO
PICTURES**

Quite the Thing

Hollywood, Nov. 14.
'Irene,' a good old British play, starts shooting today (Tue.). RKO will send good British press correspondents invited to a good old British tea.
Producer-director is Robert Wilcox, and Anna Neale heads the cast.

New Jap Quota

Tokyo, Oct. 20.
Foreign pictures will be placed under a distribution quota by the enforcement of the new Japanese Foreign distributors must apply to the Home Minister by Oct. 31 each year in regard to the amount of films they desire to distribute during the succeeding year.
The first application for the distribution next year will be made the end of this month. It is understood the allotment will be based on the number of films brought in by distributors in the past three years.

ODEON DEAL ON
AGRA WITH PAR

London, Nov. 14.
Deal for the Odeon circuit to take over operation of Paramount houses in England is reported on again. Looks like takeover might be set by Christmas.
Negotiations for Odeon to operate Paramount houses in England were started about three months ago, and temporarily halted after the outbreak of war. Both sides then agreed to postpone negotiations until the business became more settled.

MEXICO EYES SO, AMERICA

Industry in Drive to Get Film Biz Below Equator

Mexico City, Nov. 14.
Mexican pic producers are in a desperate drive for a South American market. They are organizing a central exchange here for the selection of the best home risk and assigning agents near to key spots in South America.

Because of the European market, one of the factors prompting U. S. producers to look to a concentration on Latin American distribution is believed a recent factor in the Mexican drive.

New Mex Studios

Monterey, brewing, industrial and tourist center in the east Texas desert, is now having a big studio. They are being arranged for early opening by Salinas, Zarate & Ellswood, pic producers-exhibitors of Monterey.

WALL Comedy Opens To
NG Reception in London

'His Majesty's Guest,' light comedy starring Tom Walls, opened to poor reception Nov. 7 at the Shaftesbury. Production possesses an anemic plot, and is unlikely to last long.

London in War Time

London, Nov. 14.
Holborn Empire theatre has just opened Nov. 6 and is in for six weeks of opening. Headliners are Bebe Daniels, 'Tommy' (RKO), and Maurice Colleen Family and Syd Seymour band.

Sandy Powell's show, 'Can You Hear Me Mother,' opens Nov. 6 at the Coliseum. This will make eight shows in the West End, of which this is to be the third new one. One of the numerous provincial revues touring on percentage since the beginning of the war, it has been doing better business than before the hostilities.

There are 23 American vaudeville acts touring London. The last one went back when war was declared.

Sybil Thornbridge is chairman of a committee to arrange weekly entertainments for military hospitals under the auspices of the Entertainment National Service Association.

Malise Ayling (Mrs. Sydney Hyman) and Margery (Mrs. George) stage folk going Red Cross work.

Hungary Cuts
U. S. Imports
Of Pic In Half

Budapest, Nov. 11.
After much discussion and conjecture in trade circles, Ministry of Commerce and the National Bank have at last come to decision on film imports during the current year. Period of importation is set at last from 1 June 30, 1940. During this period 73 American features are being imported. This is a reduction of about 50% less than in recent years. All imports are as follows:
Metrol: 7; Fox: 15; Paramount: 8; Warners: 8; Universal: 8; RKO: 8; Other distributors: 9.

These figures include 21 films already imported or censored since July 1.
The National Bank will release \$70,000 for American imports, this sum being about half of that originally contemplated before the outbreak of the war. Exhibitors are relieved by the decision, since there had been some apprehension that imports would be still further curtailed or entirely cancelled.

Imports from France will be reduced to 28 features, also about half the number of those of the previous year, while no more than three films are to be imported from England. Number of German pictures to be imported has not been fixed yet, but it will be in proportion to the number of Hungarian features allowed to enter Germany. Since there appears to be a shortage of product in Hungary, it is probable that a greater number of German versions will be made in Hungary than heretofore. The picture in consequence, part figures from that country will be somewhat higher than 50% of last year.

Russian product, strictly taboo up till now, will probably show in Hungary for the first time in a reconstructed form of distributors, proposes to import six strictly non-political comedy features, but permission is still pending.

Single Features To Save
Product Seen in Aussie

Sydney, Oct. 24.
Should a product shortage hit Australia, in the event of a long war, managements would introduce a single-feature policy to conserve stocks.
Similar plan has been talked of in England.

London in War Time

Bernstein's Bash Ham and Clapham's 'O' Mice and Men' are currently in vogue. 'The Hero of the Town' in Oslo. 'Mice' is slated for production shortly at the Royal Dramatic Theatre.

First mobile cinema for the entertainment of troops has gone to Norway. One of the first to be obtained to send one cameraman from each of five newsclear centers in London to the front. Paramount, Universal and Pathe. All will be able to take to will be silent. One of the first to be sent shortly to work in conjunction with the five companies. Whatever the result, it is to be shared by the five concerns.

Ivor Novello has written a new marching song, 'We'll Remember.' He composed 'Keep the Home Fires Burning' and the popular ditties of the last war.

Tom Arnold will have nine pantomimes this year for the big provincial towns, particularly since thousands of children have been evacuated.

Plenty of Foreign Film Production
But Not Enough Quality for the U. S.

Shaw's 'Barbara' Set

London, Nov. 1.
Gabriel Pascal has set out to start shooting 'Major Barbara' at Denham studios for Charles Woolf. Lead player will be Robert Hardy. Instead of Sir Cedric Hardwicke, who was first selected, with the title role. Robert Hardy and Sybil Thornbridge also have lead roles.

This is the threesome of Shaw's plays, the other two being 'Doctor's Dilemma' and 'Devil's Discipline'. The other two being 'Doctor's Dilemma' and 'Devil's Discipline'. The other two being 'Doctor's Dilemma' and 'Devil's Discipline'.

MONOPOLY EASE
'SURE' IN ITALY

Rome, Nov. 14.
While officially denied that there's any intention of easing the rules of the film monopoly, it's reported that changes continue to be unavoidable. Belief is that the industry will be able to obtain a more liberal production to obtain. Since France, Italy has had reduced production to almost nil, the U. S. continues to loom as the major source for imports.

First-run showcases here and in larger cities are not feeling pinch. Programs change often and duers exist. Though the Italian film industry could produce 100 features a year, this is rated less than half of what the exhibitors need. Even with increased activity, the industry leaves much to be desired from the viewpoint of its films appealing abroad.

Italian producers believe bigger and better films, and more of them, are in prospect. On the quantitative angle, 90 to 100 features is in prospect, with governments aid helping to accelerate the pace.

While quality of Italian films is improving, it's not doing as well as that of other European nations, particularly France. Few people in the industry believe that production under government subsidy can all local quantities need.

Roberto Dandi, director general of Industrie Cinematografica Italiana, Rome, is now producing outfit, as arrived in New York last week apparently to sound out American distributors regarding resumption of operations in Italy.

'Mice,' 'Women' Help Up
Scandinavian Show Biz

Copenhagen, Nov. 1.
Theatre business, which fell off badly during Scandinavian outbreak, is turning the early days of the Soviet theatre, has recuperated considerably and is in a normal boom.

Among stage plays experiencing excellent business are three American works: 'O' Mice and Men' currently in Oslo and Gothenburg; 'The Women,' in Copenhagen; and 'The Women Who Talked' in Stockholm. 'The Hero of the Town' in Oslo. 'Mice' is slated for production shortly at the Royal Dramatic Theatre.

'Chips' OK in Cape Town

Cape Town, Oct. 4.
Pix pulling good grosses in Cape Town are as follows:
'Mikado' (U.), 'Mr. Chips' (M-G.), 'Castles' (RKO), 'Union Pacific' (Fox), 'Juarez' (WB), and 'Lambert Walk'.

'Fathers' Shanghai Climb
Shanghai, Oct. 12.
B. o. h. recently include Dodge City (Fox), 'Fathers' (U.), 'Man About Town' (Fox), 'Union Pacific' (RKO), 'The Women Who Talked' (U.), 'Washington Square' (20th), 'Good Girls go to Paris' (Col.), 'Daughters of Guinevere' (WB), and 'Midnight' (Fox).

With foreign films cut off by the war in Europe, importers here are seeking product from new and virtually unexplored countries. They are experiencing no shortage as yet, because of the backlog of films on hand, but under present conditions will begin to feel the pinch in four to six months, in the title role.

Inquiries by the importers reveal that many nations throughout the world are making a surprising number of pictures each year. Difficultly is, of course, that too many are not good enough to be wanted for the American market. There is always a feeling among the film men, however, that a 'dear' might materialize.

Among countries making a large number of pictures and sending them to U. S. is India. About 100 pictures a year are produced in Bombay, most of them running from 12 to 15 reels.

About 40 pix a year are made in the Philippines. 120 to 150 in Brazil, 60 in Argentina, 40 or less in Mexico, 24 in Cuba, two or three in South Africa, and an undetermined number now in Spain.

Deane's Par Censorial
Duties Designed To
Preserve Foreign B.O.

Albert Deane last week relinquished the responsibilities of publicity-advertising director so that he could serve full time as liaison executive between the foreign department and the production department at Paramount. In this capacity, which he has handled for a number of years, he will continue as an assistant to John W. Hicks, Jr. Deane's title will be that of manager of the foreign department.

George Fraser, who was switched from the domestic publicity to handle foreign publicity about two months ago, was officially designated foreign publicity-advertising manager last week. Bulk of his activity, it is understood, will be on foreign publicizing since foreign advertising has been virtually eliminated as an economy move in recent months.

Because of numerous pitfalls confronting producers in making paper ads are about as all that's handled. Fraser moves up to the spot light vacated by the transfer of Charles Gardner to publicity on the Coast.

6 ITALIAN FILMS WIN
VENICE FETE AWARDS

Rome, Nov. 1.
Awards for the Seventh Film Biennale at Venice have been given to six Italian films. Foreign product exhibited at the show in late August was largely ignored in the voting, and the prizes awarded to the foreign judges scrambled home with the Italian films.

Meanwhile, the Mussolini cup for the best Italian film went to 'Abuna Ebra' (Fox), 'The Women Who Talked' (U.), 'Monteverdi' and the cup of the Minister of Popular Culture to 'The Song of the Sirocco' (M-G.).
Medals for Italian technical and dramatic work went to 'Fiamme Verdi' (Green Flag), 'Crisiere al Vento' (Mares Flying in the Wind), 'Il Pianto delle Donne' (The Weeping of the Women), 'Ubaldo Arata was medaled for his work in 'Ultima Gioventù' (The Last Youth).

Irregular Sailings Prompt Foreign
Film Shipment Into New Schedules

To eliminate present confusion regarding how motion picture films should be shipped and stored, the new Embargo Act, traffic representatives of all principal exhibitors have made some time this week to work out a standard arrangement.

Situation developed because of irregular arrival and departure of boats taking product to France and England. It also was due to the elimination of old means of transportation because of stringent regulations laid down in the new embargo statute. Formerly American boats were used. Even though several of these may be transferred to the Panamanian registry, it seems doubtful if picture companies will make use of them because of possible danger to cargo.

Idea of foreign departments is to work out some uniform plan where by majors and indies will be able to maintain a steady flow of product to Britain and French markets.

Presently, docks are piled up with material awaiting shipment to Europe. In this condition, present shippers don't know just when they can get necessary boats to take product across. Setup is further complicated by the fact that most ships are three or more days longer for ordinary five or six-day crossings. This further slows up arrival of picture product.

Traffic departments want some sort of agreement as to how shipmen should be handled in the future. They are hopeful of getting more complete data soon as when they can be sure of ships longer than the continent. British boats may have to be used, even though they belong to belligerent nations, and because of reasonable safety and steady sailings.

Suggested plan to use the Atlantic Clipper service is barred by the charges being excessive. Even new rates at all tolls are too high when using plane shipments abroad.

Gov't Aid for Pic Prod.
On N. S. Wales Seen Out
Due to War Expenses

Sydney, Oct. 24.
Looks as though production during the war will have to be backed privately. Regarded certain government aid for the South Wales will not give any coin advance to home producers as planned some months ago. Reason for the concentration on war defense.

It had been figured that an advance of \$200,000 would be made in units of repute in order to maintain a regular production schedule.

Said to be interested in coin advance are Cinesound, National, and Charles Chauvel. Understood that the lineament will continue to be produced under Ken G. Hall, but no announcement has been made in respect to National and Chauvel. Hinted that the latter two will be forced to forego production unless private finance is forthcoming.

DIAZ, JR., STILL DOESN'T
LIKE SCENES IN 'JUAREZ'

Mexico City, Nov. 14.
'Juarez' (WB), which was the subject of litigation started last summer by Ing. Porfirio Diaz, Jr., local civil engineer, who claimed that the picture was being produced by his late father, President Diaz of Mexico, before the courts of this land. Though Diaz didn't get to first base with his complaint against 'Juarez' before the federal attorney general, he isn't discouraged. He has filed suit against Warner Bros. in the penal court of the second district court here, demanding that the tribunal order the producers to satisfy certain conditions to which the plaintiff objects.

How Diaz's demands can be met is a puzzle. He admits that the picture is now being exhibited in Mexico, is free of the scenes to which he objects. But he insists that the picture shown in the U. S. as it was made. He wants the Mexican court to order the pic cleared of all scenes he doesn't like.

The court has agreed to see what it can do about accommodating Senor Diaz.

THEATRE

Garlic Show Biz Actively Engaged Entertaining Army Somewhere in France; Gaiety as No. 1 'Angel'

Paris, Nov. 2.
Giving an encore of its highly satisfactory 1914-18 performance, show biz in all its varied forms is stepping up activity in presenting entertainment to the khaki-clad 'somewhere in France'. An imposing list of screen, stage, variety, radio and concert hall names have wholeheartedly offered their services.

Many of the mobilized names are organizing whatever talent they can unearth in their own companies or regiments to provide entertainment. Femme stars and unmobilized male stars have leapt in with equal zeal but their aid is on a more national, more varied scale. Cash returns are being used to equip ambulances, aid families of the more indigent soldiers and to purchase little luxuries for those in the front lines.

Aid from show biz is also forthcoming in other ways. Many are making cash contributions, others have joined voluntary service units. Still others are making propaganda speaking and acting tours. Many have organized charity services for the families of the mobilized, including low-priced meals.

Gaiety No. 1 'Angel'. Sacha Guitry has been the army's best 'angel' to date. He recently graced the left bank of the Marne and the Madeline and all Paris, seemingly, was there. Together with receipts, he has 350 autographs. He has given the show netted 100,000 francs (nearly \$4,000), or enough to purchase four Citroens for the French Red Cross.

The Comedie Francaise, government-sponsored theatre, has been giving benefit matinees every week. Rene Alexandre and Mary Marquet, of the Comedie Francaise, Andre Bauge, of the Opera; Francoise Rosay and Suzy Solidor have

(Continued on page 62)

COSTLY DELAYAL

8 Hurt, 22 Held in Mex. City Riot
Caused by Late Curtain

Mexico City, Nov. 14.
That Mexico is no longer the 'land of manana' (tomorrow) was demonstrated by a riot in which six persons were injured and 22 arrested at the Palace of Fine Arts (National theatre) here when the Impresario failed to start promptly the special show, a Spanish drama, that had been announced for 9 p.m. When 9 o'clock came and the curtain remained down, trouble began.

It took two wagonloads of cops, some armed with tear-gas guns, to restore peace. At 11 p.m., when the Impresario announced that it would take at least another hour to open the show, the police made him refund the price of tickets.

Precedent Unset As London Legit Gets Sunday OK

London, Nov. 14.
Legit theatres have won one of their biggest victories with the unconditional decision of the government to open theatres on Sunday. Verdict is expected to go into effect shortly.

Due to a series of acts from 1925 to 1930, when actors were deemed 'rogues' and 'vagabonds', theatres were not allowed to open on Sunday. Ruling of closure was governed by an act known as Lord's Day Observance.

Picture theatres ignored this law and kept open, with the London County Council shutting its eyes to this misdemeanor providing theatres allocated 10% of their grosses to some well-known charity. Then someone dug up the Common Informer act, which meant that anyone who worked on a Sunday, or who broke an act could sue house that served the Sabbath. This resulted in new law being passed in Parliament, in 1932, making opening legal, but provided 10% deduction was still required.

It is estimated that this 10% rap cost exhibitors over a \$1,000,000 annually. Now, with the new Sunday opening has cropped up from stage show houses.

Closing of local cinemas on Sunday had formerly come under London County Council ruling, while in most cases some bodies had to say. Generally, voting took place among residents, and if majority was for Sunday, the Council had the snag was that a lot of influence was exerted by local bodies that usually had some interest in drinking places, which, naturally, benefited by closed cinemas.

There are some bodies who are ready to close one day a week providing they were permitted to open on Sunday. But the opening of the war, the situation has become different, as actors have been forced to work on Sunday. In the last few months that many would be glad to work under any conditions. Besides, most of them are working on a percentage, which means the more days they put in the bigger their earnings. They are not likely to be with the stagehands, and they will probably be paid double.

RELAUCHE AU THEATRE AU BOULEVARD.

Biz Hypo Sought Through
Receiving Several Head-
liners on One Bill Per-
centage Basis, But Idea,
While Okay Financially,
Is Exhausting Attractions

RESORTING TO BANDS

London, Nov. 14.
Vaudeville now finds itself in a strange circumstance, it's in demand as an entertainment to lighten the stress of war, but hasn't enough talent to fill the bill.

With the complete stoppage of American acts coming over, an acute shortage of name talent has arisen. But tougher still is the depletion of the ranks of fill-in turns and specialists because of army and navy. The cranks, it has become quite a problem for bookers to put a show together and American acts are all other serviceable acts are in great demand. Theatre fees are retained here after war was declared have been given permits to stay as long as they wish.

For the first time since World War I vaudeville theatres here are complete reliant on local names to dress up their marquee. The shortage is so great it is causing the management plenty of headaches. Present upturns are practically confined to Jack Hytton, Jack Harris, Ambrose, Jack Jackson, Joe Louis, Harry Roy, Billy Cotton, Bess Daniels and Ben Lyon. Vice Oliver, Max Baer, George Formby, Sammie Davis, Bertie and Daisy Waters, Teddy Brown, Hutch and Tommy Trinder. First seven acts are bands, are encouraged to play vaude due to lack of other attractions.

In order to keep biz, managements have recruited several headliners on one bill on a percentage basis. Idea which is shortly adopting a new policy. Later opens Nov. 6 with Tommy Trinder as resident comic providing it can get Anglo-American Films, which has Trinder under contract, to lend him for four to six weeks.

As a counter move, General Theatres has been soliciting vaude unit operators, such as Tom Gorman, Jack Taylor and Charles Tucker, who have been outspedging since the outbreak of the war. In line up with many units as possible, having been promised General Theatres' facilities.

METRO WOULDN'T SELL 'NINOTCHKA' TO SOVIET

The Russo agent of Greta Garbo's new picture, 'Ninotchka', again refused to be buying rights. The agent might try to market the production in the Soviet. However, Metro bluntly denies that it is lining up 'Ninotchka' to the Soviets because of its feeble boxoffice here. Film acquiring Russian character.

Metro feels also that Soviet distributors would be unwilling to accept its terms.

Blayden on Coast

Hollywood, Nov. 14.
Richard Blayden, assistant managing director of Paramount Pictures, landed, checked in at the studio to supervise editing on the British-made picture, 'French Without Tears'. Blayden is also conferring with execs on future production in England, currently halted by the war.

Foreign Tax Laws, Higher Surety Fees, Delivery Difficulties Among Headaches to U.S. Film Industry

FIGHT RED 'PERIL'

Pic on Genghis Khan Would Rouse
Mongols vs. Communists

Tokyo, Oct. 20.
The Manchukuo government will film the life of Genghis Khan, the great Mongol warrior, in an attempt to rouse the Mongols, in view of the latter's lethargic attitude towards the communist peril. Shiro Ozaki, Japanese novelist, will write the scenario.

Industrial Boom Seen Increasing Aussie Show Biz

While show biz in Australia has been severely cramped by the European war, it is expected to rebound to better than previous levels with the full force of the anticipated industrial boom. According to Dorothy Stewart, U. S. rep. of Australia & New Zealand Theatres, advises that the country's home industries, there are already signs of an upturn.

Australia's wool output is expected to be a major factor in the prospective war boom. In addition, the country will derive substantial income from foodstuffs and various raw materials, as well as certain manufactured products. Elements of the last war are repeated. Key to the upbeat lies in the U. S. increasing need for these exports. And, as occurred during the previous war, the theatre is expected to enjoy bullish business.

Col. de Basil's Ballet Russe is scheduled to sail Dec. 6 from Los Angeles for the Mariposa for the third tour of Australia and New Zealand. Majority of the troupe is now in the

(Continued on page 62)

Divvy Slice Key to Beef By Hoyts Stockholders On Greater Union Tieup

Sydney, Nov. 14.
A majority of Australian stockholders in Hoyts circuit are reported against the merger with Greater Union Theatres chain for booking purposes. It is understood that 200-Fox holdings in Hoyts are powerful enough to push the merger plans but that they may not feel disposed to buck the Aussie stockholders because of the possibility that talk of an American product standstill may be circulated again.

The merger, whereby all product would be booked through the revived General Theatres Corp., was first being mooted in Sydney last week. Approval is being held in abeyance. Proposal was set up in New York by officers of the American chain. It is Rydge, chairman of Greater Union's board, while he is in N. Y. on business earlier this year.

Fear Divvy Cut

While no definite word has been received in New York regarding the delineation of Australian stockholders to approve the merger (to run 20 years) between Hoyts and Greater Union Theatres, former office in Sydney now says that it is natural for Aussie stockholders to disapprove the setup. Reason is the Australian shareholders feel Hoyts would not get as much in dividends under the proposed setup.

Complex new foreign tax laws, revision of their taxation upwards, higher insurance fees and the problem of product delivery abroad are current industry headaches produced by the European war. An added problem is the threat to freeze a high percentage of collected film revenues in Great Britain.

Passage of U. S. neutrality bill has brought no relief in the frozen-coin situation but the industry is hopeful that some permanent monetary policy shortly will be set up under the British government. The American industry is relieved that an amendment exempting copyright articles (including film) was included in the neutrality act. This exemption to the cash-and-carry clause was a prime benefit of producing and distributing companies as the only way the picture business could be treated separate from foreign shipments.

Tax Experts Seek Solution

The involved tax situation is one which has caused the company law experts studying for some alleviation. Certain companies must pay taxes on their earnings regardless of whether revenue from rentals is frozen on the ground that they are not producing any money. The U. S. companies blow since the U. S. companies are not producing any money. The benefit of the revenue collected, but might have been a prime benefit of producing and distributing companies as the only way the picture business could be treated separate from foreign shipments.

Income tax laws of the U. S. permit certain credits on taxes paid abroad based on deduction from American Federal returns. That is one good feature. This is based proportionately to the business done in the foreign market.

Taxes have increased in belligerent nations, but it has not been a great increase thus far. One company indicates that business has built up well in recent weeks in foreign territories that the slight increased taxation has meant little.

The insurance setup has not proved excessively high so far. Rates during the war are prohibitive; so, U. S. companies have strung along without them. They take full precaution to protect prints stored in vaults within belligerent territory, but in shipping to exchanges or different cities, there is a high expenditure for insurance because picture officials think there is small chance of a print being destroyed and, anyway, that a replacement print is less costly than the insurance.

Under the new neutrality act, distributors will continue using the old box office available in any accessible much delay because of possible loss through sinking. Here, too, is a prime benefit of the act exclusively. Reason for believing there is small danger to uninterfered pictures is the new neutrality act which any company carries on master prints.

Some officials in New York realize that England and France require a certain amount of money with which to buy war materials. The argument in seeking free flow of rental coin from Great Britain is that it is a prime benefit of the war but closely approach prerequisite in a belligerent country from a morale point of view. The industry is now why there should be heavy freezing of currency collected from distribution business in belligerent nations.

JAPS LIKE DEANNA

Tokyo, Oct. 20.
That Certain Age, (U) with Deanna Durbin, is playing its second week in 1940 chain of theatres in Tokyo, Yokohama, Osaka, Kobe and Nagoya.

All are doing a smash biz.

175 Out of 350 Cinemas Are Reopened in Paris; Amus. B.O.s Improve

Paris, Nov. 2.
Although show biz hasn't assumed a normal status by a long shot, it's seriously returning to a more prosperous level with the return to the capital of many evacuees.

Of 350 cinemas, including name houses and deluxes, functioning in normal times, about 175 have already been reopened. Also, music halls, legit theatres and niteries are also showing increasing signs of life.

Cinemas are doing better, particularly because it's the most inexpensive form of entertainment in these times of economic stringency. Paris is more fortunate than other cities in that the closing hour is 11 p.m. In cities such as Lyons and Boulogne the lights-out signal is given at 8:30. Lille and Toulouse shut their cinemas at 11 p.m.

Muscle Halls' 24 P. Reems. Music halls carry on their own with a bang last week (27) with a double reopening, at the ABC and the Eclair. By March night life, premieres were turned over to war time charities.

The Concert Mayol has a new show, the second of the season. Another milestone towards the normalization of Paris night life. Henri Varna's announcement that the Casino de Paris will reopen its doors mid-November. The manager, Baker and Maurice Chevalier will top the program.

Several other music halls will reopen shortly. The Humor will unlock the front door in a fortnight with a revue by Marc Allard with Dandy and Vivienne Gosset. The Casino, Empire, Studio and Bouffes Parisiennes also are expected to unshutter, their premiere dates being announced.

When a Company Is Big Enough to S
 of CAGNEY'S 'ROARING 20'S'-
 BE MY DESTINY'- **AND** DAVIS

ESSEX'-AND MUNI'S 'WE ARE

JAMES CAGNEY PRISCILLA LANE
 THE ROARING TWENTIES
 HUMPHREY BOGART GLADYS GEORGE
 PERSON BOB CROSBY ORCH

WIVES' (Xmas Release) **-AND CAGNEY'S 'FI**

in **'WE SHALL MEET AGAIN'-A**

AND 'YEARS WITHOUT DAYS'

and **A BABY'** (Priscilla Lane, Jane Bryan,
 Eddie Albert, Wayne Morris) **-AND 'I**

AND 'A CHILD IS BORN' (A dramatic
 sensation!) **-A**

...Mister, That's the One Compar

mash Through With a Show the Size

AND 'OLD MAID'—AND 'DUST

and FLYNN in 'ELIZABETH and

NOT ALONE' (Soon at Radio City) —AND 'FOUR

GHTING 69TH' —AND OBERON

ND FLYNN in 'VIRGINIA CITY'

(Garfield! O'Brien! Sheridan!) —AND 'BROTHER RAT

NVISIBLE STRIPES' (Geo. Raft, William Holden, Jane Bryan, Humphrey Bogart)

ND ROBINSON'S 'DR. EHRLICH'

y You Need ——WARNER BROS.

HER SCREEN TEST'S TERRIFIC! THEY SEE HER
 .. THEY DATE HER .. THEY DECK HER OUT IN
 SHOWMANSHIP .. AND SHE GIVES 'EM EVERY-
 THING SHE'S GOT! AT LOEW'S STATE IN
 HOUSTON, FIRST FOUR DAYS OF OPENING
 WEEK HIT BIGGEST BUSINESS OF ANY U. A.
 RELEASE THIS YEAR. ALDINE,
 PHILADELPHIA, BIGGEST
 OPENING DAY OF ANY PICTURE
 THIS SEASON .. FOLLOWED
 BY BIGGEST 2nd AND 3rd
 DAYS AND HELD OVER IN-
 DEFINITELY! SAME STORY
 IN PHOENIX, TUCSON AND
 SAN DIEGO. WHAT A GAL!



HAL ROACH presents
**THE
 HOUSEKEEPER'S
 DAUGHTER**
 starring **ADOLPHE
 BENNETT-MENJOU**
 And introducing **JOHN HUBBARD**
 Hollywood's Newest Heart-throb
 With **GARGAN** and **E. STONE** **PRESTWOOD** **Donna MEEK** **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

"Topnotchka!"



THE CRITICS
GET THE
LUBITSCH
TOUCH!

"NINOTCHKA" SMASH HIT AT MUSIC HALL!



HELD OVER! BIZ S. R. O.!

"Something to be seen and relished... Cleverest piece to have come out of Hollywood in years... 'Ninotchka' is a 'must' not only for Garbo enthusiasts, but for all who enjoy good pictures." —KATE CAMERON, N. Y. *Daily News*

"One of the sprightliest comedies of the year, a gay and impertinent show which never pulls its punch lines... Thoroughly entertaining... The comedy comes off brilliantly. We think you will like it immensely." —FRANK S. NUGENT, N. Y. *Times*

"Excellent! Lubitsch and Garbo... there's a combination for you... Gloriously, uproariously amusing... 'Ninotchka' is everything in the way of slick entertainment... Garbo is completely magnificent." —IRENE THIRER, N. Y. *Post*

"One of the most delightful entertainments of this or any season... Garbo's performance enormously funny... those famed 'Lubitsch touches' happily in evidence. Don't miss this one." —ROSE PELSWICK, N. Y. *Journal & American*

"Put it right up at the head of the list of the best pictures of 1939." —LEO MISHKIN, N. Y. *Morning Telegraph*

Keep your playing time wide open for your extended run!

"The year's most captivating screen comedy... Garbo gives a joyous and utterly enchanting portrayal... Lubitsch has put his famous directorial touch on the film... Garbo is a past mistress of comedy... even more lovely than in the past... It is a Garbo triumph."

—HOWARD BARNES, N. Y. *Herald Tribune*

"One of the gayest and funniest pictures presented in a season that has seen many good films... Greta Garbo becomes an outrageously lovely, merry and romantic actress... The picture has wit in every scene... The pace never lessens."

—EILEEN CREELMAN, N. Y. *Sun*

"Garbo really does sparkle... An enchanting comedy in the best Lubitsch style... The wit, smartness, good nature will charm audiences. Adult comedy and a certain hit."

—BLAND JOHANESON, N. Y. *Daily Mirror*

"Greta Garbo proves that she is a comedienne of greatness and distinction in a frolicsome, frothy and completely delightful comedy... She is a delight. If you fail to see it you'll be missing one of the jolliest treats of the year."

—WILLIAM BOEHNEL, N. Y. *World-Telegram*

GRETA GARBO in "NINOTCHKA"—(Don't Pronounce—SEE IT) with Melvyn Douglas • Ina Claire • An Ernst Lubitsch Production • Screen Play by Charles Brackett, Billy Wilder and Walter Reisch • Based on the Original Story by Melchior Lengyel • A Metro-Goldwyn-Mayer Picture • Directed by Ernst Lubitsch.

EXTRA! READ THE REVIEWS OF "ANOTHER THIN MAN"!
(The next big M-G-M Topnotchka Attraction is Sweet and Hotchka!)

Quick Watson —the NOODLE!



What medium of advertising is the envy of every National Advertiser?

- Elementary, my dear Watson! The **NATIONAL SCREEN TRAILER** on your screen, selling a 100% customer-audience at every performance.

What medium of advertising makes action speak louder with words?

- A simple deduction, Watson! The **NATIONAL SCREEN TRAILER** combining the highlights of your picture with the emphasis of printed selling copy into one streamlined, quick-action entertaining sales message . . . at one and the same time.

*Quick, Watson, the Noodle! Why is the **NATIONAL SCREEN TRAILER** the **BEST SELLER IN THE BUSINESS**?*

**Got a
Special Problem?**

Solve it with
**NATIONAL SCREEN
SERVICE** Special
Announcement Trailers!

- Because, my dear Watson, it's cheap and effective . . . it actually sells seats at lower cost per person reached than any other advertising you can buy.

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

'IF TUMS CALLS YOU, YOU'RE AT THE THEATRE, I'LL PAY YOU \$1,000' SEZ MGR.

Bob Livingston of Capitol, Lincoln, Takes Unusual Step to Counteract Stay-at-Home Tendency of Radio Giveaway

Lincoln, Nov. 14. "Tired of squeaking about radio competition for his theatre and seeing it come to no good, Bob Livingston, Capitol theatre operator here, took an advertisement in the paper attacking a radio giveaway which has been keeping many of the possible patrons home.

His ad copy reads:

"Attention, Radio Fans!

"Do you listen to Tums Pot O'Gold contest each Tuesday evening at 7:30?

"You no longer need to stay at home beside your radio to win."

"Why Not?"

"Because if you're in attendance at the Capitol theatre during this program, and there's no one at home to receive the contest winning phone call."

"We will give you

"\$1,000

"Phone the Capitol for full particulars."

"Livingston was one of the prime movers in getting bank night and all kinds of giveaways outlawed in Nebraska, and hopes, by this safeguard of his patronage at the theatre, to break down the stay-at-home attitude of many listeners during the winter months."

"Show and Sandwich Night"

Minneapolis, Nov. 14.

Newest thing in theatre giveaways here are, kosher corbees and sandwiches. Homewood theatre, deluxe house in Jewish neighborhood, has weekly Show and Sandwich Night and with each 25c adult admission gives a coupon redeemable near a 15c corbees sandwich in a delicatessen store across the street.

New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

JOHN'S State (mat) Thursday
Last Time "The Women"
In Person Henry Davis Stage Revue

WALLACE Broadway Thursday
Last Time "The Women"
In Person Henry Davis Stage Revue

"FIRST LOVE"
WITH DEANNA DURBIN
UNITED ARTISTS RIVOLI Broadway
Opens Oct. 130 A.M. MIDWINTER SHOWS

SECOND WEEK Douglas Fairbanks, Jr. IN PERSON
In Frank Lloyd's "THE SEA"
A Paramount Picture
PARAMOUNT THEATRE

MUSIC HALL
HELD OVER
"NINOTCHKA"
Spectacular Stage Productions

CAGNEY
PRISCILLA LANE
In Frank Hollingsworth's story
THE ROARING '20s
IN PERSON—BOB CROSBY
AND HIS ORCHESTRA
LIVE FROM THE STRAND
25c 50c 75c 1.00

Capitol
NOW PLAYING "DANCING CO-ED"
with BOB HOPPER
MARX BROS.
At the CIRCUS

They'll Meet Next Week
Hollywood, Nov. 14.
Starting date for "What'll We Do Again" at Warner's has been moved back one week to Nov. 20.

Thumbing a Lift

Hollywood, Nov. 14.

Studio lobbies are getting pretty fed up on requests from theatre managers around the country for congratulatory wires from stars in all manner of events ranging from a new cashier to turning on the cooling system.

Topper came last week when an assistant manager asked for an expression from a name player on return of the house manager, who had been ill at home.

Neighborhood merchants, according to police.

Miss. Kaynes Banko

Bank night took off on the Mississippi last week for the first time. Chancellor M. B. Montgomery ruled in state court at Yazoo City that bank nights are lotteries, issuing a restraining injunction in the suit of John S. Holmes vs. Dixie Theatres, Inc.

State supreme court had previously made ruling which permitted attorneys interpreted as permitting such schemes, new edict coming from a state to municipal and town operators throughout state. Chancellor said in the actual operation of the law, however, the average are paying a valuable consideration for a chance to win and bank night in question is a lottery.

Jeff Barbour, Sr., attorney for the theatre, is expected to appeal.

said they were pledged to the following program:

"To retain the 10% wage increase recently granted the 12,000 members of the IATSE."

"To obtain a similar 10% increase for all members of the AFL union outside the IATSE, except the Studio Painters."

"That before the 10% raise granted the IATSE is relinquished, there must be a careful scrutiny of the numerous members of the union and top members of the talent guilds, namely the writers, directors and actors."

Bloft added:

"The wage increase granted IATSE costs the producers an extra \$3,000,000 annually. Increases asked because of the 1A raise would total \$16,000,000 more. Before the industry attempts to save \$100,000 by shaving down the little fellow who makes \$25 or \$30 a week, there should be a frank discussion and study of the industry salaries and earnings generally."

"That before the 10% raise granted to one studio whose last annual earnings total \$7,600,000. Of this \$7,600,000, \$2,000,000 is for the 10,000. Perhaps the system of distributing the industry's reward is lop-sided and there seem to be taking out too much and too many seem to be getting too little."

Ed Heim, a member of Screen Actors Guild Council, has filed suit in Superior Court seeking to force SAG to give extras and other Class B members the same equal vote as Class A members. Kenneth Thomson, SAG executive secretary, and James Cagney, a vice presy, were not included. Heim's attorney said Thomson was omitted because his membership is not in good standing on the management of the Guild, and Cagney because he is not opposed to

giving the extras a voice in the organization.

The SAG has approved an amendment in the constitution of the Associated Actors & Artists of America, which limits to 40% vote that may be cast by any group affiliated with the AAAA. Actors also approved the franchise agreement with the Artists Managers Guild, and applications for licenses are now being received by the SAG. Supervisory work of agents will be handled by the actors by Murray and Zell, who also is a member of the Producers-SAG Standing Committee.

Speckels called to Wash. Walter Speckels, regional director of the National Labor Relations Board, has been directed to hear before a congressional committee in Washington on Dec. 1. Committee, which is investigating operations of the NLRB, instructed Speckels to bring all records of his office, which will include scores of films made during the past two years.

Strike of 100 IATSE workers at Selznick-International Studios, called at 11:45 a. m. p. m. IATSE tops said the walkout was because the studio was not applying the 10% wage increase to men getting over the scale. Strike did not interfere with production, since shooting on "Rebecca" had been suspended because of illness of John Fontaine.

STORY BUYS

Hollywood, Nov. 14. Metro purchased the story "Down to the Sea in Ships" to 20th-Fox by Commander Harvey Haplin and John Sutherland. Elmer Clifton sold his rights to "Down to the Sea in Ships" to 20th-Fox. Jack Skirball optioned Ralph Spence's story, "Winted."

Paramount purchased Alec Hudson's story, "Big for Diving." The story is about the life of Eli Whitney, inventor of the cotton gin, to Metro.

SETS NOT SET

Hollywood, Nov. 14. Shooting of the Samuel Goldwyn production, "The Westerner," scheduled to start yesterday (Mon.), was postponed because of rain. Location sets at Tucson, Ariz., not ready on time.

Flexer Invades Memphis, Neth Not Selling Out; Theatre-Exchange Moves

Memphis, Nov. 14. Dave Flexer, northern manager of theatre owner, moves into Memphis to replace the first with the purchase of the Ritz, one of town's choicest houses. Flexer and Bernard Haberfeld bought house from Hugh Wurzburg. M. Cohen is expected to be acting as manager, having run Ritz seven years for prior owners as partner with his brother, the late Harry Cohen. Flexer is bringing his home into Memphis also. He has moved his headquarters in Memphis, formerly headquartered at New Albany.

Neth Not Selling Out

Schenectady, Nov. 15. J. Real Neth, owner of a local joint, emphatically denies a published report elsewhere that he was selling out to Schine circuit. Neth operates six.

Gardner Leone House

Schenectady, Nov. 14. Under a decision of the Appellate Division, John W. Gardner has sold his lease on the Colony. He was awarded \$20,000 damage suit brought by the Albany owners of the theatre.

Huffman Added Again

Lincoln, Neb., Nov. 14. Bob Huffman, city manager of Lincoln theatres, got hit too quickly after an attack of flu, and has been back a week rest. Recently acquired Fox, which has been named the New Pk. in Beatrice, Neb., is again under banner of Frank Hollingsworth and doing okay. For several years he competed with Midwest which had two houses to his west, but he now has the bulk of the seating.

R. L. Ayers, Lincoln, dickering with Bill Diers, Gretna, Neb., possibly to take over the Gretna.

Schwalm Re-elected

Hamilton, O., Nov. 14. John A. Schwalm, manager of local unit of North Ohio, re-elected county chairman. He headed the Democratic ticket.

Yaeger's Shifts

Denver, Nov. 14. Will, the resigning manager of the Gem, Golden, Colo., C. O. Bank Night Sunday night (12). Will was promoted an assistant. Raymond C. Yaeger, who went from the Lamar, Colo., to the Golden job, to Lamar, and Ralph Yaeger, manager at Gothic, gets the management. Austin goes to North

Platte, Neb., to manage the State, reported by Maged of State. This gives Fox its first competition in Platte in years. Fox, owned by A. G. Edwards has resigned as manager of the Rocky Mountain State.

St. Joseph, Mo., S.E.C. Pies

Washington, Nov. 14. Consent for a pair of lease-hold bonds, outlined plan to replace 3% tickets with some paying only 1% in a par-for-par basis. The value of the outstanding instruments, issued by the C. H. S. Building Co., is \$158,500.

Dallas' Newspaper Folds

Dallas, Nov. 14. (Short-lived experiment with Melba (Melba) as newpaper) house here has come to an end. A few weeks' idea died because circuit found it was forced to pay programs of other Dallas houses to Melba. House goes comprehensive coverage at runs.

Mechumers to Louisville

Los Angeles, Nov. 14. Tom Mechumers, former manager of Fox Apollo, Hollywood, moved to Louisville as operator of the movie, Ted Hathaway, manager of Fox Apollo, Louisville. Mechumers, Apollo, with Lew Silverstein stepped up from assistant to manager the Brinn.

Man's Own House

Concord, Vt., Nov. 7. William Mann, formerly with Paramount Exchange, has bought and opened the Community, the only house here. Seats 250.

Chambers' Additions

Pittsburg, Pa. Atco, in nearby Butte, Pa., operated by George Clark, who operated for many years, Keith Chambers. Later comes from Wheeling, W. Va., who was connected with Nikitas Dipson circuit for several years.

Warner Club here held its annual dinner at William Penn hotel Sunday night (12). With William Spitalny's KDKA cor. furnishing the food, the Pettit, the theatre manager Harry Kalinine, was in charge.

Center here, formerly the Landogrand, reopened just two months ago by Steve Pasco, dark again.

KEEP YOUR RED CROSS ALWAYS READY



Join American Red Cross

ANN MORGAN CROSSES ROLL CALL

November 11-30, 1939

Your membership given NOW assure aid to war sufferers, disaster relief, for the blind, care of needy or disabled veterans, and First Aid and Life Saving training.

Send your memberships to: MOTION PICTURES GROUP NEW YORK CHAPTER AMERICAN RED CROSS 315 Lexington Avenue New York

"DRUMS ALONG THE MOHAWK"

beats

"Rains Came"

figures in Detroit, Indianapo-
lis, Denver, Los Angeles, New Haven,
Dayton; equals "Rains Came" pace in
Cleveland, Philadelphia, Portland, Ore.

"Alexander's Band"

figures in Milwaukee, Provi-
dence, Kansas City, Springfield, Mass.,
Albany, Bridgeport, Hartford.

"Jesse James"

in Boston; tops record held by
"Kentucky" in Buffalo.

**AND HELD FOR 3rd WEEK AT ROXY,
NEW YORK**, after attendance of hold-
over Sunday tops that of *previous week!*



THE KEYSTONE OF YOUR FUTURE

STUFFED SHIRTS

William Esty Due For Lifebuoy

Ruthrauff & Ryan May Get New Swan Brand From Levers as Offset

William Esty agency is reported to have been assigned the Lifebuoy end of the Levers Bros. account, effective the first of year. Lifebuoy has been in the Ruthrauff & Ryan agency for many years, and the job that R. & R. has done with it is rated as one of the outstanding successes in the soap field. It is reported that Ruthrauff & Ryan is in line to get the advertising on the new soap bar, Swan, which Levers Bros. is arranging to put out in competition with Ivory soap.

Esty's inside cordials with Levers Bros. dates from the time he was with J. Walter Thompson, agency for the same manufacturer's Lux products. He is reported to have been on Levers' payroll in recent years as a consultant on copy and merchandising.

Ruthrauff & Ryan also handles the Rinsio and Spay products for Levers Bros. Walter O'Keefe show has occupied the Lifebuoy spot on CBS for the past seven weeks.

WJWSV BALLS AM. THESPIANS

Washington, Nov. 14.

Increased cooperation between local amateur theatre groups and the broadcast industry promised last week by WJWSV. An elaborate program, permitting each of approximately 15 dramatic clubs located in the vicinity to present a half-hour program over the CBS transmitter, will be started immediately after WJWSV receives its power boost to 30 kw, early next year.

Station will furnish scripts if desired and will make a recording of each program. When the series of programs is over, a select committee will be chosen for experimental work in radio and on the stage. Drama critics from the local dailies will be the judges, and Columbia will present a WJWSV dramatic Award Trophy to the winning team.

BARBARA JOE ALLEN ON CHASE & SANBORN

Barbara Joe Allen, who has begun the comedy "Vera Vague" dramatization on the Mutual stage Sanborn office, has been given a play-or-pay 13-week ticket by the station on the account. J. Walter Thompson.

Rudy Vallee, though tabbed for two weeks to the Mutual stage (12), may remain on this program through December. He's pinch-hitting for Don Ameche, whose laying off all work because of a bad stomach.

Lum and Abner Headline St. L. Hillbilly Rode

St. Louis, Nov. 14. Lum and Abner will headline the 1940 National Hillbilly Championship jamboree sponsored by Larry Sandberg, prez. of the National Hillbilly Association, in two performances at the Municipal Auditorium Sunday (19). Set for participation in the show are Roy Shaffer, Tex. Waterbury, and George Sussie the Gal from the Hills with her band; Honey Boy and Alexander T. Waterbury, and the "Little Family" with "Little Wimp," the Rhythm Rangers and others.

Last winter a similar mounted attracted more than 20,000 natives to the twin bill.

Is It Raining?

Fort Worth, Nov. 14. Excess of Elliott Roosevelt's Texas State Network were handed the following office memo this week: "To all dependent heads: Will you please keep yourself posted at all times on the rainfall at Mr. Roosevelt's ranch? He has requested that we be able to tell him about rainfall at the ranch at any time he may call in from the New York or Chicago office."

QUIET WEEK IN NEW WEB ISSUE

Only pertinent development of the past week in the formation of the proposed Transcontinental Broadcasting System have been Elliott Roosevelt's negotiations for a New York office. He has made approaches to WMCA and WJIN and it is understood that the counter propositions offered him have been based on the idea that he be strictly a time buyer and rental of studio facilities. Situation as it affects Blackett-Sample-Hummett took another curious turn during the past week when the agency resumed discussions with the Mutual Network for a lineup of night-time facilities for American Home Products and Sterling Products programs. Blackett-Sample-Hummett has let it be known that its present primary interest is to find a way to reduce the radio costs for its clients' programs. These costs, it was pointed out, have become somewhat top-heavy and the agency wants to find some practical way out of the economic dilemma for its accounts.

REGGIE SCHUEBEL TO WED BALLARD

Reggie Schuebel, radio time buyer for the Biow Co., becomes a bride in January. The groom will be John H. Ballard, president of the Bufova Watch Co.

Miss Schuebel will be the Biow agency's groom for 10 years.

NBC ADDS KOWH, OMAHA

New Has 180 Stations Between Red and Blue Lines. NBC has partly solved its blue release situation in Omaha with the addition of KOWH, 500-watt, on 660 kc, to the network's list. Station holds a daytime operation franchise.

NBC has an arrangement with WOW, Omaha's red release, whereby the latter rebroadcasts from instantaneous discs most of the blue's evening commercial spots. Addition of KOWH raises NBC's affiliate roster to 180 stations.

WCSC, Charleston, S. C., goes CBS Jan. 1. It's now on the NBC list. WTMA will replace WCSC in the market. WCSC gets 1,000 watts and WTMA, 250 watts.

NBC has added WARR, Zanesville, Ohio, a 500-watt station, to its blue and blue. Station is changing its call letters to WJZZ. Effective Jan. 1, WJZZ Toledo becomes a basic red network outlet. Its previous status was optional red and blue. Station's current blue advertiser may stay as is until their present contracts expire, but following Jan. 1, no contract but one would be required to add WSPD, if available.

STUFFED SHIRTS

THE CREATION

Air Comedians Constantly Cramped in Matter of What They May Joke About—Daytime Serials Among the 'Sacred' Themes—Many Tabus

CAN'T TAKE IT

Radio comedians are finding it increasingly tough to get away with kidding fellow personalities in their own medium. As far as the network is concerned, there's no humor in having their stars burlesqued or their programs lampooned. This resentment against being the object of the buffoon's bladder becomes especially violent when certain classes of programs, such as daytime serials, are involved.

Comics and material writers who want to break away from the beaten band of gas find themselves dismayed by this brass-battled attitude within their own ranks. They have been deprived of many sources of butts of humor because of the latitude of the air which a squeamish item. They must be careful what they say about foreign countries, within their own country, their ideologies, or their idiosyncrasies. These accumulated taboos have narrowed the latitude of the air which a comic's gag bases to the point where they must stick pretty closely to American institutions. Among the things they figure to be most basically American are America's scenery, stage and radio. They see no reason why these should be considered too sacrosanct for their jesting, and what aggravates them is the fact that the latitudes of the air are the circumstances that the very agencies that howl loudest when their stars are burlesqued are those which show no compunction about having their own comedians scorch films and film personalities.

Taste Is Paramount

The complaining comics feel that the stars themselves are anything but sensitive about being lampooned and that the only opposition stems from the agency executives, whom they described as having become too inflated with their own importance. They hold that there's nothing objectionable about kidding fellow performers unless it's done in bad taste and that should be the cause for the thumbing on the part of the agencies. Also that the stuff-riffing reaction of outside interests and professions is stupid enough without having to take it also from the people within their own ranks.

Rated by these comics as two outstanding exceptions to the rule are the comedies of the Bobbies. The only yardstick applied by the latter agencies to granting permission for burlesquing fellow stars and programs is good taste. They figure that if a star or program is worthy of satirizing it's reached the point of wide and established popularity; otherwise the subject of the lampooning wouldn't be readily identified by all listeners and the purposes of the program dogged the kidding would be defeated.

ELLIS CHANEY BACK ACTIVELY AT WOAI

San Antonio, Nov. 14. Ellis Chaney, v.p. of Southland Industries, Inc., owners of WOAI, has resumed active duties at the station. He left the station in 1933 to become Nore dealer for this area. He was taken over local and regional work for the station. Latest addition to the WOAI staff is Henry A. Guerra Jr., who will, because of his new editor and take-over the evening announcing shift.

Transamerik Has 7 Serials on Webs;

Latest for General Mills' Daytime Spot Dramatizes Bible Scenes

Dead Silence

'Vaudevilian Johnny Burke, who's been doing the same act for 10 years, is now on the Alvin Selzer National Barn Dance program as Jitterbug Johnny. And still talking about the war, Saturday the gag concerned a sentry asleep on duty. "What would you do," he demanded the straight, "if you suddenly woke up and saw a tank coming over the hill?" "I'd take Bromo-Seltzer," was the tongue-slip.

General Mills is dramatizing the Bible in modern dialog for its daytime listening clientele. The serial, to be cleared on the basis of five quarter hours a week, carries the tag of "The Light of the World." A Transamerik Broadcasting & Television Corp. staff will write and produce. Another script sought from the same source by General Mills is "Driftwood." Until a couple strips are found for them on one of the networks the two serials will be subscribed and spotted in a few major markets.

Prof. James B. Moffett, of the Union Theological Seminary, has been retained as adviser on the Bible series. Blackett-Sample-Hummett's Chicago office is the agency on both shows.

With these two included Transamerik's Bible series will have 11 serials running on the networks. The strips already on are "Life Can Be Beautiful," "This Day Is Ours," "The Man I Married," "The Park," "Family" and "Life of Mary Southern." It also includes the dramatic half hour on the Texaco show (CBS).

WRITERS ASK NON-RADIO RIGHTS

Hollywood, Nov. 14.

Radio Writers' Guild is framing a protest to be presented to agencies producing script shows demanding release of all outside rights to screenwriters. Under the present arrangement a writer is forced to waive all rights in the story to a script to an agency.

Situation came to a head last week when it was learned that one of the studios is in on deal for Campa First Nighter's script to be made into a series of picture shorts. Screenwriters figure they're entitled to a cut inasmuch as they claim they're working for short cuts and must sign away all rights, which include films, magazine and rebroadcast. Writers here, who furnish most of the Campa continuities, insist that the \$100 top figure for scripts is not enough to compensate them for the broad value of their airplays.

Screen Writers' Guild and Authors' League have promised to give the radio scribes full cooperation in their demands. Agencies will be ultimatumed to either hike the ante on scripts or cut in the writers on sales outside of actual broadcast.

SHOWER OF QUICKIE PEPSI-COLA BLURBS

Pepsi-Cola is figuring on expanding its chain-bank announcement campaign to take in all sections of the country. Account has been experimenting with the recorded blurb on 15-second spots using as Henry at 17 15-second announcements a day. Newell-Emmett is the agency.

Deal so far has been made good, since 50% of the advertising cost is paid by local bottling franchise holders. Local placement usually works out more cheaply.

DUPONT RETURNS

On NBC This Time—Fifth Year of Broadcasting

DuPont returns its 'Cavalade of America' to the NBC-July, but this time it will be the NBC-July instead of Columbia. The account has played the Tuesday 9 to 9:30 p. m. CBS following Information, Please. CBS also put in a bid.

It will be the fifth year for the program. B.B. & O. in the agency.

Jerry Smith Sponsored Des Moines, Nov. 4. Yodelling Jerry Smith and the Sunset Corner Symphony at WHO, Des Moines, are sponsoring First-McNeer through Rogers & Smith, Chicago. Quarter hour periods at 12:15 p. m. Saturdays.

ANOTHER TUMS CASH FROLIC?

Tums (Lewie-Hove Co.) may put second weekly 'Pot of Gold' on the air. The supplementary half-hour would be on Mutual, preferably a Saturday night. Accounts present big-coln-give-away takes place on the NBC-TV Tuesday nights.

OWEN ROBERTS GIVING WMCA PRESTIGE HYPO

Owen Roberts, former head of the Federal Radio Project in N. Y., joins station WMCA, New York, to prepare and produce prestige programs. Donald Flamm states Roberts is without title and is not, as rumored, "in" in Indiana. A public relations counsel.

Nor will Roberts affect the status of the program, as he is, or program head Ed Scheuing.

Divorce? Adds Sponsors; Now on 71 Stations

San Francisco, Nov. 14. Emil Briesacher agency has spread the cooperative program, "I want a divorce," to a new 71 NBC radio stations. Latest local sponsors to tie-in are Haserot, in Cleveland; and the Haserot has added Los Angeles and Memphis stations and the Detroit sponsor, Lee & Cady, has added Kalamazoo.

Jerry Belcher at WRVA

Richmond, Va., Nov. 14. Jerry Belcher, org. of radio's original vox poppers, signed by WRVA Artists Service and immediately set to take over "As America Thinks" commercial for Edgeworth Tobacco. Program, staged at convention and larger gatherings held in this area, will find Belcher asking guests questions and opinions on topical interest matters. Local airing, but later may be waxed for spreading.

Censorship Law, Not by Consent, Radio's Chief Change in Australia

Canberra, Oct. 17.
After huddles lasting almost two years, the Australian House of Representatives has a broadcasting bill which still leaves status quo as regards non-commercial or government-supported radio. Because of war-conditions, certain amendments may be added by the authorities covering both Government and private commercial air units in operation throughout the Commonwealth. Major change makes specific the power of the Government commission to control political speech. Australian Broadcasting Commission is at present censoring all scripts presented.

New law gives the Government control by law instead of by consent of station management. It shows the case. The government is not keen to have aired anything of a national nature in respect of its functioning. Some call it "national defense." Critics call it "censorship." New bill, in relation to Australian Broadcasting Commission, fixes personnel at five members, including a chairman. All members are to be in the future will go for a term of five years.

Bill, however, will probably not affect commercial operation in any great extent. Each commercial in Australia is really controlled by the Postmaster-General on a license costing \$100 per annum. Any break away from general rules laid down in commercial operation would cost a cancellation of license. Some time ago Labor station 2 KY had a license revised by the ABC. Political statements aired by its own commentator. Station was off the air for several days, but resumed operation.

Commercial stations have formed their own federation. Under that every script is being given close scrutiny before being released. Frank Marden, of Perth-Doyles, is now the head of the federation. As far as possible the commercials lay off political utterances and commentators have gradually been eased from the air waves.

Minister for Information (Sir Henry Gullett) announced that complete arrangements have been made to continue free use of BBC war news bulletins by both national and commercial stations throughout Australia. Arrangements have been made with the Australian Associated Press and Consolidated Press for a continuance of news for sale purposes at terms agreed upon by the Australian Broadcasting Commission and commercial interests playing these services daily.

Main BBC coverage for commercials is made at 9:30 p.m. The ABC takes the BBC on 10 minutes' span at 7 p.m., with a final coverage just prior to midnight.

The ultimate in news coverage for Australians with DX sets comes via KGEI San Francisco. Its broadcast is heard here at 10:30 p.m., but is not re-broadcast by the national and commercial stations. It is believed that the KGEI service is responsible for a major upping in the sales of DX sets throughout this territory. Gullett has also issued instructions for the introduction of a DX station to transmit the German propaganda flowing this way from Berlin. Local station will operate at stated intervals throughout each day. It is to tell Europe just what Australia is doing to help Great Britain win out. It may also repeat news of some of the important news from the BBC to countries more easily reached from Australia than from Daventry.

Specialty: Hitting

Propaganda still hitting here from Berlin is becoming tiresome to listeners. Very little news is aired, but blasts of hatred flow out in a continuous stream over a 24 hour span.

Home stations are now only airing for news sessions. The ABC, which comes from the BBC. Nothing of a sensational nature goes out in public, but a shortwave DX set is, it is increasingly satisfied to pick up news from the dailies. Radio

Salada Tea Hookup

Montreal, Nov. 14.
Salad Tea began new series of weekly half-hour stamp program over Canadian Marconi station CFCF and selected private stations on Nov. 6. Show is piped in from Toronto by Paul Purdy delivering spiel on 'History of Philately.'

Salada started with 15-minute show on CFCF last year offering stamp giveaway to those sending in Salada Tea labels.

JAPS SAM G.E. FRISCO DX'ER

Shanghai, Oct. 16.
Shortwave radio addicts in oriental parts are speaking unpleasantly of the Japanese for alleged jamming of the English-language news coming in on the General Electric station on the 9530 band from Treasure Island in San Francisco Bay. J2J of Japan is not only interfering with the Frisco messages, but also with broadcasts from Hongkong.

General Electric claims its tenure on 9530 from 1928, but the Japanese asserting a license held 1935, are just half-skip over on 9535, and it blankets the incoming relays very much.

Japanese embassy expressed 'hope of early settlement.'

Throughout summer there was a considerable spontaneous demand here for shortwave radio sets with American dials. Several 15-1 on mex most residents could not touch the Yankee sets. One of the midgets was sold, however.

Presently the local language news broadcasts became so good that this put the final screw on the sales. The British North China News Service, the Pong-Hong and the American China Press were on the air for a time as frequently as every hour.

Japs Protest

Tokyo, Oct. 16.
Japanese newspapers have voiced loud complaints against the accusation of the General Electric Company, owners of the Treasure Island shortwave broadcasting station in San Francisco harbor, that the Japanese infringed on their Far Eastern beam wave length.

The Japanese have, meantime, inaugurated a new beam to the Netherlands, East Indies, as of Oct. 1 and are broadcasting news in English simultaneously with such news broadcasts from San Francisco.

New Transmitter For Station CBM, Montreal

Montreal, Nov. 14.
Canadian Broadcasters' Co. has ordered a new 5,000-watt transmitter for station CBM at Marieville, about 20 miles from Montreal. According to Dr. A. Frigon, assistant general manager of CBC, transmission now at Laprairie will be abandoned in favor of completely new equipment.

No change in power or wavelength of CBM. New transmitter scheduled for spring completion.

Molson Mails Six Year

Montreal, Nov. 14.
Transradio News and Station CFCF baked a cake and lit four candles last week for Chris Ellis, Molson Newscaster.

Ellis begins fifth year for beer sponsor.

repetition of news has left the public cold during the past few weeks. Move for a shorterwave DX set is regarded as likely to encourage similar move later in New Zealand.

RADIO REGULATOR TAKES ALL TRICKS

Broadcasters Getting Faces Lifted Whether They Like It or Not—Use Political Pull That Does Not—Must Reallocate This Week—Tests for Announcers Coming Up

OTHER CHANGES

Havana, Nov. 14.
Undaunted by political threats and complaints from radio broadcasters, Cuba's radio strong man, Major Govea, continues his policies. He is dealing sternly with broadcasters who use strong language over the mike protesting against any of his numerous decrees. The two latest to be disciplined are CMCW and CMXB suspended for 10 and 20 days respectively.

The latest Govea decree which went in effect yesterday, reduces channels according to the North American Regional Treaty negotiated at the Havana Conference to 25, of which 15 will be used by single stations and ten will be shared by two stations. This measure brought plenty squawks from the broadcasters with President Laredo Bru calling them to the Palace and assigning his own lawyers to find a solution, which couldn't be found satisfactory to everyone as none of the stations wanted to share channels and there are 26 stations in Havana.

Govea finally obtained the president's signature to decree 2504 that orders stations CMXB, CMCG, CMCO, CMCF, CMCA, CMTC, CMCC, CMCW, CMCO, CMXB, CMCU, CMQO, and CMCO, CMCB, (Continued on page 32)

Mexican Hookup for Ford May Cue Other Accounts; Creighton Has Ambitious Sponsor Plans

KFAR, Alaska, Opens Up

Fairbanks, Nov. 14.
Fairbanks News-Miner helped make the dedication of KFAR a gala occasion for the community by putting out a special section devoted to the station.

Outlet, licensed to operate at 1,000 watts on 810 K, is owned by the Little Sun Broadcasting Co.

BBC SIGNAL TURNS MURKY

London, Nov. 1.
One effect of British Broadcasting Corp., restricting its wartime service to two stations is that listeners in some districts are getting sketchy reception, and in odd spots it is virtually impossible to get in the programs. Only consolation they get is a statement from BBC that they have got to take it that way and like it.

BBC points out it is not a free agency, but is operating programs on two senders only as an element of national security. While method of improving output are being explored, listeners in affected areas are asked to 'put up with it' in the national interest.

Chief squawks are that reception is distorted and at variable strength, more frequently at night than during the day. Trouble is due to geographical reasons, and BBC avows there is no fault in transmissions.

By LOUIS CANDY

Victor E. Creighton, who lined up the Mexican network for the Ford Sunday Evening Hour, expects to close similar deals with other advertisers on American webs in a couple of weeks. Creighton, a resident of San Antonio, a citizen of both the United States and Mexico. He was born across the border prior to the passage (1933) of the Mexican law making citizenship 1/2 divisible, so that he is able to work in that country.

To meet the Mexican government's regulations on all announcing on the Ford Hookup is done in Spanish by a Mexican announcer spotted at XET, Morelia, which feeds the other outlets in the special Mexican hookup. Latter consists also of XEW, 100,000 watts, and XEQ, 50,000 watts; Mexico City, XES, 500 watts; Tampico, XECZ, 250 watts; San Luis Potosi, XED, 25,000 watts; Guadalajara, XEME, 500 watts; Merida, and XECW, 250 watts, Vera Cruz. Other Mexican stations are taking the Ford program off the air and re-broadcasting it without permission, which accounts for loss of additional, if uncompensated, cover age.

Some Oppose
Ford Motor Co. of Mexico passes invoice on not only the commercials, but the program itself. The listener comment on the program is so low that the company is greater than anticipated. Some of letters express opposition to bringing in American programs, but the overwhelming sentiment favors the Ford show. Further development of this cross-the-border business is promising by the fact that there are a large number of factories producing national advertised American products which are licensed by the Mexican government.

The network which Creighton has lined up for Ford is known as 'La Cadena Mexicana.' It used to air lines with 8,000 cycles as compared to those with 5,000 cycles in the States. At present it clears 24 hours per week of commercial programs. The government presents a daily hour of news. The advertising programs are otherwise fed to the network's affiliates because it's much cheaper for each station to put on its own sustainer.

INDIA PERKS RADIO STAFF

Bombay, Oct. 18.

The Government of India has decided to recruit a Director of Program Planning and a Director of Publicity for the All India Radio. These two appointments will be patterned after offices under the auspices of the British Broadcasting Co. in London.

The appointment of Director of Program Planning was not considered necessary by the A.I.R. in its pioneering days. The radio stations were on the air. With broadcast stations now scattered throughout India, under the A.I.R. the a.i.r. deem it most necessary that an officer be appointed to coordinate (among other things) similar programs being aired from different stations at the same time, thus overlapping of two or more items which would attract the same listeners.

The appointment of Director of Publicity is necessitated by the continuing expansion of the A.I.R. activities, for the authorities finally consider that radio in India is in its infancy and that it is necessary to have an unknown quantity deserving and requiring a regulated and thorough publicity drive.

New Frequencies Assigned to Havana

Ke.	Call Letters	Power
550	CMW	200 *
590	CMCY	15,000 #
630	CMCD	15,000 #
690	CMCB	5,000 #
720	CMK	200 †
750	CMBL	200 †
780	CMQ	25,000 #
810	CMCF	5,000 #
850	CMCM	200 †
880	CMX	10,000 #
920	CMZ	5,000 #
970	CMCK	5,000 #
1010	CMGL	10,000 #
1050	CMCH	1st 200
1050	CMXB	2d 200
1080	CMCO	1st 200
1110	CMCU	200
1150	CMBQ	5,000
1210	CMY	200
1240	CMOA	2d 200
1250	CMCB	1st 200
1280	CMCB	1st 200
1290	CMBF	1st 5,000
1290	CMBD	2d 200
1310	CMCG	1st 200
1410	CMCQ	1st 200
1450	CMC	2d 200
1470	CMBY	200
1470	CMCX	1st 200
1470	CMBG	2d 200
1510	CMH	1st 200
1510	CMXA	2d 200
1510	CMCJ	1st 200
1510	CMCI	1st 200
1580	CMRT	200
1600	CMBH	5,000

Explanation:—

- * Must have 2,500 watts within six months.
- # Based on it is the key station of the one telephone wire network will remain on same frequency and power, unless disconnected from the network.
- † Must have 5,000 watts within six months.
- 1 Key station for wireless bus network.
- 2 Will maintain same frequency and power by special favor.
- 3 Only non-commercial as it belongs to Army.
- 4 Has commercial shortwave.
- 5 Must have commercial shortwave in six months.
- 6 Has commercial shortwave relay in Matanzas province.
- 1d Means first shift.
- 2d Means second shift.

WOMEN Ag The Show to See is Paramount's "RULERS of the S"

Femme Fans at New York Paramo



"It's a 'must' picture for the whole family!"

—Rose Pike,
Brooklyn, New York



"Superb cast. Enjoyed it more than any picture I've seen this year."

—Florence Schechter,
Bronx, New York City



"Perfect. Fast moving, with enough love for the ladies."

—Irma Di Giacomo,
North Bergen, New Jersey



"I think 'Rulers of the Sea' is grand!"

—Eva Blackman,
Bronx, New York



Paramount presents FRANK LLOYD'S

"RULERS OF THE SEA" star

with George Bancroft • Montagu Love • Produced and Directed by FRANK LLOYD

5 out of 5 New York Women Critics Agree!



KATE CAMERON
"Absorbing and dramatic... an impressive and enjoyable spectacle." —New York Daily News



EILEEN CREELMAN
"An outstanding production, melodrama imaginatively directed, sturdily acted. Interesting and exciting." —New York Sun



ROSE PELSWICK
"Thoroughly absorbing...boasting one of the year's finest performances—that of Will Fyfe." —New York Journal-American



IRENE THIRER
"Fine entertainment, produced on a grand scale, and sure to impress." —New York Post



BLAND JOHANESON
"A rousing picture and a vast one, designed to delight." —New York Daily Mirror

free
SEA



unt Agree!

"Best picture I have seen this year!" —Mrs. L. Y. McNeely, New York City

"Picture was excellent. Will Fyfe is truly a great actor!" —Rosalind Orr, Brooklyn, New York



"The picture was grand. I really can say it's the best I've seen in months!" —Barbara Rosenberg, Bronx, New York

ing Douglas Fairbanks, Jr. · Margaret Lockwood · Will Fyfe

K LLOYD · A Paramount Picture · Story and Screen Play by Talbot Jennings, Frank Cavett and Richard Collins

CATALOG OF RADIO 'FIRSTS'

AS COMPILED BY JOSEPH NATHAN KANE

A student of Americana and the author of various books on 'famous firsts' in other fields, the compiler of the following data has confined his research to United States radio. Kane points out in comment on his own data, the:

'Seldom does an industry keen on advancement take the time to evaluate itself, with the result that after the formative stages have been passed, its history is in a hazy condition. Radio is no exception. Although numerous good histories have been written, and the story of radio fully explained, there is much confusion, especially with regard to firsts and priorities.

'Companies and organizations make grandiose claims for firsts. Some are made honestly, others in a spirit of bragadoccio, and others in ignorance of the history of radio. Again many claims are made because there is a difference of terminology. Several organizations make the same claim for the same first; the reason for their claims is that no two have the same basis.'

Some of the 'firsts' that have been duly and ceremoniously imbedded in the archives of the industry must seem pretty 'fuzzy' to many. (As, for example, the 'first' broadcast of an engineer in his cab with a brakeman in his caboose.) Nevertheless, the radio archives of firsts belatedly begun are the more hotly debated.

It will be especially noted that Kane gives WWJ, Detroit, the benefit in the traditional dispute between that station and KDKA, Pittsburgh, as to which was first on the air. This is a matter on which much printer's ink has already been expended and there is no present wish to open up a controversy. Suffice that 'according to Kane' the facts are stated.

Television, unlike radio, will be amply attested as to dates and firsts when the accumulation of age gives such matters enough point to warrant discussion. Indeed television so far has been one vast pile of carefully authenticated 'firsts.'

AIRPLANES

Radio in an airplane was used by Glenn H. Curtiss and Howard Morin in February, 1912, at North Island, San Diego, Cal. Messages were received from the ship anchored in San Diego Bay in a set invented by Howard Morin in which the antennae and counterpoise ran over both lower and upper wings. No wires were dropped below the fuselage.

Radio message sent from an airplane was transmitted Aug. 27, 1910, from an airplane piloted by J. A. H. Horton over Sheepshead Bay, New York City. It was received by H. M. Horton in the radio station erected at the grandstand at the flying field at Sheepshead Bay. The equipment was a duplex system where communication is identical to the ordinary telephone conversation. The transmitter and receiver are on simultaneously, but no necessary reply may converse at will. It is necessary to short-circuit the receiver when the transmitter was in use.

Radio two-way conversation between a glider and the land was effected Aug. 12, 1922, at 2:40 p.m. by J. K. (Jack) O'Meara, glider champion in the Chanute, at more than 5,000 feet altitude while the Empire State Building, New York City, and Edward Thorpe, radio announcer, over WPAF network. The flight was made from the tip of Coney Island and Manhattan, New York City.

CHURCH

Religious service was broadcast Jan. 2, 1921, when the Calvary Episcopal Church of Pittsburgh placed its services over the air through

KDKA. The preacher was Rev. Dr. van Eiten.

Radio Parish Church of America was established April 18, 1926, when Rev. Howard O. Hough was inaugurated as pastor of the studio of Station WSCS, Congress Square Hotel, Portland, Maine. Nine different denominations were represented in the church, the religious services of a non-sectarian character by means of radio and the carrying on of pastoral work as is customary with the ordinary church.

COLLEGE COURSE

Radio Advertising College Course was instituted by the College of the City of New York Sept. 29, 1930, under the direction of Frank Atkinson Arnold, director of development of NBC. The class consisted of 62 students.

CONTEST

Radio Contest was held by the United Wireless Telegraph Co. at Philadelphia Feb. 23, 1910. The American Morse telegraphic code was used. The winner was Robert T. Miller of the United Wireless Co. Harvey Williams of the Western Union was the runner-up.

FACSIMILE

Facsimile Radio Newspaper was issued by KSTP, St. Paul, Minn., on Dec. 17, 1937. It consisted of a roll of sensitized paper nearly five inches wide with perforations at the ends.

Facsimile Daily Newspaper was broadcast Dec. 7, 1938, by Post-Dipatch over Station WXYZ on an ultra high frequency. Nine pages, each 8 1/2 inches long, four columns to a page, printed in point type, were especially prepared. About 15 minutes was required to transmit each page.

Facsimile in ultra high frequencies was broadcast Dec. 19, 1933, by Station WXXAF, Milwaukee. An expanded and compressed, 60,000-85,000 kc.

HOOK-UPS

Chain broadcast was Oct. 7, 1922, by WJZ, New York, and WCX, Schenectady, of the 1922 World Series baseball game from the field. Graham McNamee was the announcer. It was simply a matter of connecting ordinary telephone lines from Newark and Schenectady into the Polo Grounds, where a single microphone connected to these lines completed the requirements. (It was not possible to transmit highest and lowest frequencies. On Jan. 4, 1923, WEXAF and WNAC had repeater points and amplifiers were provided for faithful reproduction and transmission of both music and speech.)

Police Two-Way Three-Way System, from headquarters to the cars, cars to headquarters, and from car to car, was installed by the Radio Engineering Laboratories, Inc., 109 Wilbur Avenue, Long Island City, N. Y., which contracted May 8, 1932, to install one transmitter and receiver (20 watts) (W2XCT) for police headquarters and two for police cars (4.5 watts) (W2XCS and W2XCL) at Eastchester Township, N. Y. The cars were placed in operation July 10, 1933, and were in charge of Sergeant William E. Robinson. (By June, N. Y. had formal application for a construction permit Oct. 7, 1932, which was granted Dec. 25, 1932, by the installation was not completed until July 31, 1933.)

LICENSES

First radio license issued in the United States was granted George Hill Lewis of Cincinnati in 1911.

City-school-owned ultra-high frequency broadcast station to receive a FCC grant was granted WQXC, Commerce, W. Va., license No. 1 Nov. 21, 1938, to operate (500 watts, 41,500 kc frequency). Regular classroom work. Commerce was closed down on Friday through Friday from 8:30 a.m. to 4:30 p.m.

College radio station licensed was 8CO, Grove City College, Grove City, Pa., which received an amateur license in 1913. The call letters were changed to 8XV in 1918.

Experimental radio license issued by the Department of Commerce was for the International Radio Convention and Radio, Act

of 1912 was serial No. 1, granted to St. Joseph's College, Philadelphia, Pa. 3XV in 1913 to use 2 kw power.

International broadcasting license issued by the FCC was granted Oct. 18, 1927, to the United Fruit Co.'s station W2XAL, New York City. The frequency was 9,700 kilocycles and the power 500 watts. The station operated on 1929 and subsequently moved to Boston, where it has been operated as WIXAL by the World Wide Broadcasting Corp.

Radio broadcast station license was granted to WBZ (Westinghouse), 625 Page Boulevard, Springfield, Mass., on Sept. 15, 1921. The station operated on 380 meters exclusively for broadcasting 1500 watts. It carried serial number 224 and was issued by the Department of Commerce, Bureau of Navigation. (Station KDKA received a license Oct. 27, 1920, but at that time broadcasting was not recognized as a business. When a set-up was made to license broadcasting stations, WBZ received the first license.)

Commercial broadcast station was 8MK (now WWJ, Detroit), official station of Detroit News, which broadcast the program "Detroit Dinner" Aug. 1920. (On Aug. 31, 1920, the local election returns were broadcast. KDKA's first broadcast was not until Nov. 2, 1920.)

OCEANIC

Radio signal transmitted across the Atlantic ocean was sent from Poldhu, Cornwall, by Guglielmo Marconi, and was received at St. John's, Newfoundland, Dec. 12, 1901. The letter 'S' was repeatedly sent by Marconi code at stated time intervals and was faintly received on Dec. 11, 1901, and again heard on Dec. 12, 1901.

Radio message of the regular westward service was sent to New York Times from Clifden, Ireland, via Glace Bay, Nova Scotia, Oct. 17, 1907, on regular Marconi transatlantic service.

Radio telephone message was transmitted across the Atlantic Ocean by the British engineers installed a receiving apparatus in the French wireless station at Eiffel Tower in Paris. These men together with members of the French Signal Service heard the first radio-telephone message. The transmitting apparatus was located at the Navy's wireless station at Arlington, Va.

Marine demonstration of wireless telephony was held on board the battleship "Barthold" on the Potomac river, March 20, 1902. The apparatus and equipment used was the invention of Nathan B. Stubbard, of Murray, Ky.

Broadcast of a program from a ship at sea to listeners on shore was on March 27, 1930, from a ship off the Ambrose Light. It was picked up at Rockaway and carried by a land wire to a New York studio for re-broadcast.

Broadcast of a drama from a ship at sea was heard over the CBS network July 1, 1933, when an air version of a new motion picture was presented from the main saloon of the Furness-Bermuda liner "Queen of Bermuda" on a weekend cruise to the mid-Atlantic.

News broadcast from a ship at sea was made on Sept. 30, 1899, of the international yacht race off New York Hook, N. Y., between the "Chaumont" and the "Columbus" for the New York Herald. Two steamers with sending apparatus followed the boats. Two receiving stations were set up, one on the cable ship "Mackay-Bennett," anchored near the Sandy Hook light, the other at the Highlands of Navisink. The news was then sent by telephone to the N. Y. Herald.

PROGRAMS

Debate was May 23, 1922, over WJH, Washington, D. C. The affirmative, "Resolved, That Deity Saving is an Advantage," was taken by Calvin T. Kopp, who was assisted by the Miller Debating Society, and the negative by Thomas E. Rhodes, representing the Alvey Debating Society, both of the University of Washington, Washington, D. C. The audience was requested to act as the judge.

Drama presented on a regular stage with full scenery and a cast in costume was "Roses and Drums," a dramatic story of the Union-Castle ship raid of 1882 to capture Jefferson Davis and free the northern prisoners from

Libby prison. It was given at Carnegie Hall via WABC, (N. Y.) Sept. 24, 1933.

College football game was broadcast Nov. 25, 1920, by radio station WTAW of College Station, Texas. The game was played on the campus of the Texas A. & M. University of Texas at College Station, Texas. At that time the station was operating under an experimental license and had the call letters 5XBR. The transmitter used was a spark transmitter and the transmission was in code. This was the first play-by-play broadcast of a football game.

Musical comedy with specially composed music broadcast was "The Gibson Family," sponsored by Procter & Gamble and introduced by "The Gibson Family," which was composed by Arthur Schwartz and the lyrics were written by Howard Dietz.

Opera broadcast in its entirety by the Metropolitan Opera was Humperdinck's "Hansel und Gretel" on Dec. 25, 1931, over NBC.

Opera broadcast in part from stage of the Metropolitan Opera was Jan. 13, 1910, when Enrico Caruso and Mme. Destinn sang arias from "Cavalleria Rusticana" and "Pagliacci," which were trapped by the microphone by the diaphragm directly from the stage and bonus by wireless Heritman waves.

Police broadcast was made by radio station WIL, St. Louis, Mo., Sept. 4, 1921.

Presidential message broadcast Dec. 6, 1923, President Coolidge's first message to Congress was placed on the air by means of stations connected to Washington by long-distance telephone wires.

Speaker to address a club by radio was Dr. Wm. C. Ketter, president of Grove City College, Grove City, Pa., who addressed the Rotary Club of New Castle, Pa., 25 miles away. Wagner spoke into the short-wave microphone from W2XAF, Schenectady, N. Y. His voice was carried to Holland, to Java, to Australia, across the Pacific ocean to North America, and back to Schenectady, N. Y.

Voice broadcast around the world was accomplished in one-eighth of a second on June 30, 1930, by a series of radio relays. C. D. Wagner spoke into the short-wave microphone from W2XAF, Schenectady, N. Y. His voice was carried to Holland, to Java, to Australia, across the Pacific ocean to North America, and back to Schenectady, N. Y.

Weather report official broadcast for the government was made Feb. 28, 1921, by WEW, St. Louis, Mo.

SPONSOR

Broadcast for advertising or commercial purposes was the one of the Queensboro Realty Corp., Jackson Heights, New York City, broadcast Sept. 7, 1922, on station WEAF. The commercial station of A. T. & T., New York City.

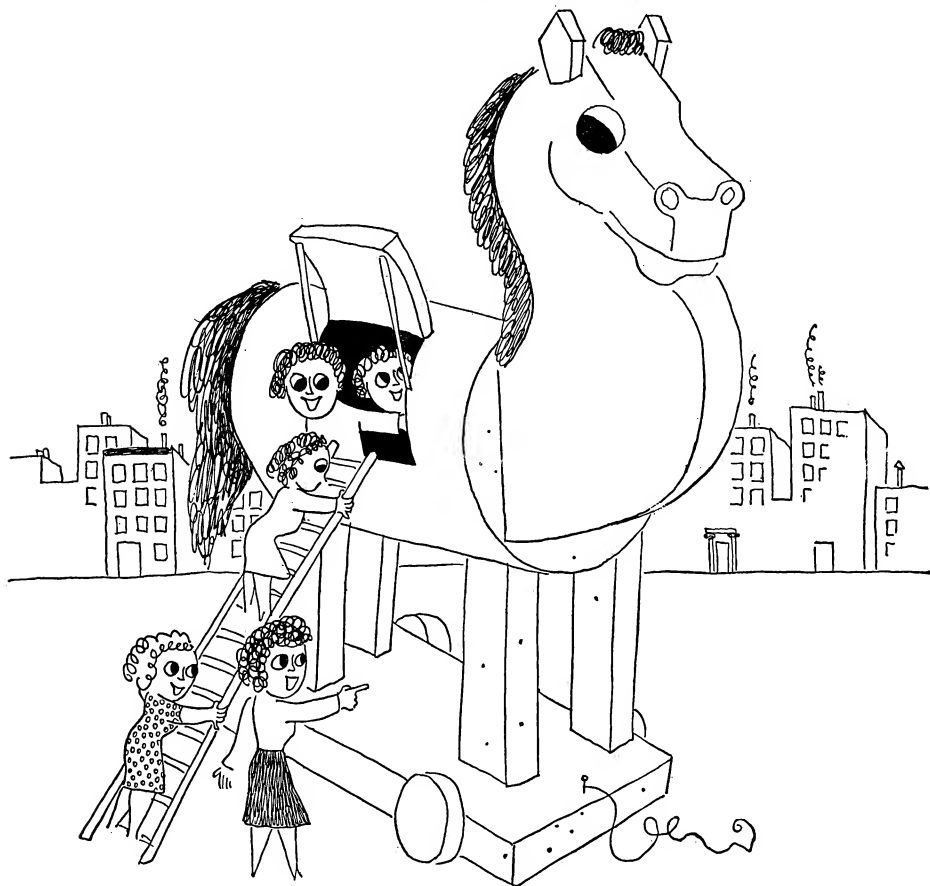
TRAINS

Radio broadcast of a regular program on a national network from a moving train was made at 9 p.m. March 24, 1932, on a Baltimore & Ohio train. The pick-up was at Beltsville, Md., and Laurel, Md., and the broadcast was over W2XAF, Schenectady, N. Y., operated on a frequency of 1,542 kilocycles, employing high percentage modulation and operating on 50 watt power. Belle Baker and Jack Denny's voices were the program.

Radio telephone message from a moving train was sent Feb. 7, 1935, from a Delaware, Lackawanna & Western train. A message sent from Lousiana, N. Y., was clearly received at Binghamton, N. Y., a distance of 28 miles. The transmitter was the invention of Dr. Lee de Forest.

TAPE

Radio tape transmission broadcast was made by station WQXR, New York City, from 8:30 p.m. to 7 p.m., Aug. 28, 1938, using the invention of James Miller.



Gracious, Mabel—it looks just like Troy, N. Y.!

- Maybe we don't belong here—but we couldn't help noticing familiar landmarks in adjacent pages.
- Speaking of AUDIENCES—we thought you might like to know that 3,250,000 women now step up and pay admission to catch our act. The Journal's current newsstand following is over a million!
- Speaking of SHOWS—the Ladies' Home Journal program for women plays 7 days a week—across the board. An all-star cast—every subject of interest to women. Available every day for a solid month. *When* they want it.
- Speaking of RESPONSE—women wrote in and sent money (3c to 50c) for more than 750,000 pieces of Journal material last year. 45,767 child-care booklets! 65,000 hat patterns in 6 weeks!
- Getting COMMERCIAL—your advertising message . . . delivered to an audience like this . . . in a show like this . . . looks like a buy.



LADIES' HOME JOURNAL

• THE MAGAZINE WOMEN BELIEVE IN—THAT'S WHY THINGS HAPPEN WHEN THE JOURNAL COMES OUT

WOMEN WILL FIRE QUESTIONS AT N. A. B.; IMPORTANT CATHOLIC OKAYS THE CODE

FCC Sidesteps Akron Labor Issue But N.A.B. Seeks Friendly Adjustment—Networks Arrange Forums on Code—Seek to Persuade Critics

Washington, Nov. 14. Expected cold shoulder was turned on the United Rubber Workers by the FCC last week when complaint about refusal of U. W. Akron, to continue labor programs was put on the spike. Coincidentally, the N. A. B. perfected plans for additional missionary work to recruit support for the code.

The rubber workers' complaint, following the station's cancellation of contracts for weekly "Voice of Labor" broadcast drew a reply that the commission under the present statute cannot compel licensees to carry any particular program. After study of the situation by legal experts, Secretary T. J. Sizoo reported that there is no action which can be taken.

With negotiations now in progress to compromise the fight, the FCC said that while the N.A.B. pact does not alter the duties and responsibilities of licensees to serve public interest, the Communications Act specifically states that broadcasting stations are not common carriers. In view of the congressional declaration,

managers are within their rights in declining to sell time to any particular individual or organization. Sizoo asserted.

Attempts to straighten the situation out were being made by the FCC dodged the issue. Under the auspices of Joseph L. Miller, labor relations director for the broadcasting group, talks were held by Edythe F. Melrose, station manager, and the union bosses. Arrangement is desired under which the laborites might be fitted in on a sustaining basis, with the station having the right to approve scripts so that it will not be put in the midst of controversies and fights.

The move to sell the code to the general public takes a new turn late in month when a couple of hundred representatives of women's organizations, including some of radio's most persistent critics, huddle with the labor enforcement committee. Mass meeting slated to be held here Nov. 28, with the committee on hand to answer questions and hear complaints. Invitations have gone to scores of clubs and organizations,

Gadget Scares Mob

Boston, Nov. 14. When fire broke out in a building adjacent to WEEI recently, the station's engineers thought it a good chance to test the sensitivity of their new "machine gun" mile which is intended to pick up distant sound. The instrument, first ever seen in Boston, was taken to the street, and leveled toward the burning building. Crowds scattered. And this is probably the first fire in history where police and firemen had to put on strategic with crowds. Evidently they thought it a real machine gun.

With state radio chairman of the General Federation of Women's Club particularly wanted on hand.

Idea is to go into some of the concrete problems, particularly relating to general advertising ballyhoo and bad entertainment. A whole lot of many such organizations already have applauded the code, N.A.B. leaders feel this much can be gained by going into operating problems and getting a face-to-face idea of what the code means to the public as a whole. When the delegates go back home they will be able to explain to their friends just what the industry is trying to do and possibly will hold state and district meetings to discuss the nature question of broadcast supervision.

In addition to this missionary work, N.A.B. is inspiring more discussion of the pact, with the cooperation of the leading networks. Following the example of CBS which already has carried three gratis speeches on the subject, both NBC and Mutual will set aside time for debate. The first NBC participation was a talk Friday (10) by Dr. Samuel M. Cawert, general secretary of the Federal Council of Churches, who said in a Blue Network appearance that the code assures both sides in public arguments access to the public via the microphone. Efforts are being made by Mutual to stage a forum, at which pros and cons of voluntary self-regulation will be weighed.

Educational work is still being carried on by Ed Kirby, the trade body's press relations exec and secretary of the code committee. Following his Illinois address a week ago, he appeared Monday (12) at Springfield, Mass., talking to the New England Women's Radio Council and Thursday (26) spoke before the Indianapolis Advertising Club.

Monsignor's Praise

Endorsement of the pact which produced happiness at N.A.B. headquarters last week was a statement by Monsignor John A. Ryan, director of the department of social action for the National Catholic Welfare Conference. His praise was especially gratifying since the faction fighting the code has sought to stir up Catholic groups by questioning the right of laymen to speak for the Church. As one of the most influential members of the hierarchy's political agency, Father Ryan by implication told Catholics to play ball with the N.A.B.

In my opinion, the general objectives of the code adopted by the National Association of Broadcasters are very useful and entirely fair," the cleric declared. "This is true even of the provisions which bar controversial addresses on commercial time."

"After all, radio facilities differ from newspaper facilities; the former are necessarily limited, while the latter are practically unlimited. Therefore the amount of airtime accorded to those individuals or groups that have the money to pay for them raises the question of substantial monopoly."

NBC FRISCO BOOKINGS

San Francisco, Nov. 14. NBC clinched new accounts last week as follows:

Wood Briquettes, Inc. (Preslog), through Emil Reinhardt Adv., Oakland, 50 announcements on KPO; Beaumont Labs, Inc. (4-Way Code Tablets), through N. W. Kastor & Sons Adv., Chicago, 5 t. announcements on KPO.

Pacquin Labs, Inc. (Hand Cream), through William Ealy & Co., New York, 5 t. announcements on KPO.

Doing Something About Weather

Boston, Nov. 4. New showmanship angle in weather reports put over by WBZ. WBZ's traffic manager Gordon Swan is rhyming weathercasts. Station breaks sometimes carry such swains as:

Jack up the car and put on the chains.
Roads will be icy as this storm snows.

The weather man says, 'Snow changing to sleet.'
This New England weather can't be beat.

Fair and colder is the forecast tonight.
Tomorrow the skies will be clear and bright.

Better look out for aches and pains.
The weather man forecasts heavy rains.

Leaves are slippery when they are wet,
Motorists be careful... don't regret.

Better be careful tomorrow morning,
Thick fog on the coast is the weather man's warning.

Prisoners Hear Program On Delayed Pancake

Atlanta, Nov. 14.

Since beginning of prep football season, WAGA, NBC Blue outlet, has been transcribing 'America's Town Meeting' and putting it on after completion of games, which blocked network airings.

It seems this program was quite popular with residents of Federal Penitentiary here and they were forced to miss transcription airings because of big house 'lights out' rule. Boys in stripes put their problem up to station bigwigs, who now want platters to pen and prisoners hear 'Town Meeting' during their Friday recreation hour.

EXAMINER DALBERG TO POWER COMMISH

Washington, Nov. 14.

Melvin H. Dalberg, former principal examiner of the FCC until the examining division was abolished a year ago, joined the Federal Power Commission trial examiner staff last week.

Dalberg in something over four years heard more radio cases than any other FCC referee, total passing 300.

Herbert Harris, WSB, Atlanta, announcer, up and about after paring with his appendix.

Bean beetles baffled by 'BT broadcast'

Carolina farmers got the scare of their lives recently, when they woke to find an enemy in the midst of their bean crops. It was a bug they'd never seen before. And it was gnawing away the fruits of an entire year's work. Who could name the insect? Who would know how to combat it? One answer to both questions popped into their minds: *WBT's early morning farm program, "Alarm Clock."*

In response to the urgent appeals which came pouring in, the staff of WBT's Farm Bureau spent nine hours of intensive research in WBT's farm library until at last they cornered the culprit—the Mexican bean beetle. The next morning WBT's "Alarm Clock" spread the alarm to every Carolina village and farm—and the year's bean crop was saved!

WBT's farm service renders incalculable aid to farmers (in some instances thousands of miles from the studios). This service is freely and gladly contributed for the further development of the Carolinas' largest single industry. Would you like to reach the "Alarm Clock" army of loyal listeners? Just write WBT or the nearest Radio Sales office.

CHARLOTTE, N.C. • 50,000 WATTS

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N. C., Los Angeles, San Francisco



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CHICAGO, RANDOLPH BOOK SHOP
HOLLYWOOD, SATYR'S
LOS ANGELES, SCHIRMER'S
and
ALL VARIETY OFFICES

LONDON CALLING

London, Nov. 1.
Lawrence Gilliam producing series of six broadcasts, opening night is the Nais. Starter Nov. 4, a radio reconstruction of the Reichstag fire trial.

Bruce Stevier, radio writer, has gone to the Royal Air Force as pilot officer on the balloon barrage.

BBC check-up indicates very few British listeners now staying up at night to tune in the U. S. shortwave program due to the excitement of national life to the war.

'Saturday at 9:30' comes back Oct. 28 after being out when BBC schedules were re-amped. BBC's theatre orchestra is employed.

BBC annoyed at some of the daily newspapers criticism of its programs. War arrangements impossible to forecast in terms of their work. Tolerance is urged but critics will be critics, and dull is dull.

Evelyn Laye ducked the Star Gazing program Oct. 20, owing to theatrical engagements, but will return to the programs in a few weeks. Meantime replaced by Binnie Hale.

Sidney Lipton, from Grosvenor House, Arthur Salisbury from the Savoy, and Harry Roy from the Cafe Auclair, are three dance bands to get first wartime hook-ups over BBC web.

IN AUSTRALIA

George Robey and Nick Lucas are current vaude attractions spotted by Australian Broadcasting Commission on once-weekly span.

Comedy Harmonists, foreign musical unit, express desire to remain in Australia and become naturalized. Currently concerting for the Broadcasting Commission.

Commercial stations not hit by any advertising drop owing to the war. Do not anticipate any.

Lux Radio Theatre did 'Little Women' with Iris Moore, U. S. player, in main role. Harry Dearth produced.

Miami Starts

Continued from page 1

repeat last year's stay. Another band will also be added.

Continental will be last of the major spots to light up. It's set to throw the switch about Dec. 27, with Sammy Walsh slated to handle m.c. duties and Alex Botkin's orch holding the stand.

Cuba, Too

Ben Marden, whose Riviera, Englewood, N. J., is strictly a summer spot, has taken over the operation of the Gran Casino Nacional and the Oriental race track, Havana. Talent at the Casino, which is known as the 'Monte Carlo of the Americas,' will be a mixture of American and Cuban performers. Clio debuts for the winter season Dec. 23, the race track, which adjoints, bowing in the same day.

Cuba anticipates unusual bullishness this winter because of the war.

Rio Also Expectant

Rio de Janeiro, Nov. 14.
As do the North American winter resorts, now that European tourism is hazardous, this capital expects a boom from U. S. vacationists this season. Even though it may kayo French deluxe liners such as the Normandie, there will be other neutral boats coming here. It is hoped, and already a flock of American talent is being lined up.

Business currently is slow both at the Urca Casino, where Maria Durban, French, and the Nicholas Bros. hold forth, and at the Casino Atlantico, where Jean Sablon, French, and The Rimas band, Spanish, are the attractions. The latter sail back to New York the end of this month with a new Brazilian repertoire.

Two new casinos are being built in Sao Paulo, the commercial center near here, which will feature U. S. talent exclusively.

CKAC's RCA Transmitter

Montreal, Nov. 14.
New \$500-watt transmitter purchased by CKAC from RCA. Transmitter now in use was bought from Northern Electric.

Those Sound Effects

Boston, Nov. 14.

Reality overlapping fiction continues a specialty of Orson Welles. The night he gave 'The Hurricane,' on Campbell Playhouse, the eastern coast was lashed by sheets of driving rain, howling winds and heavy seas. WEZI, through which the playlet was heard in New England, was swamped with telephone calls from listeners wondering whether last fall's hurricane was being repeated.

New CFCF Accounts

Montreal, Nov. 14.

St. Lawrence Birch (McConnell, Eastman Agency) begins new series of Sportscast over CFCF this week. Other new commercials on CFCF are Canadian Shredded Wheat, Christopher Hewson Laboratories, Rolls Razor, and Fruitatives.

Anacin (Blackett-Sample & Hummert) extended 'Easy Aces.'

Orson Welles Runs His Rehearsals Like Schoolroom; Scores the Pupils

Hollywood, Nov. 14.

Innovations being nothing new to Orson Welles, the bearded youth, he has turned his rehearsal hall into a schoolroom at the old KNX plant where he presides as headmaster. Tacked on a side wall is a blackboard on which are posted grades of his troupe. New qualifications are posted each week and Welles chafes up the merits and demerits as the dramatic drills for the Sunday broadcast progress.

On last week's board were the following activities over which Welles watched with the vigilant eye of a schoolmaster: Inattention, Missed Cues, Messy Scripts, Resistance in Anticipating Ad Lib Cues, Acceptance of Engagements Merely for Pecuniary Advancement, Being Brighter Than Teacher, Continual and Uncalled for References to One's Self, Playing With Matches During Script

Conference and Snoring During Same.

Associates say that Welles penalizes himself as often as the others and last week teacher led pupils in demerits. Just what the ultimate penalty is for those who chalk up the most adverse marks has never been stated but it is understood that various methods of chastisement are invoked by the headman, none physical.

Not to overlook the top kick of the Campbell soup account, Welles takes second billing on the chart to Ward Wheelock, who rates as chancellor. Reason for the score board, as expounded by Welles, is that it helps to keep the morale of the cast at high pitch during the all day rehearsal.

What may sound like a gag is taken seriously by Welles, according to intimates.

159,299 coincidental telephone calls* in 20 major midwestern markets**, the largest survey ever made for one independent radio station, showed the impressive scope of the WLW listening audience.

Next week we will publish the results of a survey in 5 additional key cities, in which 12,092 calls were made between October 22 and October 28, 1939, in

✓ **TERRE HAUTE, INDIANA**

✓ **RICHMOND, INDIANA**

✓ **MANSFIELD, OHIO**

✓ **LANCASTER, OHIO**

✓ **BLOOMINGTON, INDIANA**

20 plus 5 reasons why more advertisers are buying more time and spending more money currently on WLW than at any other time in our history.

* Ross Federal Research Corporation and Alberta Burke.

** Anderson, Charleston, W. Va., Cincinnati, Columbus, Dayton, Fort Wayne, Huntington, Indianapolis, Ironton, O. and Ashland, Ky., Kokomo, Lexington, Lima, Louisville, Marion, Ind., Marion, O., Muncie, Newark, Portsmouth, Springfield, O., and Zanesville.

WLW THE NATION'S
most "Merchandise-Able"
STATION

Latest Appeals Court Decisions

Favor FCC in Cases Involving 'Economic Injury'—Important Reasoning Laid Down

Washington, Nov. 14.

Two existing transmitters were rebuffed Monday (13) in litigation by which they sought to stifle the FCC when the District of Columbia Court of Appeals, still holding that potential economic injury offers grounds for seeking review of FCC decisions, agreed that no fatal errors were committed by the regulatory body in allowing WMBX, Boston, a power boost and in letting Derrand D. Roderick a permit for a new El Paso outlet.

While the question of what constitutes 'economic injury' still is fuzzy, the judges took the position that neither WLAC, Nashville, nor KTSM, El Paso, made a valid case in opposing the decisions from which they demurred. Further litigation is possible, while the U.S. Supreme Court still may render opinions which upset the intermediate court's interpretations and open the way for additional arguing in the El Paso and Nashville cases.

Effect of the D. C. tribunal's opinions this week was to substantiate the sensational power jump (from 100-25 watts to 5 kw) for WMBX and the decision giving Roderick a second outlet in El Paso.

Point of which both cases were settled in favor of applicants was failure of the opponents to make the most of their opportunities. In decisions by Chief Judge L. Lawrence Groner, the appeals body emphasized that there was insufficient evidence behind their contentions of economic injury and electrical interference in the case of WLAC and competition, alone, in the case of KTSM, to justify a reversal of the FCC.

Shortcomings of attorneys was spotlighted in the long WLAC-WMBX decision, which rounded out the bitter argument in which the court already has rendered one opinion, disapproving John Shepard, Jr., and WAAB. Laying out a chart for barristers, the judges stated it is necessary to register objections at the outset. Second-guessing will not impress the court. Since WLAC did not stress in the early rounds the possible harm that may result from the Boston station's jump if it is permitted to go to 50 kw, this objection cannot be raised at the last minute, the opinion said. As for WLAC's after-thought, the court vir-

tually nullified hopes of the Nashville plant for a class I-B rating under the new classification.

In tossing out the appeal from the WMBX power boost decision, the intermediate tribunal noted that WLAC failed to ask to have the issues enlarged to cover the possible effect even if it went to maximum power and did not seek a joint hearing where comparative situations could have been discussed.

Encourages FCC

The opinions in each instance were an encouraging victory for the regulators, who have been slapped down repeatedly in recent months in the courts. In contrast to what has happened before, the judges agreed with FCC counsel that there were ample findings of fact, plus a sufficiency of evidence to justify the conclusions.

The opinion in the El Paso case, which has been in and out of the courts and the Commission for five years, did not confirm the legal doctrine of FCC General Counsel William J. Dempsey that there is such a thing in radio as 'damnum absque injuria' (no legal loss, even though the action worked to somebody's detriment). While the court refused to upset the WMBX power grant, its denial of the request for review was chiefly because KTSM failed to present convincing evidence that the public would suffer if it goes business through added competition.

Justice Groner, remarking that the Commission found the prospective rivalry would not cut KTSM's revenues to the point where service would deteriorate, said the court is compelled to dismiss the appeal in the absence of evidence to the contrary. Record shows the Commission's conclusion was logical and substantiated, he explained.

Another point of considerable importance to every applicant, in many recent judgments, is the court's bar to legal action by barristers, was the court's observations regarding the right to oral argument. The court held that the FCC did not hear argument when no oral argument was requested. Justice Groner declared. Argument is not automatic, and it is necessary for the contestant, by objecting to proposed findings of fact, to 'give the

administrative body an opportunity to grant 'oral argument' before the final decision is promulgated, he said. Even though argument might have induced the regulators to reach a contrary conclusion, disappointed litigants cannot seek to upset a Commission decision by protesting their rights were infringed when they were asleep on the job and did not even try to assert their rights.

In the WMBX controversy, the judges agreed there was ample proof that an increase in power in the Boston plant would not damage the Nashville outlet under the new classification. Whether WMBX with 5 kw might cut down the service area of WLAC with 100 watts was regarded as immaterial. WLAC did not fight the Boston application on the strength of that fact, the decision said. Consequently, the dispute had to be resolved on the basis of the status quo, since it was not until after the hearing began that WLAC and its attorneys enlarged the issues, by indirection, to include its pending 50 kw application. If he had taken that position at the time of what might happen if both stations had additional wattage, it was remarked, but the Nashville outlet, with complete knowledge of the situation did not seek a joint hearing.

Cuban Radio

—Continued from page 31—

CMRG; CMGX and CMCR to share ten channels.

Among the 15 stations with clear channels are some now operating at 200 watts that must, within six months install equipment for 5 kw or else share the 200-watt licenses for new stations will be issued.

One exception, station CMK, 200 watts that is the key station to the Radio Havana-Cuba network, is the only one on the island linked by telephone wires and has stations in Pinar del Rio, Havana, Matanzas, San Juan, Camaguey, Ciego de Avila, Santiago de Cuba and Holguin.

Previous Attorney General, Govea ordered the reduction of power of all stations in the city proper to 200 watts, except one, which has licenses for 5 kw. Result of this measure was a scrambling to obtain licenses for 5 kw. The city proper to continue at 5 kw power. Some of the stations because of their political position could not meet the order and were clamped down until the Commission inspectors certified that the power had been reduced.

Spillers' Examination
On Nov. 8 all radio announcers must be examined at the grammar, voice quality, diction, etc., and more than 1,000 applications have been filed with the examining board comprised by University professors and outstanding writers. The applicants must be Cuban citizens, more than 16 years old and have no criminal record. The large number of applications is explained because of the number of professionals, medics, lawyers, veterinarians, engineers, etc., that received the same and because all the 'old time readers' of the tobacco factories filed applications also.

Another of the measures of Govea was the closing of the so called point-to-point shortwave stations, eight of them and now only the commercial shortwave are on the air, COCD, COCO, COCH, COCB, COCM, COCX and COCQ and the commercial license issued to CMGY that will have its transmitter on the air within six months.

One of the decrees of Govea tends to stop the piracy of new stations can not broadcast news or rumors about the European war. The decree states that licenses for stations can not broadcast news or rumors which they can not justify. Govea has called a meeting of the representatives and correspondent of all news agencies for next week to enforce that law.

Meanwhile Govea has assigned an inspector to investigate the musicians situation in the Havana radio stations and the final report was out of the 36 stations. It gave no orchestra at all; and only four employed the horns or actors in at least 80% of their programs. This report also states that stations CMRG and CMCR employ non-union musicians that get paid from 10 to 40 cents per program. Govea intends to put in force a decree requiring that at least 75% of the broadcasting be made with live musicians.

For the first time in radio history in Cuba, the radio broadcasters are up in the air, having thus far lost all the battles against Cuba's new radio strong man.

Station Ideas

Hotel Guests Invited In

Cincinnati.
Guests of the Hotel Glendon, in which WVCY has its offices and studios, are invited to visit the station for reception of any of its CBS programs. Bids are extended via red cards placed under glass desk tops in the hotel's 4,000 rooms.

They list times of newscasts and are a polite substitute for the Gibson's 'radio receivers for rent' notices.

Model House Tie-In

Seattle.
Last April when the Blackstone Lumber Co. began sponsoring KJR's 'A Woman Wonders' program, Ann Sterling, arrangements were started to build a home to be called 'The Ann Sterling home' and according to suggestions made by the program's listeners. Now the house is open and crowds browse through the first-floor house so numerous sponsor requested those living in Seattle to drop in to see the home and the hinterland people a chance to look-see.

Local Celebs Quizzed on Stage

Syracuse.
A quick twist on newscasts is used by Ench Squires for WFBL. His 'Newsmakers' is presented under local sponsorship from stage of Looney State theatre at 12:45 p. m. Mondays. Each week Squires selects local persons who have made the home town headlines during the week and interviews them on stage. Guests receive a gift from the sponsor.

'Town Meeting' on Delayed Dime

Atlanta.
Finding 'America's Town Meeting of the Air' NBC Blue, blocked by prep grid games sponsored by Adams-Catt (realty and insurance) Co., WAGA has been transcribing hour show in its entirety and presenting it after final whistle blows on final play of pigskin contest.

Program Director Edgar Putney thus head off a lot of squawks from 'Town Meeting' fans.

Limerick Ball-All

St. Louis.
T. M. Sayman Products Co., 60-year-old firm here that grosses more than \$750,000 annually, has taken to the air regularly for the first time in its history, and C. P. Michels, v.p. of the Gardner Advertising Co. has arranged a new type of program over WEAH that will run indefinitely. Firm's only previous radio advertising was a six-minute trial several years ago with an out-of-town station.

Five times daily, seven days a week, a schedule of one-minute commercials deals with prize winning contests, a lot of the material comes from soap wrappers. The Sayman Co. does out \$1 for each limerick used. Names of winners are announced and Michels expects word-of-mouth plugging by winners will boost sales.

The limerick readings begin at 7:45 a.m. and continue through 4:15 p.m. and are designed to capture the attention of the office crowd. The 'bundled' with Al S. Foster and Arthur Jones, WEAH execs, and developed this unique idea and all recordings in a six-hour session.

WWSW's Backstage Remake

Pittsburgh.
Indie station WWSW takes a Mike Wallace 'backstage' show. Monday night following opening of a new show for half-hour program 'The Wallace Show' at 10:30 p.m. a Wall Framer does of each attraction. Following something of the play 'an' doing short, spot interviews with the name players.

So far since season opened, Gertrude Lawrence, Helen Hayes, Philip Morris, Whitford, Kate Maurer, Evaline Barrow and Edward Everett Horton have appeared with Frank Howard. WWSW a local news line-up second to none of big stations here. When it's a new show breakers and the spelling of the playrights are also called to the mike.

Framer, of course, makes no attempt to review the shows since he couldn't knock any in view of the stars' gratis appearances on the air.

Women's Clubs' Series

Boston.
Massachusetts State Federation of Women's Clubs opens a series of weekly programs from WEEB Nov. 7, under the title 'Citizens, Know Your State'.
Governor Leverett Saltonstall gives first talk.

KMOX's Education Board

St. Louis.
Supervised by the newly-formed KMOX Education Board, a weekly series of 30 min. broadcasts was inaugurated Sunday (29) over this local CBS outlet. The series' has been tagged in the 'Dear Study' and the subject for the first broadcast was 'This Confused Age'.
Those participating in the informal powwow were Miss Jessie Chamberlain of the St. Louis Art Museum; Miss Margaret M. Johnson, KMOX Education Board, New York; E. Lansing Ray, Jr.; an exec. of the St. Louis Globe-Democrat, an a.m. exec. and Dean Frank M. Debutis of Washington University.

WNOE High School Jive

New Orleans.
WNOE has inaugurated a 10-minute period of 'Jitterbug and Jive' music selected especially for the high school crowd. The program is supervised by a committee of students made the request to station officials.
Students themselves will be given hand in selecting tunes, and all will be strictly 'Jitterbug' stuff.

VOICELIQUE
CHROSE
DE BONT

By tradition the people all through France have a special affection for French lessons. The sort who can take their French lessons—or leave them.

Yet, within one week after the first announcement we received requests for 10,000 LESSON SHEETS—offered in conjunction with a new series of French Pronunciation Lessons by WTC.

Such a handsome response to an EDUCATIONAL FEATURE shows that our 50,000 WATTS reaches a big audience of consistent listeners. The experience of thousands of advertisers shows that it pays to reach this audience of ours—because it's FRIENDLY as well as big.

IN NORTHERN NEW ENGLAND WTC RATES

FRENCH

- IN LISTENING POPULARITY BY 3 TO 1 IN THE NORTHEAST AREA
- IN NUMBER OF NETWORK ADVERTISEMENTS
- IN NUMBER OF NATIONAL SPOT ADVERTISEMENTS

WTC
10,000 WATTS—NORTHERN NEW ENGLAND

5000 watts Best

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!

WEER and COMPANY
NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO
Radio Station Representatives



...and gravy, too, for *Red Network* users!

Our clients' booth is full of "Contented Customers"—and they, as well as we, have something to be thankful for this Thanksgiving. Because their program ratings on NBC Red mean a *greater* nation-wide audience.

"Contented" indeed, are the clients of the NBC Red! Because their own sales figures demonstrate the truth of the amazing story revealed by a complete and unbiased circulation survey.

This survey did more than penetrate cities where large stations are situated... It also microscoped every city of 25,000 and more—PLUS one out of every five rural counties in the country!

"The Other Half" is Good News for You

The real news of so complete a study is the discovery of what happens in "The Other Half" of the national radio audience—the 51% of the country's radio owners never before surveyed—the families who have to "reach" for network programs! It is news that throws new light on the business of buying radio time. News—based on facts—that no forward-looking advertiser can afford to overlook.

Advertising men who have seen the results of this survey will tell you it's the first down-to-earth presentation of *why* and *how* radio works the way it does. It proves why a C. A. B. rating on the Red means a greater nation-wide audience for a program than the same rating on another network!

It's a fascinating story that shows how millivolt and listening habits are converted into profitable sales via the Red Network. You'll see why 79 national advertisers last year invested more than \$31,000,000 on this network—more money than was spent in any other single advertising medium in the world.

You'll understand why, with the majority of leading programs ever since network broadcasting began, the Red Network delivers a circulation bonus to all its advertisers. No wonder our clients' booth is always full of "Contented Customers"!

MONEY TALKS TURKEY!

1. In 1938, as in every year since network advertising began, more advertisers used the Red than any other network.

2. Of the 50 leading network advertisers, more of them have used—and more of them have invested more money in—the Red Network than any other.

3. If you count the 50 leading advertisers in magazines, newspapers and radio combined... or the 100 leaders... or the 150 leaders—you will find that all three groups invested the major portion of their 1938 radio appropriations in the NBC Red Network.

4. And, in the first ten months of 1939, advertisers invested \$900,000 more in Red Network advertising than in any other medium.

NBC Red NETWORK

the network *most* people listen to *most*

NATIONAL BROADCASTING COMPANY • A RADIO CORPORATION OF AMERICA SERVICE

FCC Opens Hearings in Boston; Spearman Protests WAAB Doesn't Know 'What Crime' Is Charged

Boston, Nov. 14. Hearings opened at the Federal bldg. here last week, with FCC examiner George Porter presiding, in the claim of the Mayflower Broadcasting Corp. for the facilities of John Shepard's WAAB on the general plea that the latter has not operated in the public interest. This case is the outgrowth of considerable murky New England politics and the efforts of a former Shepard

employee, Lawrence Flynn. Other officers are George R. Dunham, of Boston; president, J. McConn, of Lowell, treasurer.

Thus far the hearing has centered around Shepard's political connections, and John Bickford, and his radio attacks against certain prominent politicians and praise of others during campaigns. Particularly, it has been claimed that his leanings were toward the present mayor of Boston, Maurice J. Tobin, and that he actually campaigned for him via the air when supposedly concerning himself with political analysis alone.

Prominent people called to the witness stand in the first two days of the hearing were former Gov. James M. Curley; former mayor Malcolm E. Nichols; district attorney William J. Foley; Francis B. Macdonald, former campaign manager for Curley; former congressman Richard M. Russell; and ex-Gov. Charles F. Hurley.

At the opening session, Hurley testified that threats of reprisal by radio stations WAAB and WNAZ were made by Bickford to Hurley. He said that attacks made against him were of a "personal and not a political nature." According to Hurley, Bickford had told him that the Yankee and Colonial newspapers would lose money if he (Hurley) signed a bill regulating and limiting dentists' and dental advertising. When Hurley said he intended signing the bill, Bickford replied that he had "political influence" and that his radio stations were a "forceful political weapon" and if Hurley signed the bill he would "hear from me," according to the ex-governor's testimony. Subsequently Hurley was attacked by Bickford in radio speeches, it was revealed at the hearing.

A photographic record of one of Bickford's radio talks was introduced. A vituperative and scathing attack on the three candidates for governor, now mayor, it ended with a plea for the election of Tobin.

Ex-Congressman Russell testified that Bickford had made a radio speech for him when he was a candidate for governor, but that, Russell, had not written the speech. He said he could not recall trying to interest Washington authorities in granting a regular license to WAAB, then operating under a temporary license.

Immediately after the opening hearing, Paul D. P. Spearman, counsel for station WAAB, filed objections on the ground that no notice of the hearing had been given to the station officials until Tuesday of last week. He charged that failure of the committee to give the station due notice was "arbitrary, capricious and inexecutable."

Tribe examiner Porter overruled Spearman's objections and also the Portney's request for dismissal of any charges against his client station. "We do not know," said Spearman, "whether we are charged with murder, arson or treason. We are told to come down and listen to the evidence and perhaps then find out what we are being tried for."

It was intimated that Mayor Maurice J. Tobin, of Boston, would be called by Spearman as witness for WAAB.

NBC-RCA Television

Wednesday, Nov. 15
2:30—Fleuret in photography.
2:45—Film, "Dr. Irving Langmuir on Surface Chemistry."
3:15-3:30—Frances Hidden, style-show burlesque.

3:30-3:45—Godard Neighborhood Center Television Ball Committee meeting and Tex O'Rourke's Round Up, interviews.

Thursday, Nov. 16
2:30-3:30—Film, "Rose of Tralee," with Danny Malone, Katharine O'Regan, Binkie Stuart and Fred Connelman.

3:00-3:30—Wrestling at the Garden Grove Civic Athletic Club. Sam Taub, announcer.

Friday, Nov. 17
2:30-3:30—Film, "Ranch Grande," with Tito Garay.

3:00-3:30—"A Criminal at Large," by Edgar Wallace, with Nance O'Neil, Dennis Hoey, Carl Harbord, Frances Reid.

3:30-3:45—"Wings Over the Nation,"
9:00-11:00—Boxing at the Garden Grove Athletic Club. Sam Taub, announcer.

STATION IN RADIO SETS TIE-UP

WMCA, New York, has worked out a tieup with the League of Metropolitan Appliance Dealers whereby the station assigns commercial operation of about 500 radio stores in several exploitation angles, in exchange for a half hour of broadcast time per week. Dealers have the 7-7:30 p.m. slot Saturday evenings labeled "Old Refrains," using stars and pops, semi-classical, etc., tunes from NBC's recorded library. Program plugs member stores.

In exchange the store operators have pledged to exploit WMCA via radio advertising, etc., and to obtain that WMCA tags are placed on all pushbutton tuning sets sold. It is estimated that 80% of receiving sets turned out currently are equipped with pushbutton type of dialing as well as manual, and in most cases setting of the buttons are done by salesmen.

NINE GET BOOSTS

KCMO, Kansas City, Okayed for 5 kw. Daytime

Washington, Nov. 14. Power boosts for nine transmitters were authorized last week by the Federal Communications commission, with 5 kw top limit.

Daytime increase of from 1 to 5 kw was granted KCMO, Kansas City, Mo., while WGUL, State University of Iowa, Iowa City, received jump from 500 watts night, 1 kw days, to 1 kw nights, 5 kw days.

Following stations received night power jumps from 100 to 250 watts: WBNB, New Bedford, Mass.; WNCN, Raleigh, N. C.; WCOL, Loveland, Colo.; WMGA, Moultrie, Ga.; KGLU, Safford, Ariz.; KHUB, Watsonville, Calif., and WFID, Petersburg, Va.

7 Lawyers Register

Washington, Nov. 14. Seven newcomers to the army of barristers practicing before the Federal Communications Commission were approved by the Commish last week, following their okay by the Bar Committee. Attorneys hanging up radio shingles are:

Frederick J. Wilkens and Robert W. Lishman, New York City; Donald Washington, Marion A. Hornbeck, Los Angeles; John R. Green, St. Louis, and Clarence Bliz, Atlantic City.

WDR's Educational Dir.

New Haven, Nov. 14. Ralph A. J. della Scala, formerly at WBRY and WTIC, moves to WDR, Hartford, as educational program director, only such post in Connecticut radio payrolls at present.

Selva has attracted quite a following with his "Hall of Fame," interview with Connecticut name personalities, and Yale round-table sessions.

Sustainers Cancelled and Letters To the Editor Flood Louisville

Louisville, Nov. 14.

Quite a rash of "letters to the editor" has broken out in the last three weeks, anent certain sustaining programs on WHAS and WAVE. Sunday, Jan. 15, 1939, was the last of such a series. It was pointed out that the station had been a sustainer on WHAS for about five years, was missing recently from the Sunday morning lineup. Aring, assisted by Jefferson County Jail, and preaching was delivered by Major Urey, of the Volunteers of America, assisted by a wife, who also had a night time 15-minute sustainer, "Your Favorite Hymn." After several letters had appeared in the newspapers, exhorting the station for dropping the jail stanza, Credo Harris, director of the station, replied, stating that the Major had himself cancelled the stanza, because his time had been cut from 30 to 15 minutes. Harris explained that the Major's time was originally set at 15 minutes, and that when the extension was made it was in no sense a permanent thing. Result was that the religious group cancelled out on both spots, and transferred to WGRC, Sundays, at 9:30 a.m.

Letters also appeared in the Courier-Journal & Times, objecting to the Toscanini airings on NBC Saturday night. Owing to commercial commitments it was pointed out for the station to carry the maestro. Several citizens busied themselves writing letters to the papers, the station, and to NBC direct. One

music dealer in town claimed he had spent \$100 in telegrams and long distance calls, in an effort to persuade the networks to show him the program through to Louisville. As a gesture to listeners, Steve Custer, in a letter to the papers, offered time on WGRC to carry the Toscanini concert complete (if NBC will make the necessary arrangements for the wire connection Cincinnati). Custer stated that in his opinion local listeners would prefer to hear the program over a local outlet, rather than to have to tune in on some distant station that has a weak signal or subject to fading or interference. Toscanini program still does not come through Louisville.

Turned Down Regional Request, Might Have Sanctioned a Local

Washington, Nov. 14. Champagne tastes of a Brown City, Mich., broadcast company in the matter of a new station, turned down to a Commish turn-down. Thumb Broadcasting Co., applicant, might have been successful if it had requested a local frequency instead of asking for a regional channel, F.C.C. indicated. Plea for a 1 kw transmitter, with power of 1 kw, and use of the 880 kc. frequency, was shot-down because it fell in line with Commish ideas on allocation.

Eleven stations already serve potential listeners of the proposed transmitter, it was pointed out, and testimony by applicants failed to make out a case for departure from the allocation plan. The "normal assignment" for a station in the Brown City area would have been local frequency, Commish decreed—adding that it is not clear what a full exploitation of this possibility would have developed.

Disappointed candidates had an appointed capital of \$25,000 and planned to spend \$18,000 for construction of the proposed transmitter. Monthly operating expenses were estimated at \$4,654, with a gross income of \$7,083 a month anticipated.

Radio Clients Food-Drink Service in WCKY Layout

Cincinnati, Nov. 14. L. B. Wilson's latest work for prospective clients is an audiotone room which affords food and drink service. If desired, from Hotel Gibson. WCKY's business and broadcasting departments were officially relocated in the heart of the week-end, with complete transfer from the station's original home in Covington, Ky., across the Ohio River from Cincinnati.

Some thing modern in station sets up is the connecting hallway, in which every WCKY studio and separate room has.

WXYZ's Ceremonial Event

Detroit, Nov. 14. Extensive ballyhoo campaign preceded WXYZ's dedication of its new 5,000-watt transmitter Nov. 23. Station recently got paid for over 5,000 watts daytime and it is now seeking a promotion from 1,000 watts to 5,000 watts night. Ballyhoo will include film trailers in 26 theatres, bus and streetcar placards, and Yale round-table sessions. In the Detroit newspapers.

CFCEP MONTREAL

First IN CANADA'S RICHEST MARKET

A regular programme on CFCEP will boost your sales and give your product wide publicity. Consult us for rates and available time. You'll be greatly surprised to find how inexpensive it is to advertise through CFCEP—the Voice of Canada's Metropolis!

CFCEP and Short Wave CFCEP Owned and Operated by CANADIAN MARCONI COMPANY Transmitters U.S.A. All Canada Radio Facilities Work a Company NRC Affiliate

CFCEP dominates a BI-LINGUAL AUDIENCE of over 1,000,000

KAY THOMPSON and her Rhythm Singers for ETHYL with ANDRE KOSTELANETZ and TONY MARTIN CHS Every Monday, 8-30 P.M. KST Management WILLIAM MORRIS AGENCY

WABC
TOPS IN CENTRAL OHIO

5000 WATTS DAY
1000 NIGHT

JOHN BLAIR & CO. Representative

SO!D!
"SHOW OF THE WEEK"
To Fred Davis representative
Author Mattie Caporale
Exclusively on

KFFL
DENVER

THE
SMOOTHIES
BABS-CHARLIE-LITTLE

Thanks to HARRY WATSON and HARRY GOURVAIN for three successful weeks at the Strand, New York

Opening EARLE
Philadelphia, Nov. 10

WBAL
means business in Baltimore

'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

IN COAST TO COAST

DIS. COMPTON ADVERTISING AGENCY
MGT. ED WOLF-RKO BLDG. NEW YORK CITY

F.C.C.'s Television Outline

Continued from page 28

has grown out of the cradle. It is the report said, in a "crucial stage, with excessive enthusiasm likely to result in a terrible, maybe fatal, setback."

The report is a let-down for such factions as RCA, which had hoped the Commission would remove practically all restrictions on use of the seven channels which have been the subject of most experimentation. Still, there is an opportunity to make expense, if the Commission agrees with the committee's recommendations.

necessitates experimentation in the field of program-building, it admitted. Public reaction must be tested, latent problems must be solved by experience, and standards of service must be developed.

Consequently, the committee has suggested creation of two classifications of transmitters. The first would be for use solely concerned about the technique, new theories of operation. Second group—required to keep abreast of the progress in the industry and allowed to pass the cost-

ing out sets that the man in the street wants to own.

With these considerations in mind, the group went to great details in reviving present rules and drawing up a formula under which stations can be spotted over the country with the maximum benefit to the public. (Digest of the rules appears in adjoining column). With a maximum of three outlets in the biggest cities, the scheme theoretically and arbitrarily spots 120 plants on the seven frequencies already tested out, scattering them among 91 of the 96 "metropolitan areas" (Census Bureau definition) with population of 100,000 or more. The other five cities will be taken care of on an as, if, and when basis, depending on who takes advantage of the paper opportunities in various places.

If the scheme is put into operation, some shifts will be necessary in order to avoid collisions. With a mass of applications already pending, the report outlines a method by which most can be granted—if some of the applicants are willing to take a ribbon different from that which they requested. For example, Philadelphia would be compelled to shift in Philadelphia, while CBS would receive what it is seeking.

The committee admits that time-sharing may help solve the engineering problem, although it frowns on such a stop-gap. Instead of resorting to this device, some of the candidates could move into the upper regions, the group intimated, trying out the 12 ribbons in Group B (above "56,000-162,000 kc.") Where program seekers exceed the number of berths, they should try to reach a compromise by which they would split time, until more is known about the electrical characteristics of video impulses, but "every encouragement should be given" to individuals willing to test the higher bands. Possibilities of the group B frequencies should be considered, it was suggested, before time-sharing is resorted to.

Sponsorship

Throwing down RCA's recommendation should be allowed, the committee said that the "claimed advantages of removing the restrictions against commercialization of television do not outweigh the potential disadvantages." Doubt was expressed that any sponsors would be willing to invest much money in video advertising. Report said that "since only a few experimental stations in operation today are rendering broadcast service to not more than 1,000 receivers, there is no convincing argument that the removal at this time of the ban on commercialization will affect the development of television in any positive manner and too much or too early sponsorship may be boomerang."

Fear was voiced that too much freedom might lead to mismanagement and misadventure. Removal of the restriction

National Spot Accounts Slow To Develop Christmas Plans

Sell L. A. Vision Sets

Los Angeles, Nov. 14.

Television sets were placed on sale in downtown department stores, ranging in price from \$195 to \$650. Kitz-Dong Lee is hopping up his live shows, with nine hours weekly now going out, additional to films.

GILMOUR HEADS G.E.'S TELEVISION STATION

Schenectady, N. Y., Nov. 14.

John G. Gilmour, a pioneer in the field of industrial motion pictures and since 1931 director of General Electric's N. Y. department, has been appointed program manager of the company's new television broadcasting station, W-2AB, scheduled to go into operation in the Helterberg Mountains, back of Albany, late this year.

Charles R. Brown, of the GE market research section, has been named Gilmour's successor in the N. Y. department. W. T. Cook will be in charge of scripts for both film and television programs.

Succeeds George T. Dyer, of WGSS, Chicago.

is likely to cause operators to be more interested in soliciting accounts than in rendering good service and advancing the art, the group remarked. Furthermore, there is the danger of a scramble for television channels by untold applicants who have no real public service conception as well as "financial exploitation of the public" by station salesmen.

In recommending a more liberal policy, the committee said that sponsorship of programs sent out from stations engaged in program (as distinguished from technical) research should not be forbidden entirely. Operators of Class II stations would be able to spread the financial burden on the understanding that "such sponsorship and the program facilities or funds contributed by sponsors are primarily for the purpose of experimental program development."

Spot broadcasting has so far heard little about special pre-Christmas campaigns from national advertisers. In previous years this sort of appropriation amounted to appreciable billings. Ad agencies are divided on this season's wherefore. Some figure that accounts interested are slow this time in making their decisions, while other agencies say that most of those identified in the past with such campaigns are now regrettably on the air.

One of the big pre-Christmas sponsors last year was the Remington Rand electric shaver. It bought all kinds of local programs all over the country for an eight-week campaign.

FEBRUARY NEW DATE FOR CBS TELEVISION

Just when CBS will regularly go out on the air, with television in Indianapolis and instead of its usual date for February, at the present time experimental broadcasts are principally audio. During certain periods the wave length or channel tested with a geometric pattern, the same as used by NBC in its testings. So far that is the only pictorial telecasting by CBS.

For television CBS has quarters high up in the Chrysler building. NBC sending its telecasts from the top of the Empire building. Experimental stations are similarly installed. W2XBS for NBC and W2XAB for CBS.

Yale Dramas on Air

New Haven, Nov. 14. WICC, New Haven, substitution, ties up with Yale University for another season of "Listeners' Theatre." These are original dramas written and played by Yale students. Profs. Walter Pritchard Eaton and Allyn Vane, and Constance Welch are in charge for college. Judson La Haye acts for WICC. Local net will carry weekly plays.

Television Policy in Nutshell

Washington, Nov. 14.

Dope for prospective licensees of television stations was set forth last week by the Federal Communications Commission—both as follows:

(1) There shall be two types of television transmitters—commercial, Class I will be known as an "experimental research station" and Class II as an "experimental program station."

(2) For a Class I research station: Applicant must have a program of research and experimentation "in the technical phases of television broadcasting not requiring a service directly to the public and promising 'substantial' contribution to the art of television."

(3) Licensees of a Class II "program station" must promise that a program will be rendered to the public not less than five hours a week; program material must be available and applicant must install and operate adequate equipment to render a satisfactory service. Commercial engineering standards must be followed, with respect to fidelity of transmission, spurious emissions, carrier noise, safety provisions, etc., and the applicant must be otherwise qualified—financially and legally—to operate the station.

Although the rules declared that charges for television are "prohibited," Class II (program) stations will be permitted to broadcast sponsored programs, providing "sponsorship and the program facilities or funds" of sponsors are used primarily for experimental development of the service. Solicitation of clients by a transmitter will be barred, however.

Channel assignments for video Class I (research) and Class II (program stations), submitted to the FCC are in three groups, tagged A, B, and C. Stations carrying programs to the public (Class II) will be given only one channel from groups A and B, under recommended plan. One or more channels would be assigned to research stations (Class I), according to experimental needs.

Three groups are divided by kilocycles, as follows:

Group A	Group B	Group C
44,000-50,000 kc	155,000-162,000 kc	Any 6,000 kc band above 300,000 kc
50,000-56,000	162,000-168,000	
56,000-62,000	168,000-174,000	
62,000-68,000	174,000-180,000	
68,000-74,000	180,000-186,000	
74,000-80,000	186,000-192,000	
80,000-86,000	192,000-198,000	
86,000-92,000	198,000-204,000	
92,000-98,000	204,000-210,000	
98,000-104,000	210,000-216,000	
104,000-110,000	216,000-222,000	
110,000-116,000	222,000-228,000	
116,000-122,000	228,000-234,000	
	234,000-240,000	
	240,000-246,000	
	246,000-252,000	
	252,000-258,000	
	258,000-264,000	
	264,000-270,000	
	270,000-276,000	
	276,000-282,000	
	282,000-288,000	
	288,000-294,000	

Aural and visual carriers, with side bands for modulation, will be authorized but no emission shall result outside the authorized channel. Assignment of channels in Group A to Class II television broadcast stations does not preclude the use of those channels by Class I transmitters—although the Class II station has priority for the use of the station for scheduled program service.

Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations and developmental mobile service, but no mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

Promoters interested solely in selling stock or receivers will not be pleased, but the companies which have sunk money in perfecting methods of operation and reception at last can see the promised land.

Because television is "barely emerging from the first or technical research stage of development," the committee feels obliged to keep urging a cautious policy in paving way for more transmitters and growing toward commercialism and advertising businesses. There has been a good deal of development in the laboratory which

along to sponsors—would tackle the production and showmanship concerns.

Nothing Fiscal

From the engineering and economic standpoints the committee keeps its fingers crossed. Nowhere in the document is there an opinion rendered as to the economic feasibility in the same way that sound broadcasting has developed into a major branch of the entertainment and advertising businesses. There is still a lot to be done in giving the public good pictures and in turn-

KLZ turns a

into a

SPELLING BEE

570 KC DENVER

WSYR

Who cares about the official date of Thanksgiving Day? Every day is thanksgiving for sponsors who let WSYR increase the sales of their products.

SYRACUSE NEW YORK

THREE B's. A Sunday afternoon KLZ-originated, audience participation program has proved itself a honey of a program for listeners... has kept business buying its sponsor for the past 104 weeks.

And because "Every Monday, in fact every day of the week, a number of listeners walk into our store

and tell us about the entertainment and educational value of the THREE B's... That appreciation is directly reflected in substantial purchases... Denver's Kurtz Jewelry Company has renewed this program over KLZ for another 52 weeks.

Kurtz's experience with the THREE B's simply reflects KLZ's everyday ability to produce the sort of entertainment the Rocky Mountain area deserves... to assure the after-effect that makes renewal of sponsorship desirable and profitable, year after year.

KLZ DENVER

350 Gilchrist

MANAGED BY ROBERT W. KURTZ, JR.

REPRESENTING THE KURTZ JEWELRY COMPANY

THREE B's, a candy from spelling bee, pronunciation box and word machine, planned for a different 50¢ group each week, make KLZ's main studio area Sunday... The Kurtz Jewelry Company store with buyers all the following week.

Shortwave Canadian Line on BBC About the Only Air Expenditure Likely to Receive Support

Flashes From Boston

Watching Shortwave Operators

U.S.A. Gives Hams Particular Attention No Aid to Belligents Is Sanctioned

Montreal, Nov. 14. There is a movement reported under way to put the Canadian government into the line of supporting a powerful shortwave station. Argument behind project is that in the event the war breaks out, the English Broadcasting Co. transmitters in England out of commission the Canadian set-up could help the Empire propaganda division.

Such a shortwave transmitter, probably located in the maritime provinces, would cost about \$100,000 a year to operate.

Meanwhile, as a wartime economy measure, drastic radio expansion has been halted. Plans to build a huge radio centre for the Canadian Broadcasting Corp. at a cost of about \$700,000 in the east end of Montreal has been shelved. Plot of valuable land had been donated by the City of Montreal for the proposed radio centre. It was originally planned to move the CBC studios into new quarters in 1940, but construction of the new building was never started. Outbreak of hostilities has also brought about postponement of large scale construction in Toronto for the CBC.

It is now believed that any new government expenditure on radio would be primarily for short wave purposes.

WIP Asks F-M Okay

Philadelphia, Nov. 14. Benedict Gimble, Jr. president of WIP, last week applied to the Federal Communications Commission for a permit to install a new 1,000-watt 'Frequency-Modulation' experimental broadcast station, using 43,000 kilocycles. Frequency-Modulation (F-M) transmission is the much-discussed invention of Major Edwin H. Armstrong, professor of electrical engineering at Columbia University. The new type transmission is claimed to be staticless and to have a larger range of reception.

Charles Phelan, former sales manager of WIP, has been in charge of the station since its inception. Dick Hamilton as chief engineer of the station in Salem, WESA. John E. Kelly, program director of WMEW will give course of 16 lectures in radio training for the Mass. State University Extension. Third year. Assistant manager Vincent Callahan of WBBZ returned from Pittsburgh's KDKA dedication and went to bed with an attack of chronic appendicitis. Stan Lee, Bowes talent scout, here Jan. 20 to hold auditions for the Major. Acts selected will go to New York expense paid.

Mantle Lamp's 13th Year

Schenectady, N. Y., Nov. 14. Mantle Lamp (Aladdin) in sponsorship of the National Radio Convention, started a program which will take it into 13th year on Nov. 15. The station is believed to be a local record. Mantle Lamp has been buying full-winter time on WGY since 1926. Took five minute periods during 1928-29; since then, quarter hour blocks. Presna, Fellers & Presna is the agency.

Bernard Mack is program director and Baxter Barkley commercial manager of brand-new station WISB in Asheville, N. C.

Washington, Nov. 14. Mounting concern about the possible misuse of radio waves by participants in the European slugging is evident in official circles, prompting the U. S. government to take supervision, and red-tape for all operators. Drive to keep a closer watch on radio stations is being planned, with more money to be sought from Congress in January for the purpose.

Meanwhile, the Commish is snooping with limited facilities, paying out for the use of telephone communications and amateurs. Eavesdropping surveillance already is in existence, largely with co-operation of the commercial telephone, radio point-to-point and cable firms, although some have refused to allow the FCC to ogle the private messages transmitted through their facilities.

Talks at the White House in recent weeks emphasize the importance which the government attaches to the problem of making sure that no unneutral goings-on cause trouble with other countries. On two occasions the president has conferred with President Roosevelt, who said the purpose of the discussion was to perfect plans for keeping belligerents from using U. S. transmitters to carry on their war efforts. FCC Chairman Frank R. McNichols, now special Justice Department adviser, is also involved.

The President confirmed that the FCC is checking hams to see they do not interfere with military communications. Part of the extraordinary effort to keep the U. S. at peace with Europe is to prevent the use of radio by belligerents. The President confirmed that the FCC is checking hams to see they do not interfere with military communications. Part of the extraordinary effort to keep the U. S. at peace with Europe is to prevent the use of radio by belligerents.

ABOVE THE TIDES

WBZ Transmitter Looks Like a Seaside Residence

Boston, Nov. 14. Gov. Leverett Saltonstall officiated at the ground breaking ceremonies Thursday for WBZ's new \$50,000 watt transmitter at Hull, Mass. Under the watchful eye of the architect, Lawrence Schwab's latest show 'Nice Goin'', the Governor turned the first spadeful of earth with an old Indian hoe, while the ceremonies were broadcast over WBZ-WBZA. He was introduced by John J. Connelley. The town of Hull, where the transmitter will be located, is on a peninsula jutting out into Buzzards Bay and is 10 1/2 miles as the crow flies southeast of the studios with a direct water route to the city. Beach water and water-laden soil has a much higher conductivity than dry land, and the antenna towers will be placed on a swamp. The building will have a basement but the main operating floor will be raised high enough to allow for the highest receding flood tides.

The towers will be equipped with airplane warnings, including alternate bands of international orange and white for best day visibility, and flashing red hazard beacons spot the towers and other lights. The building will be roughly 112 by 80 feet, designed to look like a residence. The transmitter will occupy one side of the main floor, while opposite will be the international short wave transmitter, WBZS. And room will be reserved for a second short wave installation. The control room will be enclosed in a box in the center of the building with the transmitters grouped around it. Between there will be an aisle leading to the main entrance, which visitors can view the workings. Garage and other facilities will be provided.

This move of the WBZ transmitter, located at Mills, Mass., until early 1940, is being made so that the transmitter will probably be ready for operation, does not effect the present arrangement of the station under which the field broadcasts in synchronization with WBZ.

A. P. Out of WOR

Associated Press has withdrawn its bulletin feeding service from WOR. News collecting and transmitting must be used on the same station or for operation for sustaining purposes. WOR has a number of transmitters on both commercial and sustaining spots. CBS has never accepted AP's service of its service because of this stipulation.

F C C'S WASHINGTON DOCKET

MAJOR DECISIONS

Washington, Nov. 14. Illinois: New non-commercial educational station for the Moody Bible Institute Radio Station, to be operated on 43100 to with 100 watts was recommended. Findings issued Jan. 21. No aid to belligerents.

Michigan: Two new Michiana transmitters authorized but the final decision on the application, Saginaw Broadcasting Co., will come later. Saginaw, Mich. will be operated on 1130 to with 100 watts. Saginaw, Mich. will be operated on 1130 to with 100 watts. Saginaw, Mich. will be operated on 1130 to with 100 watts.

New York: Contractual question of whether the Greater New York Broadcasting Corp. (owned by Auto Radio, Inc. and Radio City, Inc.) is entitled to a license for a new station on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

South Carolina: Operation of a new station at Spartanburg, S. C., to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

MINOR DECISIONS

Alabama: WBZ-TV, Birmingham, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

California: KFAC, Los Angeles, present license extended for one year. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Colorado: WAPA, Denver, former station denying request for a new station to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Georgia: WAGA, Savannah, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Illinois: WFLD, Chicago, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Indiana: WISH, Indianapolis, present license extended for one year. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Michigan: WJLB, Lansing, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Minnesota: WCCO, St. Paul, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Montana: WOPX, Wolf Point, present license extended for one year. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Nebraska: WNEB, Omaha, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

SET FOR HEARING

California: KTLB, Los Angeles, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Florida: WFLA, Tampa, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Georgia: WAGA, Savannah, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

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Nebraska: WNEB, Omaha, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

New York: WJLB, Lansing, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

North Carolina: WNCN, Raleigh, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Ohio: WNCN, Raleigh, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Oklahoma: WOTD, Tulsa, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Oregon: WOTD, Tulsa, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

South Carolina: WOTD, Tulsa, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

South Dakota: WOTD, Tulsa, to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts. The station is to be operated on 1130 to with 100 watts.

Schechter On Free Speech

The United States has made accurate and complete news of the European war than any of the countries in the world. The United States has made accurate and complete news of the European war than any of the countries in the world. The United States has made accurate and complete news of the European war than any of the countries in the world.

LARRY ROLLER OFF WHK

Applied Sales Program Lissa For Automobile Club

Cleveland, Nov. 14. Larry Roller, educational director of win-stations WHK-WCLE, has resigned after 19 years of continuous service. He will join staff of Cleveland Automobile Club to handle both local and national radio advertising programs sponsored here by C. A. C.

Offer was an outgrowth of the traffic survey programs which he and Merle Allyn, secretary of local clubs, had been working on. Promoted a national radio script campaign which was okayed by 5000 radio stations. The program sponsored here by American Auto Association.

Despite his resignation, Roller will continue his WHK radio work for high school students, a Mutual network show tagged "Trail Blazers" and other programs sponsored here by C. A. C.

Jeff Bark Departs WRVA

Richmond, Va., Nov. 14. George Bark, WRVA radio announcer and writer of the 'Salute to Industry', leaves that station tomorrow for his new job as local, but no immediate future plans. Understood he has received offer from a new station in the Park Simons station to take his WHK position.

Benny Goodman's Brother a Pub

Bandmen in Biz Now Include Eight Well-Known Personalities

Harry Goodman, a brother of Benny Goodman, the band leader, has bought the Milton Abramson estate from the latter's estate. It has an availability rating of half a point in the American Composers, Authors & Publishers. Tommy Dorsey was interested in acquiring the Abrahamson estate. He bought the Milton Weitz catalog and organized the Sun Music Co. when James Jones got back into the publishing business Monday (13) with the purchase of the Gem Music catalog from Barney Younting. Jones sold down catalog to Max Mayer a couple of year ago.

Among the bandmen now in the music publishing business are: Fred Waring... Words & Music Tommy Dorsey... Sun Music Co. Max Warnow... Circle Music Freddy Rich... Melo-Art Music Teddy Powell Harry Tenney, Inc. Horace Heide... Pligrin Music Guy Lombardo... Olgrim Music Isham Jones... Gem Music Co. Nat Shilkret... Nat Shilkret Music

Berlin's Good Faith

Indicted by Court
On 'Gone With Wind'

Suit brought by Fred Rose, Ed. Nelson and Hyman H. Zaret against Irving Berlin, Inc., Sun Music Co. and the tune, "Gone With the Wind," was dismissed by Justice Samuel I. Rosenman in the court ruled that the three's number with that title did not involve any false or fraudulent misrepresentation, and that the publishing firm had been cleared by the fact that the Rose-Nelson-Zaret work for the name of the same title submitted later to Herb Magdon and Allie Wrubel.

Justice Rosenman pointed out in his decision that the "Gone With the Wind" title had to be approved by Selznick International, who had with author of the novel "Gone With the Wind," gave it the exclusive right to make musical version of the title for interpretation, exploitation or any other purpose. Selznick declined to okay the Rose-Nelson-Zaret version, but did give the nod to the song that Magdon and Wrubel wrote. Under such circumstances, held the judge, the three showed good faith throughout the transaction, nor did the defendants have the intent to destroy the value of the three's property, as charged in the complaint. Gilbert & Sullivan, Berlin, in the trial, while Simon Goldman appeared for the three writers.

ASCAP NEBRASKA

DECISION DELAYED

Lincoln, Nov. 14. Decision in the Anti-ASCAP case in Lincoln court here has not been made. Heard by a three-judge court, the trio—Munger of Lincoln, Donohue of Omaha; and Judge of the Kansas City—have been unable to get off cases at the same time so they will defer the final decision.

Both the state and ASCAP attorneys filed briefs and findings before Oct. 5, which was the deadline date set by the court. At the time, the court said it hoped to get the ASCAP case settled by the end of the month, but it had hung fire too long (see 1937).

Although heard here, it is possible that the judges will not make a decision on the case in Kansas City because Gardner is the senior member of the trio.

Chas. Miller to N.Y. Jan. 1

Musical Corp. of America shifts the personnel will bring Charlie Miller, head of the MCA Chicago branch, into New York permanently around January 1. He'll be on a general servicing assignment. Maury Lippman, New York's Faccine will head the Chicago branch.

Russ Lyons, formerly with Consolidated Radio Artists, joined MCA staff on Oct. 15 to handle the assignment for him, as yet, will alternate between the road and N.Y. office.

Mrs. Bob Chester III

Wife of Bob Chester is currently ill in a Dallas hospital of a streptococcus infection. She's the former wife of the vaude performer. Pair were married recently while Chester's band was at the Hotel Van Cleef.

Band is now finishing a four week stretch at the Adolphus hotel, Dallas.

PUBS' PICTET FEARS IN N.Y.

Executive council of the music

complaints' union last week compromised on another issue which had been raised in connection with contract. The union, which represents the music industry. According to the latest version of the strike clause in the proposed pact, the chief cause of a firm may not go across a picket line but he is free to carry on his business as he sees fit, but his waiver does not exempt him from being penalized by the union for unfair trade practices.

Question of picketing passing was about the only thing that agitated music publishers when they met last Wednesday (9) to consider ratification of the agreement submitted to it by the union. Spelled music publishing terms, employed by film companies had expressed the fear that if they accepted the contract, they would be barred from entering the music business. Because of his membership in the union the executive head of a firm would be barred from entering the music office to function in an administrative capacity. As the contract clause now stands, the employing firm is required to stipulate by name who this executive excepted.

Publishers at Wednesday's gathering voted to let a special committee determine the picketing line with the union's executive council. The two groups got together Thursday night (9) and out of this palaver came the compromise clause. On the following day each member of the CPM committee, excepting Lee Diamond, of Famous Music Corp., initiated copies of the revamped clause. Diamond wanted his lawyer to look the clause over and the latter was immediately available. Instead of that, the union's contract will be printed by the end of this week and copies submitted to publishers for signature.

Among the matters that the union intended to act on, as one source declared, were two concerning the swapping of plugs between band and publisher, and the procedure for contacting by writers who are not members of the union and who when songwriting is but a side issue.

Petrillo's Angle

Chicago, Nov. 14. Question of jurisdiction has arisen between the Chicago Federation of Musicians and the Contact Men's organization, with indication of an element that James Petrillo and the musicians union would not permit CPM members who are song-pluggers, to join the Contact Men's group.

Several song-pluggers originally started in the music as piano players in the music business. They are members of the musicians' union. But now, according to the rule of the new song-pluggers under the band and publisher, or radio stations unless they are members of the Contact Men's group. Most of these are perfectly willing to have membership and pay dues in the Federation of Musicians holding a board meeting on Thursday (14) to decide the matter. The musicians make an exception to allow this dual allegiance on the part of the song content men.

Wally Downey Returns To Rio to Rep U.S. Pubs

Wally Downey, after six months in his native America, flew back to Rio de Janeiro over the weekend with renewed contracts representing almost every major music publisher for Brazil where he is Brazilian agent. Downey is trying to effect a merger of the two performing rights societies there, the Brazilian Society of Authors and Composers (comparable to ASCAP), with some 250 members, and the Sociedade Brasileira de Theatros (later more of a dramatists group, but also claiming performers' rights) as a single society. The U. S. music man also acts as consultant to SADC (as the song-writer's group is called) and ASCAP in America.

Downey acts for Robbins, Feist, Miller, Paramount, Famous, Berlin, ABC, Ager-Yellen, Olman and others. The Warner Bros. music group handles itself through WB executives in Brazil, and Chappell and Shapiro-Bernstein maintain their own reps.

Downey will extend his representation to Cuba and Mexico next week. He is also a producer in the annual festival musical in Rio. He made several pictures with Carmen Miranda before the Brazilian songstress came to Broadway.

Brazil, Argentina, Uruguay, Paraguay and Chile have their own performing rights societies, each independent of one another, although the two latter only rarely import or export U. S. music publishers and writers.

'OLD 97' CASE ENDS IN COURT

Washington, Nov. 14. Hopes of David Greves George, veteran writer, that he would claim authorship of "The Week of the Old 97" were wrecked Monday (13) when the U. S. supreme court denied the highest tribunal denied a writ of certiorari which George hoped to bring out of his half of the royalties collected by Victor Talking Machine Co. from sale of the popular record.

Ending an 11-year-old controversy, the high court refused to review the case. Apparently unconvinced by George's claim that he immortalized the smash-up, which occurred in 1902, in a crowd mail train wreck on Southern Railway jumped the rails in the Blue Ridge section of Virginia, killed most of its passengers.

In previous court squabbles it was pointed out that George did not bring suit against the Victor people until 1923, many years after the sobby ballad had become popular in the South. There had been brought to the attention of the platter manufacturers from a version composed by Victor, and the local version of Fries, Va. Was turned over to Victor by Vernon Dalhart, hill-billy crooner, in 1923.

George, who claimed to have been a pump engineer on the Southern Railway, visited the scene of the wreck and was inspired to write the verse. It was called "Ship of Fools." Returned—an old Southern favorite. Victor company was equally inspired. That the ballad was copyrighted by Fred Lewey, a cotton mill hand, and Charlie Noel, local musician, of Danville, Va., who collaborated in composing and singing the song as early as 1904.

Will Rockwell Wins Suit Over Lift of 'Mammy's'

Supreme court Justice Peter Sutherland on Thursday (9) rendered judgment for Tin Pan Alley, Inc. against Mammy's, Inc., with costs, in a suit to add to the latter. The judge found that the plaintiff was not entitled to damages. The Mammy's, Inc., who operates Mammy's Chicken Pan on 52d street, N. Y., and the defendant operated on 42d street. In his decision, Justice Sutherland held that the defendant was guilty of intentional use of the plaintiff's distinctive and popular catchword or name.

Will Rockwell, ex-music publisher, heads Tin Pan Alley, Inc.

New Amateur Music Pub Co. Seen

As Offset to Broadcast Music, Inc.

Jonie Taps' Added Job

Jonie Tapa, professional manager of Shapiro, Bernstein & Co., has absorbed the contacting needs of Skidmore Music Co., a subid, as the latter requests that she handle until the past week handled the professional work for Skidmore.

It was found that sufficient material couldn't be developed to maintain a separate staff for Skidmore.

Because of the time required to consummate a contract with the contactmen's union the MPPA membership is unable to make an alliance over the phonograph record issue. MPPA sentiment is overwhelming in favor of administrative action.

Members of the Music Publishers Protective Association will be advised of a proposition from phonograph record manufacturers covering the matter of licensing for broadcast purposes when they meet at the association's office, today (14) in New York.

Also slated for discussion is the proposal that the executive articles as representatives of the National Association of Performing Artists and the copyright owners of their interests in collecting a fee on phonograph records used in coin-operated machines.

It was found that the time required to consummate a contract with the contactmen's union the MPPA membership is unable to make an alliance over the phonograph record issue. MPPA sentiment is overwhelming in favor of administrative action.

OBERSTEIN MUST GIVE SHAW PARTICULARS

Eli E. Oberstein, formerly in charge of artists for RCA Victor, was ordered to furnish a bill of particulars in the case of Victor Oberstein is suing in N. Y. supreme court for \$30,000, within 10 days. Plaintiff claims a divorce and seeks \$20,000 for the period of April, 1937-May, 1938, and \$10,000 from May, 1938-Dec. 31, 1939, representing 10% of the orchestra leader's earnings during that period.

Shaw claims divorce stating that Oberstein threatened him with the loss of his RCA recording contract if he refused to sign.

Cafeteria Dine And Dance Spot for B'way

Fiesta Danceteria, combo danceteria, later in cafeteria help-yourself style, opens next Tuesday night (21) at 100 West 42d Street, New York. Spot will have three bands on two floors, Teddy Powell's orchestra, Joe Marshall's vocal unit, and Don Pedro's Cuban group. Shep Fields was originally mentioned but won't go in.

Spot will operate during from 5:30 p.m. to 4 a.m. and run a Saturday matinee beginning at 1:30 a.m. Door price is to be 60c. per person. "Eat what you will and as much as you like from a layout in smorgasbord style." Saturday matinee tap doors to 50c. per.

Larry Taylor's Accident
Larry Taylor, vocalist last with Charlie Barnet's orchestra, his wife, and Buddy Fields, a music man, were injured last week when Taylor's car crashed into a parked truck on the road to Paterson, N. J. All three were uninjured and bruised. Taylor's car was demolished. Truck was standing still in the center of the road and Taylor thought it was moving.

He was on his way to audition for a job with the Johnny Magee orchestra, currently playing a break-in stand at Donohue's, Cedar Grove, N. J.

Albany, Nov. 14.

International Sovereignty Clearance Corp. has obtained a charter from the secretary of state to conduct a census of music in New York City. The project is capitalized at \$10,000.

James J. Mooney is the filing attorney.

George Whiting, song writer and contact man, and Barney Young, who has just sold his Gem Music Co. to whom such rights have been assigned. It is their plan to exploit the works of amateur song-writers and artists who request that material turned out by members of dance bands. They propose to give the writer of the song money collected for performing rights from members publishers of ASCAP to whom such rights have been assigned. The ISCC also agrees to return copyrights to its writer clients.

Another motive cited for the ISCC's formation is to divert amateur writers and artists from playing their material with Broadcast Music, Inc., which was recently ordered to pay royalties to members of Broadcasters as part of the latter's campaign to develop a bargaining unit to prevent when dealing with ASCAP.

Ask Court For Time In Which to Complete April (Shubert) Suit

Pies was entered last week with the N. Y. federal court for a post-pone-ment of trial of the suit of April Productions, Inc., against NBC, CBS, WMCA, N. Y., and WOR, Newark, on the ground that a settlement is contemplated and that additional time was required to work it out. The suit was filed by Louis Frohlich, general manager of NBC, and several other ASCAP composers who are defending the action for the performance of the society.

The litigation, which has been hanging fire for over four years, concerns the broadcast use of "I'm My Heart Alone" and "Will You Remember" from Franz Lehner's "Maytime." The suit seeks to restrict the numbers to its users while Witmark was acting as the publishing agent for April Productions. The Shuberts claim that performing rights did not go with the music and are asking for an injunction, accounting of profits and damages.

KAY KYSER'S BAND IN BOSTON WITH HIS PIC

Kay Kyser's band opens at Keith's, Boston, with the orch's RKO film, "Kismet's Right, You're Wrong," on Nov. 29.

There may be some attempt to lure the orchestra to other houses, although a general release date for the entire tour is set for this feasible for only a few weeks.

American Tobacco, Kyser's air conditioner, has been in New York as much as possible in the future. To that end Kyser will not tour the country's salubrious waters, rather alternating 'em. a week out and a week in town, when done so come up.

SAM TABAK WINS

Former 802 Official Gets Reversal By A.R.M. Board

Sam Tabak, former official of Local 802, has been absolved by the executive board of the American Federation of Musicians of charges that he had unfair dealings with the National Association of Broadcasters. AFRM ruling constituted a reversal of a guilty verdict in the Tabak's trial before the international also rescinded the fine of \$1,000 which the local had imposed on him.

AFM board did uphold the local in one respect and that was the latter's dismissal of Tabak's counter charges against Spitalny. It had to do with a salary claim that Tabak had made against Spitalny.

Night Club Reviews

EMPIRE ROOM, N. Y.

(WALDORF-ASTORIA)

The Hartmans, Nat Brandwynne and Benny Goodman orchestras.

Benny Goodman, being tied up with rehearsals for "Swing in the Dream," due at the Center, and besides proving a better supper dance draw than at dinner, the Empire Room of the Waldorf has revamped its schedule. Nat Brandwynne's smooth band now holds forth for the dinner session and Grace and Paul Hartman have been added for both dinner and supper. The Hartmans, with their satirical routines, are standards in the better grade niteries and hotel rooms and again evidence that they're the right touch for this spot.

Brandwynne was chosen because of his strong business in the Peacock Alley cafe of the Waldorf at the cocktail dancers. He accomplishes the Hartmans in one set of dances. They

have another routine with Goodman backing them up at supper.

Besides the standard lokum magic, the satire on the pastorial ballroomologists; and their Edgar Bergen and McCarthy routine, they have a new number, a travesty on a bal masque, with domino, dance-card and all. The Hartmans possess a rich sense of comedy and a keen eye to proper shading, accounting for their continued preeminence in this field.

Goodman, with Lionel Hampton, Ziggy Elman, Fletcher Henderson, Gloria Day, Louise and Tutti Mondello featured, does his stuff from 11 p.m. on to a \$1 and \$1.50 house party (after Friday, Saturday and holiday evenings).

Across the lobby, in the Waldorf's Scent Room, Carmen Miranda with Mario and Florio, ballroomologists, and Emil Coleman's orchestra hold forth, latter due to be succeeded by the DeKarcos. Abet.

WHITE ELEPHANT, L.A.

Los Angeles, Nov. 7.
Ann Sutter, George and Elaine, Max Fidler, Orch. (6).

A guy with a sense of humor like Jack Schwartz deserves a better fate. Calling a night spot the White Elephant and emblazoning it with a sizable neon sign is certainly firing with destiny. But Schwartz is doing just that, and with apparently dire results.

Some years ago it blossomed forth as Three Little Pigs, when Walt Disney's cartoon characters were quite popular, and thrived for a time. Then came a succession of changed management and new titles with the same results. All laid eggs of vary-

ing size and now comes Schwartz to shake the jinx by looking it straight in the eye as if to say, "I'm going to do it the White Elephant way." That's a brave attitude, and costly, too, but it's worked with show owners such as Ed McCarty, here and The Fly Trip in Frisco. Two popular cateries, so why not a spot where everything is taken in a light mood?

However, it isn't the name that's killing off the trade; rather it's the choice of names. Floor shows are just run-of-the-mill and atmosphere is lacking. The place is close to being the best in the town "Election night," which means the year was high and low and the odds close at 7-1.

There were only three tables tenacious and a few more. Ann Sutter runs the show, at least what there is of it. Her talents are in the line of a comedian, and here her routine is similar to Nan Blakeston and over a plenty acting in double entendre ditties and comedy maneuvers. George and Elaine go in for formal ballroomology and offer nothing new and is plenty lacking in floor show in a few imitations, strictly filler.

Max Fidler's crew achieves little success. Intimate group trails off into instrumental solos which doesn't help any. Fidler strokes his sing but it's not big-time. Hein.

BELVEDERE HOTEL

(BALTIMORE)

Baltimore, Nov. 10.
Eddy Rogers, Orch. (10).
Irene Janis and Joe Whelan.

The swank spot of the town, the Belvedere has been a long time coming around to a time-and-dance policy for its main dining room. Off to a head start in the last season, Eddy Rogers' orchestra, public response was immediate and a repeat was in the bag. On the strength of his previous buildup and an entirely pleasing and workmanlike combo, Rogers is again drawing them in with the ropes up almost nightly.

Featuring a well-learned quartet of saxes as the basis for his arrangements, and utilizing two trumpets and a three-piece rhythm section for the balance of his instrumentation, Rogers pitches in with an occasional fiddle to round it out smoothly. He also contributes fairish vocal piano interludes and handles an occasional pleading.

Irene Janis, band's vocalist, handles her stint easily. Looks good with her saxes as well. Her accompanist, Joe Whelan, assists with choruses on occasions. They are assigned various bandmen for good change of pace.

Rogers has style, looks well and gives indications of being a thorough musician. Should be in the line of the more ambitious metropolitan set, but he's not. Radio for Madam's NBC red network puts him on air twice weekly through WFSB here.

COLONY CLUB, CHI

Chicago, Nov. 11.
Cross & Dunn, Don Orlando Orch., Fernanda Canna Rhumba Orch.

Strictly for the wine-poppers, idea here is strictly quality rather than quantity. Sonny Goldstone and Nick Dean have turned out an elegant room, in seating (about 300), decor and polish. It's handled smartly, too, with absolutely no service during the running time of the single headline act, a factor that's too frequently ignored in many another spot.

Cross and Dunn hold the entertainment portion in the current show and do their standard standout job. They have smart material, delivery and showmanship and are consequently sharpening their material. Do the old ones almost entirely by request, with some of their standards remaining. Best entertainment no matter how often heard, particularly "Two Hamburgers" for Madam's.

Radio for Madam's acknowledged as the Cross and Dunn trademark.

Their "Good Old Vaudeville," "Lodya," "The Tattooed Lady," "You're the Hill Boys," "Only in the USA" and "All American Traveler" are standout numbers, nifty entertainment for a smart niter crowd.

Two bands here, with the No. 1 orchestra being the Don Orlando aggregation. A fine, up-and-coming group of instrumentalists that proves a winner with dancers. Smooth in its rendition of popular tunes, orch has played a number of class spots in Chi, taking in the Chez Paree, Bon-Air and Colony Club in immediate succession.

Canary group is strictly for the rhumba fans and satisfactory. Gold.

COLOSIMO'S, CHI

Chicago, Nov. 12.

N.T.G. with Chiquita, Jack Prince, Sylvia McKay, Doris Dupont, Yvette Dore, Jerry Krueger, Joe Kirk, Joe Reynolds & Joe Ennie, Eddie Jack, and Red Sileston. Chorus (8), Frankie Quartet Orch.

N.T.G. was heralded as arriving with a big and glamorous show full of production and gits, but that's an over-statement, to say the least. However, more important, it's doing a wallowing business that necessitates the use of the tape. N.T.G. does little. It has more a mile goal, gives 'em a thorough ribbing to the customers' delight and calls it a production. Yet it has more a mile club fun and actual boxoffice magnificence than the over-stuffed shows that manage only to bore the audience.

N.T.G. does little. Its routine paints off only occasional situations, but audience at this show thought it great stuff.

Chiquita does a cape dance, Sylvia McKay also a cape act and later one with a fan, and Yvette Dore does a snort routine, with the bird singing off a couple of important pieces of costume.

Jerry Krueger swings a couple of vocals, Joe Reynolds and Joe Ennie are jitterbugs with a typical routine, and Doris Dupont turns in a neat little tap number.

Joe Kirk, a fugitive from a comedy trio, is on his own and does comic impersonations and a running series of monolog raps, but has a tough one unhooking himself in an atmosphere of considerable hilarity created by N.T.G. Eddie Jack and Betty are a standard rollicking threesome with good stunts, winding up with some comedy in whittling a couple of audience plants.

Jack Prince is a hefty singer with plenty of tonal power for ballads. Colosimo chorus turns in a set of good production numbers to round out the performance. Quartet's orchestra puts up with everything and manages to keep in time with the performers and dancers. Gold.

QUEENS TERRACE

(WOODSIDE, N. Y.)

Jackie Gleason, Temple and Javin, Sharon Harney, Helen Mariner, Elaine Jordan, Vincent Burns (12) and Snub Morton.

This is one of the most popular spots on Long Island, due largely to

the personal popularity of Tony and Louie, co-owners, and the comparatively elaborate floor shows offered in the downstairs Terrace Room. Latter, built on tiers, has a capacity of 800, and adds incentive in the street-level circular bar, atop which is a 100-woman dance floor. This room can seat a total of 250. There's never a cover on either level. Jackie Gleason mcs with a flock of stale gags that have no continuity. When one of them has had one gong also employed in the Burns' show, Allen air show earlier the same evening, it was using a sequence of items unthoughtful recently over the air by Red Sileston. Much of his stuff is unnecessarily busy.

Fair turns, in addition to Gleason, comprise the floor show. Sharon Harney (New Act's) opens with neat dancing on toes, followed by Helma Martines (New Act's), who goes a step further in two stanzas, the first a thumbe and the second a temple dance.

Elaine Jordan (New Act's) is on next for three pop songs, followed by Temple and Javin, conventional ball-

Continued on page 54)

"The best booking office on the Pacific Coast."

Ask the actor who has played in this territory.

JOE DANIELS

and His

ORIGINAL EASTERN CIRCUIT

VAUDEVILLE

404 Orpheum Theatre Bldg.

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Best Coffee in England

QUALITY INN

Leicester Square

LONDON, WEST-END

RUTH CRAVEN

NOW APPEARING

CLUB ROYALE, DETROIT

Thanks—PHIL TYRRELL

The THEATRE of the STARS

THIS IS ONE OF THE MOST POPULAR SPOTS ON LONG ISLAND, DUE LARGELY TO

THE PERSONAL POPULARITY OF TONY AND LOUIE, CO-OWNERS, AND THE COMPARATIVELY ELABORATE FLOOR SHOWS OFFERED IN THE DOWNSTAIRS TERRACE ROOM.

LATTER, BUILT ON TIERS, HAS A CAPACITY OF 800, AND ADDS INCENTIVE IN THE STREET-LEVEL CIRCULAR BAR, ATOP WHICH IS A 100-WOMAN DANCE FLOOR.

THIS ROOM CAN SEAT A TOTAL OF 250. THERE'S NEVER A COVER ON EITHER LEVEL.

JACKIE GLEASON MCS WITH A FLOCK OF STALE GAGS THAT HAVE NO CONTINUITY.

WHEN ONE OF THEM HAS HAD ONE GONG ALSO EMPLOYED IN THE BURNS' SHOW, ALLEN AIR SHOW EARLIER THE SAME EVENING, IT WAS USING A SEQUENCE OF ITEMS UNTHOUGHTFUL RECENTLY OVER THE AIR BY RED SILESTON.

MUCH OF HIS STUFF IS UNNECESSARILY BUSY.

FAIR TURNS, IN ADDITION TO GLEASON, COMPRISE THE FLOOR SHOW.

SHARON HARNEY (NEW ACT'S) OPENS WITH NEAT DANCING ON TOES, FOLLOWED BY HELMA MARTINES (NEW ACT'S), WHO GOES A STEP FURTHER IN TWO STANZAS, THE FIRST A THUMBE AND THE SECOND A TEMPLE DANCE.

ELAINE JORDAN (NEW ACT'S) IS ON NEXT FOR THREE POP SONGS, FOLLOWED BY TEMPLE AND JAVIN, CONVENTIONAL BALL-

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BACK AGAIN!!

After ONLY Five Weeks

Quickest repeat engagement in the History

of the Theatre for a Single

BACK AGAIN!!

HEADLINING LOEW'S STATE, NEW YORK

WEEK OF NOV. 16

Thanks to MARVIN SCHENCK, SIDNEY PIERMONT,

NAT KALCHEIM, PAUL SMALL

Direction WILLIAM MORRIS AGENCY

JUST BACK FROM EUROPE

CONCEALANO

WORLD'S GREATEST

LOEW'S STATE, NEW YORK, THIS WEEK (NOV. 16)

**AMERICA'S LARGEST "QUALITY-STAGE-SHOW"
PRODUCER IS STILL MAJOR BOWES' AMATEUR UNITS**

WEEK OF
October 27th

**AT THE
STATE LAKE THEATRE**

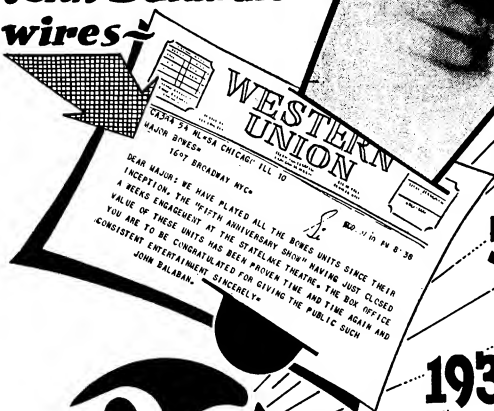
for **BALABAN and KATZ**
A BIG
\$14,500.00



***Our Forty First Unit
to play in the City
of Chicago and
John Balaban
wires***



**Major
BOWES'**
**5th ANNIVERSARY
REVUE and
1939 PRIZE WINNERS**



PS

**BOOKED SOLID
UNTIL MARCH 1940**

Brokers' Biz 100% Better Than Last Yr.; Legit Grosses Also Up. Reflecting General Upbeat in N. Y.

Business in Broadway ticket agencies is up 100% over that of last fall at this time, increase being indicated to apply to the most active ticket markets, while boxoffices verify the betterment for even small brokers. Grosses in general are considerably higher, but hardly comparable to the improvement in premium-sold tickets.

The biz in the agencies reflects the general business trend in New York, the index having moved steadily upward in the past three months or so. Money is more freely available, and the capacity to spend and a reversal of the inclination to limit expenditures has been evident for several years. The factors that were interpreted as figuring in the upswing of the biz are patronage at the season's start, are now more clearly indicated. The war prevents European travel, the stock market is active, persons of wealth who lived abroad are being repatriated and more recently added to elements favoring general business building is the lifting of the embargo, which is figuring as being beneficial to amusement, indirectly at least.

There is no longer any doubt that there is more general interest in the stage than for many seasons, but it is not true that the general interest, as shown recently when long-staying favorite attractions started to slip. Agency experts who closely observe trends state that there is at present a wide variety of offerings commanding considerable interest for theatregoers, although the fall production card has not yet reached its peak.

Few Flips

The high level in presenting different shows reached by a number of producers is largely credited to Broadway's prosperous pace and the percentage of flops is abnormally low to date. There is less show-biz and therefore less drop on the list. Agency patrons are not as choosy as heretofore, with the result that when tickets for outstanding new offerings are not available, tickets for attractions in less demand are being disposed of and such shows are more than breaking even.

In highest favor are laugh shows and virtually all the new clicks are of that classification. People desire to forget the gloom of war reports and the new successes take on more importance in supplying support for the heavy weight of the picture game scope to Broadway's stage fare and is yet to come, but the edge goes to comedy more prominently than ever.

Balance of November will be rather lively with premieres which will include several dramas, at least two musicals and an assortment of variety. If the success percentage holds up as well as it has so far, legit activity will set a new record for the month.

There is no reluctance in agency circles in conceding the jump in business, while theatre managers are surprised at the number of tickets sold at more than boxoffice prices.

DOROTHY GISH TO TOP 'MORNING'S AT SEVEN'

Dorothy Gish will go into the femme lead in Paul Osborn's 'Morning's at Seven,' replacing Lillian Hellman beginning on Saturday matinee (18) at the Plymouth, Boston. Play goes to the Forrest, Philadelphia, for more than a week and is slated to open at the Longacre, N. Y., Nov. 30.

Dwight Wiman, who's presenting the original, original, Miss Gish for the lead, but the deal fell through.

Hedy Lamarr's 'Salome' On Coast Stage Hobbled

Los Angeles, Nov. 14. Hedy Lamarr has been temporarily enjoined by Superior Court from appearing in the stage production, 'Salome,' for Luther Greene. Restraining order was issued on complaint of Loew's, Inc., with hearing on permanent injunction set for Nov. 20.

Complaint charges that actress entered into contract with Metro in September, 1937, and that under pact which is still in force studio has right to eliminate all compensation during period of defendant's non-performance, and that it has exercised that right.

Actress and studio have been feuding for several months over her effort to appear weekly in stock performances, and that it has exercised that right from \$500 to \$5,000.

Dowling Skeds New Saroyan, Carroll Plays

Eddie Dowling, currently doing the lead and presenting 'The Time of Your Life' at the Booth, N. Y., in association with the Theatre Guild, has another Saroyan play and a new Paul Vincent Carroll drama on his future schedule. Saroyan work, titled 'Love's Old Sweet Song,' will probably be the next to go into production, but the Carroll piece, 'Old Customs,' is also slated for this season.

In addition, Dowling is mulling the presentation of a series of Irish one-acters, including one by Sean O'Casey, to be offered at special matinees. He has already offered the femme lead to Katharine Hepburn. Actress would naturally continue in 'The Philadelphia Story,' at the Shubert, N. Y., doubling in the one-act matinees.

Dowling and the Guild are likewise considering the idea of a Coast company of 'Time of Your Life,' either as their own presentation or on a sublet basis to another management. Idea is to use a cast of picture names for a limited run. Metro has also has feelers out for the screen rights to the show, but Saroyan is reluctant to set a price. Understood the studio has in mind revising the script and using it as an all-star vehicle somewhat along the lines of 'Grand Hotel.'

Other items still on the Dowling schedule are 'Peter Penny Under the Dream Tree' and 'The Banisher.' The latter is a new play by the author, Carroll play, 'Old Customs,' is not to be confused with the same author's 'Kindred,' which Edward Chate and Arthur Shields are reading. Saroyan, however, is writing 'Love's Old Sweet Song' is also doing the book for a musical for Bala Blau and the Theatre Guild. Minelli, for Howard Dietz and Arthur Schwartz were formerly slated to do the lyrics and score.

'Hit and Run' Down

Hollywood, Nov. 14. Kurt Robison's Edward and Charlotte ran about the free regulations last night (12) and were prevented from opening their 'Hit and Run' revue at the Montmartre theatre, a revamp of the 'Honey Fire' ladies slapped on the verboten due to inadequate protection for performers' bodies.

Producers are shopping around for a downtown house.

VISITORS MEET NEW YORKERS

October, Last Month of Expo, Witnessed Rush of Out-of-Towners to N. Y., with the Long-Established Hits Among Their 'Musts'

'GIRLS' 30G LEADS

That the New York World's Fair distinctly held Broadway, especially during the last month of the Fair, when business dwindled and about 300,000 visitors, mostly out-of-towners to attend the latter, is quite evident. It was the reverse during the first month of the Fair, when business dwindle and about 300,000 visitors, mostly out-of-towners to attend the latter, is quite evident.

The Fair folded at the end of October, which month saw distinctly better business than was registered the first half of November. There was no drop in the grosses, the visitors on incoming trains had several 'musts' during the sojourn in the metropolis, the Fair and several legit attractions. That would explain the success of many of the last Sunday's (12) program rehearsals. Ted Harris is named as the possible stage of 'Horn.'

Not that those who tobboged too much for 'Hell' got over \$200,000 last week, but they turned out for profit though it slipped out of the list of grosses. The new play, 'Many Girls,' latter again approximated \$200,000. 'Streets of Paris' was off, too, with \$200,000. 'Gold Diggers of 1939' and 'Scandals,' \$200,000. The grosses in the legit theatres are still operating profitably.

'Life with Father' is Broadway's newest hit. Laugh shows are doing last midweek at the Empire and the Palace, but the latter is still standing attendance. It may reach the \$100,000 mark, which would be the \$100,000 mark, which would be the \$100,000 mark.

(Continued on page 87)

Friars Club Mulls New Clubhouse In N. Y.; 12G Needed

Friars Club, now housed in the Edison hotel annex on West 47th street, New York, is mulling plans for a new clubhouse on West 47th street. Deal would entail the club leasing the lower floor of a restaurant and using four upper floors as club headquarters.

Friars haven't had their own clubhouse since had times forced them to give up the large structure on West 48th street, which later was used by the club's clubhouse on the 48th quarters, but the new clubhouse will not accommodate overnight guests.

Club is said to have around \$50,000 in treasury. A Friars Frolic will be staged within the next couple of months to apply the treasury and make clubhouse plans feasible. It's figured \$12,000 to \$15,000 is needed to go ahead.

Berle is the club's new Abbott, having been elected a couple of weeks ago, and he is in the plans for the club's own building.

WEBB MAY HEAD 'CHI DINNER' CO.

Chicago company of 'The Man Who Came to Dinner' is slated to open at the Harris, Chicago, Dec. 21. Cast, which has not been signed, will rehearse in the set at the Box, N. Y., as had the original. Clifton Webb is being considered for the lead, despite his disimilarity to M. L. Woolley, who has the part in the number one show, and Alexander Woolcott, whom the comedians.

Coast company of the laugh show, 'The Man Who Came to Dinner,' lead as originally intended, will be otherwise cast out there. It is due to the fact that the company of Jacobs, general manager for Sam H. Harris, producer of 'Dinner,' will supervise the Coast company.

Equity, League May Not Agree On New Ticket Code; Outside Board Expected to Decide on Violations

Slate Marg. Sullivan For 'Man With Horn'

Margaret Sullivan is expected to appear in the femme lead opposite Burgess (Buz) Meredith when 'Young Man With a Horn' is presented by Vinton Freedley and Eddie Blatt, show being scheduled for Broadway presentation early in January. Ticket was air-mailed to Miss Sullivan on the Coast last week. She last appeared on Broadway in 'Stage Door' last season.

Drawings was mentioned for the part, but the producer is understood to prefer an American actress. Meredith is partially occupied with radio appearances in New York. He planned to Hollywood last week after the broadcast for retakes on the picture version of 'Of Mice and Men,' returning after a lengthy time for last Sunday's (12) program rehearsals. Ted Harris is named as the possible stage of 'Horn.'

Rose, Todd Again Set For N. Y. Fair; Aquacade's 50G

Managements of two standout attractions which flourished at the World's Fair have already arranged to figure in the same spots when the big show on the Flushing meadow opens for the second season late next May. Billy Rose is said to have tied up the Aquacade (and Michael Todd again gets the Music Hall, he claims) Aquacade is credited with having netted more than \$500,000 and is expected to realize the show somewhat.

Todd, who landed with 'Hot Mikado' after hectic weeks on Broadway and during the early part of the Fair engagement, plans a Frenchy revue with a Parisian male name being angled for. He will not attempt another colored cast musical, despite the success with 'Mikado,' figuring that there is a limit to the draw from out of towners.

Despite the claims that 'Mikado' was just getting by when it moved to the Fair, the show quickly climbed out of the red and Todd admits it had a profit of more than \$100,000. That means that the Fair engagement was even more successful than it was in the red for nearly \$70,000 after its engagement at the Br. A. N. Y., according to Todd's claims of the management at that time.

'Mikado' is faring very well out of town. Marty Fortino, who is interested along with Bill Robinson, will be in the show, and a trans-continental tour through Canada and the attractions will not be available until next season.

The rep at present consists of 'Geneva' and 'Charles the King.'

Delay 'No Code'

Premiere of 'No Code' to Guide Her, comedy by Mark Reid which the show is presently being postponed from tonight (Wed.) until Saturday (18). Additional rehearsal has been decided. The show is being produced by Herbert G. Carroll, who came on from the Coast, was only on hand for two weeks, while Walter Fleming joined the cast last week, following the folding of 'Summer Night.' Saturday debut was set because of next week's crowded opening night card. Understood author is also making some script revisions.

Decision on whether Equity will continue as a factor in the ticket control system brought its code committee together with the managers in the League of New York Theatres officers twice again, as the deadline for the pact's continuance was neared. Code was to have expired today but after a hot joint session yesterday (Tuesday) morning, the factions came to partial agreement and the ticket control system with new provisions may probably extend through the season.

Equity's council extended its participation in the code for another week.

Equity had offered drastic changes, aimed for effective enforcement and suggesting the most stringent penalties including suspension, expulsion and heavy fines. Actors end was being willing to see the matter, to reshuffle the matter of penalties, but insist on an impartial board consisting of persons outside show business to decide when, and if managers or ticket brokers are guilty or infractious. Managers claim to have each side will name three representatives to draw up the regulation to be submitted to the board.

It was that feature that the managers balked over. They stated they could not see why they should put themselves in the hands of any board, not familiar with show business, and the managers' claim to be pro and con with no settlement yesterday's session.

Equity will carry forward with another idea to appease the managerial objection that acceptance of 'trial bill' would say the showmen open to possible inequitable decisions. New suggestion is that a sub-committee of those in the business first consider 'alleged breaches of regulations and if not sustained, they would not go to the outside board. Such a committee would be composed of a manager, an Equity and one member to be agreed on, or it might be a group of five.

Discipline Difficult

Equity side recognized the difficulty of the League disciplining its own members. Those in the action it was a problem to get a quorum at League sessions when it was known that certain members were charged with evading or breaching the rules. Actors said they did not sustain, they would not go to the outside board. Such a committee would be composed of a manager, an Equity and one member to be agreed on, or it might be a group of five.

(Continued on page 62)

JONES-COLBURN REP. TO STICK IN CANADA

Theatre Guild executives went to Toronto to look over the Barry Jones-Maurice Colburn repertory company from London, with the idea of a tie-up for Broadway and bookings this side of the border. The troupe, however, will make a trans-continental tour through Canada and the attractions will not be available until next season.

The rep at present consists of 'Geneva' and 'Charles the King.' The troupe has attracted considerable attention in Dominion circles. A third play, 'Tobias and the Angel,' will be staged in Toronto and Montreal from the Coast. It was explained to the American showmen that the rep is presently being supervised by the British consul in London and it is questionable if the rep will be available for Broadway. It is explained that the tour is designed to strengthen morale and for goodwill. The rep is being sponsored by English companies which played in several foreign lands at times when there was no war.

Broadway

Bill Ferguson back from Atlanta. Patrick vanishing in town Joe Schenck back to the Coast to-day (Wed.).

Sidney Landell, 20th-Fox director, vacationing in town.

Total Kellogg is lost, stayed or stolen from Cotton in the Coast.

Joan Davis returned to the Coast after seeing the shows, etc.

Joe Roth (and Shay) back from Europe. After some time over there.

Lyile Andrews managing film theater in Valley Stream for Century Circuit.

Griffey, Paramount theater mgr., set hitch with Elaine Conheim in January.

Sidney Harris back with 'Ring Two', which opened in Baltimore Monday (13).

Cross and Dunn shift from the Colony, Chit. to the Versailles, N. Y., the end of their public life.

Jack Ellis, RKO film salesman, writes notes on the side and has had some of them published.

E. K. O'Shea left yesterday (Tues.) for points in his eastern district on film sales, says his agent.

Jerry Horwin, co-author of 'My Dear Children' for the Jack Barrymore play production in New York.

Vincent Edward Sardi, Jr., son of the restaurateur and active in the business married in New York.

Maurice Golden reported figuring out alibi for his next bachelor's party. He's about to give for a third try.

Barney Bahban turned hitch-hiker with his car broken down near Peekskill, but he couldn't thumb a ride.

Henry Koster, with Dan Kelley, Universal's casting director on the West, leaving a flight to New York while east.

Robert Taylor and Barbara Stanwick remain in New York about a week more seeing shows, football game.

Lillian and Dorothy Gish to Boston over the weekend to confer, it is understood, on a possible legit exchange matter for Dorothy.

Tom East side niteries look more like the Trocadero and Brown Derby these days, with a host of picture shows now in it.

Now the cigar mfrs. are squawking that film mobsters are out of their territory with a heater in the hands.

Herb Benson, who left the city for New York, has been spotted in White Street in Chicago as company man.

Alfred Abrahamson, who left New York for other assignments.

Paul Margolis, United Artists' p.a., leaves for the Coast this week on round-trip bookings being taken by a series of public-exploitation shows.

Eddie Boell, N.Y.U. quarterback, who scored against Missouri on Saturday (11), is son of Eddie Boell, Paramount-Larry branch exchange manager.

Michael O'Connor, secretary for John F. Royal, NBC program chief, is getting along nicely after an apparent removal from the Coast last week.

Joe Frankle, director, around town on a holiday. His wife, Anna Sten, accidentally broke her arm while swimming off the Coast.

Jimmy Roosevelt, fast on Sam Goldwyn's business, flew to San Francisco (13) for a speech-making tour. Due back probably tomorrow (Thursday).

Joe Tenet, recently returned from Alaska where he directed a flock of sheep shots in the Coast, went back to the Coast after a short vacation.

Sam Springs and Coast residents hopping on the winter tourist bandwagon and soliciting money from people to lure them away from Florida this season.

At several points on the Coast and more recently in this city—Philadelphia, Georgia, and New York, understood he has playwrights.

Herman J. McCarthy, assistant d.a. in charge of the Fritz Kuhn band case, also pronounced Lillian Saxon Schreiner, Martin Beck's secretary.

Alex Finn back to the Mayfair, Boston, and out of the International City, which Chester Conklin of England gas station owner, who controlled it, now does the operating.

Lastlong, C.M. of William Morris agency, came back week on his annual winter co., for a couple of months. Clifford, who has been in, are routed by Morris, also came back.

Kimberley and Faye finally sail today (Wed.) on a Dutch boat after three days start.

They have private big interests in London and anxious to return there despite war.

Benny Boughough, once noted for the N. Y. Times, now a checker for Ross Federal Service, has been tendered a check by (13) by Newark fans where he coaches the Bears.

Joe Fair management tossed a buffet supper for the newsworld editors and technicians Thursday (9) at

the New Yorker hotel, Claude Collins, head of the fair's motion picture division, official host.

Death of Sidney Spier, p.a. for Billy Rose, a shock to Broadway.

Deaths of Sidney Spier, p.a. for Holm-Rose nuptials yesterday and the supper party given by the Bears for the New York Times. They hosted 102 last night (Tues.) at the Hotel Dorset.

Chicago

Harry Groben to New York to dig up acts.

Joe Weiss is an exhibitor turned actor. Aesop's fable of the Chee Paree show couple made up in Chicago.

Ray Florine to New Orleans, where mother is desperately ill.

Jackie Lottis still at the Coast, but broken rider in a cast.

Sacha Guitly to London for two weeks, followed by three-week London tour in Italy with his troupe.

Victor Boucher almost well again after being taken ill on the Madeleine stage at Sacha Guitly's church show.

Hungarian composer, Paul Abraham, whose operetta, 'Victoria and Her Hussars,' was tried out in New York, is planning U. S. visit.

There have been complaints in the French press, because Shakespeare's plays are being sold with sandbags, thereby exposing it to censure in the event of air bombing.

Dennis's visa not given in Bordeaux, but he is expected to leave 'Rappel Immédiate' 'Choc en Méditerranée' 'La Route de Méditerranée' 'Cheri Bibi' 'Ceset Le Feu' and 'Les Deux Comédiens'.

Head Hunt band out of Pittsburgh, booked to play at Deauville Hotel in Columbus, went into Merry-Go-Round Club in Dayton, O., Monday (15).

Burton Lane is organizing his own orchestra in Chicago, and is being backed by General Amusement.

Lane previously established in music business as songwriter.

Dick Barrie pencilled into Bill Green's Casino, Pittsburgh, next Monday (20) for indefinite engagement. Replaces the Benny Burton outfit.

Head Hunt band out of Pittsburgh, booked to play at Deauville Hotel in Columbus, went into Merry-Go-Round Club in Dayton, O., Monday (15).

Hamilton Park, Waterbury, unshuttered for one-nights with Tommy Reynolds band Sunday (12). Woody Herman skedded Nov. 19 and Larry Clinton Nov. 26.

Charlie Ferren orchestra got pit job at Lyric, Bridgeport, last but buried.

Bobby Byrne's new band goes into the Brooklyn, Roseland for four weeks. They have four weekly network shows.

Terry Shand band signed by General Amusement. Starts two weeks at the New York Roseland tomorrow (16).

Jimmy Dorsey's Sherman Hotel, Chicago, opening set back from Dec. 21 to 29. Band head, Frankie Trumbauer, still in New York.

Glenn Miller's Sherman Hotel, Chicago, opening set back from Dec. 21 to 29. Band head, Frankie Trumbauer, still in New York.

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Paris

Raimu to go in for music-halls in the 'Bengal Lancers' (Par) banned in Marseilles.

The comedian Noel-Noël is a sergeant in the air force.

Robert L. Bresson, newspaperman and novelist, is dead.

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mount's ace band house here, soon to reopen.

Herman Webster, 20th-Fox general manager, and Mrs. Levy, S. E. Kent drive leader, here for sales meeting.

Marie Lang, of Patricia Wynne (Goshue line) at the Minne-apolis Shoptown.

Patricia Wynne (Goshue line) at the Minneapolis Shoptown.

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Patricia Wynne (Goshue line) at the Minneapolis Shoptown.

Legit Backing

Continued from page 1

Wrights' Co., which also has backing from Park avenue. The Gable-Whitman office is stated to act as a buffer for Whitney and thereby protect him from indiscriminate managerial investments. Plan is for him to take a percentage of shows when and after being okayed by Gable-Whitman.

Also interested in 'Foster' is Howard S. Cullman, who made a fortune in tobacco, was receiver for the Roxy theater and vice-chairman of the New York Port Authority.

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Hollywood

Don English broke his arm in a fall.

Sheraline Fitzgerald in from New York.

Don Ashbaugh bruised in motor crash.

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ARTIE SHAW

King of the Clarinet
AND HIS ORCHESTRA
*The Greatest Or-
chestra Attraction
In The U. S. Today!*

HOTELS-

TURNING 'EM AWAY NIGHTLY,
CAFE ROUGE, HOTEL PENNSYLVANIA

PICTURES-

MGM'S "DANCING CO-ED", CAPITOL
THEATRE NOW AND BREAKING
RECORDS NATIONALLY

RECORDS-

"MOONRAY" & "I SURRENDER,
DEAR" (VICTOR-BLUEBIRD) TOP-
PING EVEN "BEGIN THE BEGUINE"

RADIO-

NBC NETWORKS COAST-TO-
COAST FOUR TIMES WEEKLY . . .
FITCH BAND WAGON DEC. 10

G E N E R A L AMUSEMENT CORPORATION

Thomas G. Rockwell, President

NEW YORK ★ CHICAGO ★ HOLLYWOOD ★ LONDON

FAIR

PRICE
25¢

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PRODUCERS' PLEE

Rose Netted Over \$1,000,000 in 1939; Wants No Competition for Next Fair

Probably a new show business record is the more-than-\$1,000,000 net profit cleared by Billy Rose on his Aquadec in 24 weeks at the N.Y. World's Fair, now that final figures have been audited. Rose claims that in August, or two months before the Fair folded for the season, he paid a \$10,000 capital stock tax to the U. S. This is a move whereby, in order to obviate excess profit taxes, one may estimate a corporation's profits in advance, and pay at the rate of \$1 per \$1,000. By paying the \$10,000 tax, it saved Rose an additional 20%.

The Aquadec cost \$28,000 a week to operate; it grossed \$2,000,000 all told; and had to pay off a \$375,000 basic investment which was cleared after the first few weeks.

As regards the 1940 Fair, Rose has 40 days, or until Feb. 1, to commit himself to resume his Aquadec. Undoubtedly there will be an encore before the Fair Corp. is spending considerable protecting the expo for winter. Contracts can't be signed before Feb. 1, next.

Rose is going to insist upon a strict adherence to a restrictive clause that there be no girly show, musical revue, extravaganza, spec or other theatrical entertainment on the Fairgrounds, in an auditorium seating 1,500 or more. This refers to the \$500 seat Music Hall where Mike Todd's 'Hot Mikado' held forth (Continued on page 49)

Reviving Ziegfeld Midnight Frolic At B'way Paradise

The Paradise, which, with the now defunct Hollywood, pioneered the low-covert, cabaret-restaurant policies on Broadway, standard for some decade, may become a resurrected Ziegfeld Midnight Frolic. Realizing the need for a facelift and director, is negotiating a deal with Howard Reinheimer, acting for Oscar Hammerstein, 2d. Jerome Kern, Irving Berlin and others who bought up the old Ziegfeldiana. The similitude of the new Frolic, which Burke (Mrs. Flo Ziegfeld), only acquired the rights to the 'Ziegfeld Frolic' title.

Seymour Felix has been signed to stage the Midnight Frolics, as the spot may be labeled if the Ziegfeld title deal falls through.

Modest

Intellectually-bent screen player, east after his initial film role, was subjected to the first interview of his career at Universal last Friday (17) by Edwina Hecht, daughter of Ben, who works for Glamour mag. To her question concerning his age, he replied very seriously: 'I am only 20, but I wish I were 30 so my body could catch up to my intellect.'

Authors Balk at M-G's Idea to Perpetually Use Same Characters

Hollywood, Nov. 21. Screen Writers Guild has instructed members not to sign studio contracts carrying a clause by which perpetual use of characters goes with the story sale, such as is now in effect at Metro. Similar action was taken by the Authors League, the Dramatists and the Radio Writers Guild.

Members were also warned against laxity in protection of ideas submitted at story conferences. Scribes were instructed to jot down story ideas and register them with the Guild.

Metro had ordered a new clause in its story contracts under which the studio buys the characters as well as the yarns, with the right to use them in sequels. This was the result of Fannie Hurst's suit against Warners, demanding more coin because of the sequel to her novel, 'Four Daughters.'

Metro has been paying separately for each 'Thin Man' and 'Hardy' story.

FIND RARE RECORDINGS OF BERNHARDT, EDISON

One of the rarest finds in the disk-collecting world, a Sarah Bernhardt recording, turned up several weeks ago in Jack L. Cadin's music shop in N. Y. The recording was made in 1897, and is a recitation from Rodin's 'La Samaritaine.' Cadin is releasing the record commercially via re-recording.

He recently sold a recording of the voice of Thomas Edison made in the early 1890s by the inventor, to Metro, for a film.

BLUSHING UNSEEN ANNOYING THEM

Radio Alone Among Entertainments in Withholding Program Credits From Behind-the-Scenes Personnel —NBC Argues It Clutters Up the Ozone

RECENT CASES

Program credits and advertising mention for producers and writers is again to the fore in radio. The newest of all the entertainment media has always been reluctant to grant billing to behind-the-scenes craftsmen on the grounds the public didn't give a hoot. And so while program credit has become an integral part of nearly all contracts signed in films, legit and almost every other branch of the amusement business, radio as (Continued on page 49)

CAMPUS TASTE DUCKS SWING

Pittsburgh, Nov. 21. Colleges in the east, according to student committees who hire 'em for proms and similar hops, no longer want outright swing bands on their jobs. Turning their backs on outfits that hit a hot groove and stay there, they now book only bands that lose off ballad tempo as well. Which further goes to prove that the jitterbug era is becoming passé.

Swing away from hot stuff is so pronounced in some quarters, it is said, that some colleges will use only bands that play sweet exclusively. Shift to that extreme is apparent in the record buying activities on many campuses.

Aerial Blackouts on Pix Prod. Now Circumvented

Hollywood, Nov. 21. Airlines have agreed to reroute aerial travel around outdoor and location shooting after squawks by studios that it's costing them thousands in retakes, due to engine noises. Noisy studio ranches had been hardest hit.

H'wood Gives LaGuardia's Emissary Glad Hand; He Turns Out to Be a Spy

Says Elliott to F.D.R.

Port Worth, Nov. 21. Elliott Roosevelt announced in memos to each of his 127 Texas State Network employes this week that he was giving them a turkey piece off his Dutch Branch Farm near here. The memos were specific: 'This turkey is for your enjoyment on Thanksgiving, Nov. 30.'

Gold Digger (The Real Article) In Hollywood Bowl

Hollywood, Nov. 21. Search for buried gold in the Hollywood Bowl begins next month with the signed approval of the Board of Supervisors, who have left a willing ear to the legend voiced by Henry Jones, scientific gold digger from San Francisco. One General Placido Vega is supposed to have planted \$200,000 there in the gold old days, when Juarez was fighting Maximilian, long before they were glorified by Warners.

Jones plans to find the treasure cache with a mechanical doodlebug, which has nothing to do with a turkerbug. A lot of symphony conductors have dug hunks of gold out of the Bowl with their batons, but nobody has ever exhumed 200 grand in one performance.

JIMMY WALKER WRITES HIS 2D SONG IN 25 YRS

New York's ex-mayor, Jimmy Walker, states 'I write one song every 25 years, and I'm hoping we'll all be around 25 years from now when I write another.' This is in reference to a new pop. 'In Our Little Part of the Town,' which he and Jimmy Hanley turned out for the Night of Stars benefit last Wednesday (15) at Madison Sq. Garden, N. Y. The last song Walker wrote was 'Will You Love Me in December as You Did in May?' exactly a quarter of a century ago.

'In Our Little Part of the Town' was turned out as a tolerance message for the occasion, Walker and George Jessel introducing it as a vocal duet.

Hollywood, Nov. 21. It might be called 'The Confessions of a Manhattan Spy,' if Joe McGoldrick told all he knew. Hollywood is smarming under the knowledge that it nourished a viper under the guise of a visiting fireman.

Joe came out here a month ago, ostensibly in his official capacity as Comptroller of Greater New York and Mayor LaGuardia's pal. As such, Joe was handed a colossal welcome, along with two other visiting firemen, Roy Palmer and Ogden Ross. Nothing was too good for the emissaries from Baghdad on the North River.

This sleek trio passed up a lot of invitations to kill the fatted calf at Hollywood's rumba joints, or popping corks. They wanted to see picture production in the raw and learn the facts of life at first hand. With customary hospitality, the film moguls broke down and told all. They showed the visiting firemen all over the place, revealing the innermost secrets of the art of the cinema.

Now they learn that their guests were putting over a fast one. Joe (Continued on page 5)

1919 Willard-Dempsey Film Shows the Marked Changes in Ring Rules

Chicago, Nov. 21. Pictures of the fight between Jess Willard and Jack Dempsey which took place at Toledo, July 4, 1919, heretofore prohibited, will be released shortly with a sound track dubbed in. What happened in the sun-baked ring provides a modern pictorial account of one of the biggest upsets in boxing. Jack Kolbe of CBS wrote the material and Ford Bond of NBC is the commentator.

Most significant aspect of this recently unearthed film record is that 'A Champion Is Born,' as it's called, shows the difference in ring rules then and thereafter. Up to the time of the second Tunney-Dempsey fight, fanned for the Tunney-Dempsey fight, a fighter had to protect himself at all times, whereas now when a boxer is knocked down his opponent must retire to a neutral corner.

Dempsey's Willard was soon as his head bowed under the canvas, and from all angles, front and rear, his picture showing him the sobriquet of the 'Manassa Mauler.'

THE HOLLYWOOD LABOR STRIKE

Other News Pertaining to Pictures

Carr Back to Coast With Another U. S. Tax Expert—Many Significant Political Aspects—Government Unsure of Itself

Washington, Nov. 21. Further cross-examination in various Hollywood tax and labor cases is scheduled by the Justice Department, which sends Charles Carr, special assistant to Attorney General Frank Murphy, back to the Coast this week, enforced with another expert from the Tax Division.

Determination to thrust out aggressively every bit of available information by the department by Murphy Friday (17) in the wake of reports that Federal authorities doubt the necessity of giving convictions, even if the grand jury votes indictments. So far, the D. J. has not asked for true bills, fearing either a turn-down or eventual loss which might be highly embarrassing and politically dangerous.

Political aspects are mighty significant. Especially since Jimmy Roosevelt cannot be overruled by the president, the department has been already that the President's son had interested himself in the matter, though such whiffles are considered indignant denials from official quarters. If the department overlooks any important phases, they are likely to be in next year's campaign. At the same time, too aggressive handling of the department by the grand jury and Jones, is equally liable to bring cries of persecution.

Charles Carr, another aide back to Los Angeles, the A. G. is seeking a demerol dose of good faith in the efforts to punish what the Treasury Department insists is tax evasion and racketeering in the film business. He realizes he is on a spot, just as Carr is. That's why U. S. district attorney Ben Harrison at Los Angeles has been directed to take a hand in the resistance. With three persons reported to the various cases, the department will be stronger in its position to meet criticism from any source.

On the Griddle
The Hollywood cases were discussed at last week's departmental staff meeting, Murphy disclosed, and were the subject of a special conference with Sam Clark, acting head of the tax division.

Repeating details that the principals have tried to make settlements, Murphy asserted his forces are "exhausted" every legal remedy, resumption of grand jury sessions is a move to "completely exhaust every lead that might indicate violation of the law," he explained.

It has been in Washington for approximately a month, after sending on transcripts of testimony and repeatedly reporting that he doubts whether further moves would be successful. He has conferred on numerous occasions with the Attorney General and Treasury executives, said to be convinced there was some deliberate effort to duck taxes by the union, questioning whether the theories can be proved with information so far obtained in the month.

Fact that another tax expert is going to Los Angeles is interpreted as a sign that the department agrees with Carr's pessimism about possibility of making labor racketeering accusations stick. It is felt the industry has not cooperated enough and that the major companies are unwilling. But there is no reason for the Government to go to the extreme, particularly when it may wind up reduced.

L. A. TO N. Y.

Christine Ames
John Anderson
David Blankenhorn
John Brown
James Cagney
Charles Clegg
Rudy Felt
Tom Fiske

Harold Friedman
Helen Gahan
John G. Gahan
John G. Gahan
John G. Gahan
John G. Gahan
John G. Gahan
John G. Gahan

N. Y. to L. A.

Joe Bonomo
John Campbell
John C. Clegg
John C. Clegg
John C. Clegg
John C. Clegg
John C. Clegg
John C. Clegg

ARRIVALS

Pat Patterson, Charles Boyer.

Goldwyn City, Ariz.

Goldwyn City, Ariz., Nov. 21. This new metropolis of the wild west, named in honor of Sam Goldwyn, was born yesterday (Monday) by the Governor of Arizona, surrounded by its staff of honorary colonels and 250 Hollywood cowpunchers. Dedication accompanied the first kissing of the scenes in the Westerner, a Goldwyn production with William Wyler directing and Jack Cooper starring. The new town began its cinematic career as a stand-in for Frontier Texas, where the action in the original story took place.

UA Sells Korda's 'Lion' Away From Franchised Exhibits to F.P.-Canadian

Montreal, Nov. 21. "Lion Has Wings," Alexander Korda's patriotic British epic of supremacy, will be booked away from United Artists franchise holders throughout Canada, according to reports. Film will go to Famous Players-Lasker chain (N. L. Nathan) instead of being currently penciled in for the Palace, a Consolidated F. P.-Can. House.

This is the second Korda production which Nathanson has made an insistent bid for. Last UA film to go to Nathanson was "The Sign of the Cross," which F.P. claimed production had been started before the tiff with Goldwyn. Nathanson, who told Nathanson to drop the UA franchise. Noteworthy that both "Lions" and "The Sign of the Cross" were produced by Nathanson, who told Nathanson to drop the UA franchise.

Though "Lion Has Wings" would be a financial success for UA franchise holders in Canada, it is believed that the all-powerful outfit provided F.P. with the determining factor. For that same reason, it is believed that the all-powerful outfit provided F.P. with the determining factor.

Setting 'Lion Wings'

Toronto, Nov. 21. Monroe Greenhalgh, director of publicity for United Artists, planning back and forth this week to lay out the plans for the setting of "Lion Has Wings," negative of which Alexander Korda brought over with him on the clipper and which will have its North American preem at the Up-town, Toronto, tonight (21).

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BLUMBERG SETS DICK POWELL FOR 2 AT U

Confab in New York recently between Powell and Alexander Blumberg, pres of Universal, are expected to result in the signing shortly of a deal. Powell is to direct two films for U for 1940-41 release.

Powell and Blumberg worked out a deal for the endorsement of Powell's film "The Sign of the Cross" was being film was being at the Paramount. N. Y., two weeks ago. He is expected to be in Hollywood on the beginning of the year.

Brown's B'way Legit

Hollywood, Nov. 21. Johnny Mack Brown is studying an offer to play "The Virginian" on Broadway.

May take it if Universal gives him leave.

H'wood and (Grape) Vine

By BILL HALLIGAN
Hollywood, Nov. 21.

The races are over early in Hollywood and now that the service wings of the boys have been sent to the Barholdt Inn of the Cinema Center and rib. The hotelery is only a dog's bark from Hollywood and Vine where the Brown Derby and the Hotel Stakes are more important to the lads than the Fimble and Narganscent results. The male Dorothy Parker pull many a fast one and if you hunger for laughs that's only place in town to go with the accent on the only.

Volney saw some house painters going into his hotel the other day, went over to one of them, and gave him a dollar. "While you are at it," he said, "you might as well go up to my room and paint my sheets white."

"I know where 'Orson Bugzy' can find a good job if he dyes that beard white," muses Frisco, "the Salvation Army is looking for guys to play 'Santa Claus'."

"Hear they are changing their slogan this Xmas to Hi Ho Silver; clogs in Best Motion."

A little character actor's name comes up. "He just grabbed another job," says one of the lads. "Five days they want an actor to play a man's part they hire a little boy."

"I hear Goldwyn sent a wire to Hitler to shoot around David Niven because it's possible," Charlie Williams is like to be there to see the ruler's.

"I hear you got that job in the saloon they were shooting, they wanted an actor to play a bit at the piano."

"They wouldn't give it to me," volleys Volinsky, "I play piano."

"I hear you got that job in the saloon they were shooting, they wanted an actor to play a bit at the piano."

"Where were you," asked Charlie Williams, "I was in the saloon."

"I've been out with Joe E. Brown and Martha Raye on dislocation," is Charlie Williams, "I was in the saloon."

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Willie Bioff's Strike 'Deadline' Of Monday Bound Over to Friday Now; Other Studio Labor Matters

Hollywood, Nov. 21.

The strike threat hovering over the industry was passed over to Friday of this week after Willie Bioff had set a 2:30 p.m. deadline for the studios to pick up with a 10% raise for certain studio unions. The producers issued the following statement after Monday's session:

"Committee of producers and committee representing unions met this afternoon and discussed problems affecting the labor situation in the studios. Committee representing producers have asked for a further postponement in order to consider the situation in the industry."

"Some progress has been made in this meeting and a date for further negotiations is set for 24th."

"Producers were represented by Joseph M. Schenck, E. J. Mannix, V. Frank Newman, attorney Mendel B. Silberberg and Walter Warner. Bioff was flanked by Meyer Lewis, AFL western director, J. W. Buzzell, executive secretary of the U. A. Central Labor Council, and Walter Reed, international representative of the Platers' Union."

"Unions, as a gesture of good faith, agreed to strike deadline for Friday, the three-and-one-half-hour meeting declared: The unions are perfectly willing to give the producers sufficient time to consider everything involved. We are studying the matter intelligently and it looks as though they will not have to be a strike."

Lewis cautioned, however, that the unions have in no way modified their demands and will enter into the new party on Friday on the same basis as they did yesterday.

It is understood, however, that what transpired during the parley was not so tranquil as the reports afterwards indicated. Producers, at times, go so far as to threaten unions to go ahead and strike at once if they choose, and see what the strike threat would mean.

Strike threat following granting of a 10% wage increase several weeks ago, 12,000 members of the International Alliance of Theatrical Stage Employees. Producers asked them to forego the strike until the end of the year, but the unions are demanding an accounting to show the disposition of about \$147,000 in dues and a 10% wage increase to other locals on a per capita basis of former members in Local 37, and some money was deducted to pay local taxes.

In the meantime the Writer, Actor and Director's Guild has sent the following bulletin to its membership:

"Plans are being made for the Inter-Tal Council to act in great haste to meet the needs of the industry. The actors, directors and writers are firm in their belief that 'careful scrutiny' should be given to the salaries paid producers and top actors and writers before asking the small-paid writer to take a cut."

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Goldwyn's Self-Financing Headache

Samuel Goldwyn's current maneuvering to release himself from the United Artists fold is based, to some extent, upon a desire to liquidate his personal fortune, which is tied up in films that he has made during the past few years. Goldwyn's film profits must be repeatedly pledged to banks for new film financing, pyramidized into a great snarl which Goldwyn now wants to cash in, it is said on the inside.

By getting out of UA, it is explained, and tying up with some other company on a deal, such as Mervyn LeRoy has with Metro, Goldwyn could rid himself of most of his present worries, which involve the individual financing of each film, could pay off bank indebtedness from income on pix now out and keep the change for himself.

Likely That Korda Will Establish His UA Production in Hollywood

Possibility of Alexander Korda, English producer member of United Artists Corp., transferring his base to Hollywood for future film-making is held to be better than a 50% chance by informed sources. Korda is on the Coast and one of the principal reasons for the trip (other than which Murray Close, UA chief, left Saturday (18)), is to discuss with him and other UA execs the advantages or otherwise of his setting up at a studio there.

No matter what is decided, however, on either a temporary or permanent Hollywood future for the British film-maker, it is certain that he will go back to Britain in two or three weeks. He will remain in New York only a day or two after his arrival from the Coast before taking a Clipper plane home. If he does decide to work in the U. S., he will clean up his business around "Lion Has Wings," which Korda just completed and which came over on the same plane with him two weeks ago, will be released in the U. S. in two to three weeks. It has its first screen (only) on Tuesday at the Uptown, Toronto, and will be distributed through Canada at once. "Lion Has Wings," which is being treated in a sort of official manner by Dominion exes.

Joe Roosevelt May Leave Goldwyn Ahead Of Sked; Indie Plans

James Roosevelt may leave Samuel Goldwyn in less than six weeks, it is understood, to go ahead with plans for the formation of his own production unit. It is virtually certain, unless a sudden hitch develops, that he will shortly take his leave, leaving his terms of departure to be worked out with Goldwyn by January, 1941.

Although Roosevelt is said to be dealing with both RKO and Paramount, there is a possibility he will stick with United Artists, returning through there.

Roosevelt, now in New York, returns to the Coast next Monday (22).

Disappointing September recession check improvement in theatre trade, with Government aid, and stagflation, but still a bit ahead of 1938. Payments to the treasury in October totaled \$1,727,000. This was an encouraging \$11,564 better than the same latest year but almost \$200,000 behind the 1937 record.

Compared with collections in September, treasury's haul was off \$124,200 but total for the first three of this calendar year and better than most of 1938. Brings Federal share for the month to \$15,000,000. This is \$138,300 above first three quarters of 1938.

VON STROHEIM BACK IN U. S.

Hollywood, Nov. 21. — Edward G. Stroheim returns to acting at 20th Fox as "An Adventurer." He's been producing, directing in France.

'Rip's' Double Take

Hollywood, Nov. 21. — Monogram rolls its version of "Rip Van Winkle" Jan. 3 in spite of reports by 20th Fox that a Technicolor feature under the same title.

The picture carries Monogram's biggest budget for 1939-40.

CARL LAEMMLE ESTATE PUT AT \$3,000,000

Hollywood, Nov. 21. — The estate of Carl Laemmle is valued at \$3,000,000, over and above existing encumbrances and indebtedness, according to a petition filed by executors and spend another \$2,500 to continue operation of the C. I. Import Corp. Permission was granted to pay \$4,000 expended to prepare "Skeleton On Horseback," foreign-made picture for American release, and spend another \$2,500 to exploit the film.

Three other films owned by Import Corp. are "Five in the Saddle," "Big Game" and "Behind the Wall," now being edited for U. S. distribution. Laemmle invested \$3,800,000 in share, rated highly satisfactory, in the Import outfit.

Executors were also granted permission to sell certain stocks of fluctuating value.

SEE \$3,000,000 NET PROFIT FOR WARNERS

Warner Bros. annual earnings statement covering the fiscal year ending Aug. 29 last, which is due this month, is expected to show net profit of 70-75c on each picture. First three quarters of 1939, with provision made for anticipated decline in net profits, is expected to bring net profits sufficiently high to cover preferred dividend requirements, and possibly a few cents on the common.

Net profit for the year is expected to top \$300,000 according to Wall Street opinion. Earnings of \$3,000,000 or slightly over, one recent forecast, would make the picture business, rated highly satisfactory, especially in view of the 41c for the previous fiscal year.

Warner Bros. report is due before Nov. 27 while Loew's statement for the fiscal year ended last August, which will not be ready until the first of the year.

Greats a Rep. Producer

Hollywood, Nov. 21. — Edward G. Stroheim, who is public to fill the associate producer post left vacant by Herman Schollm, was once associated with David L. Loew and more recently with Louis Leiser.

DISASTROUS FILM PRODUCTIONS ARE IN THE EXHIBITS' POSITION

Studios Want Extended and Preferential Dates on Top Pix, As Evidenced in Zanuck's 'Mohawk' Squawk

EXHIBITS' POSITION

The sales forces of the majors, from division managers down to branch bookers, are on the spot in the face of producer demand to get more out of pictures. Right now they are in the position where they will be held accountable for any advantages they permit an exhibitor to take. Regardless of the situation, the contracts that exist, and the stubbornness of the exhibitors, that extended time be allotted their pictures as a means of taking up the slack (if that, it is freely admitted).

The uncomfortable road the distributors men find themselves on, fearing the worst, has been brought about by producer insistence that extended time be allotted their pictures as a means of taking up the slack (if that, it is freely admitted). The distributors men find themselves on, fearing the worst, has been brought about by producer insistence that extended time be allotted their pictures as a means of taking up the slack (if that, it is freely admitted).

Climax of the situation came when Darryl F. Zanuck took St. Babian severely to task for not giving "Along the Mohawk" (20th) more than six days in his 'A' house in exhibition. Zanuck's letter to the press, in which he said the picture "is not typical and that's what worries the sales forces of the various majors."

Switching Dates

While Fabian, resenting the release of Zanuck's letter to the press, is not making any comment on the Schenectady booking, it is understood that when a given number of pictures have been contracted and scheduled for release, the exhibitor who he committed himself to the Albany 20th-Fox exchange, he shifts it to the first-class theatre.

Exhibitors discussing this angle say they might do the same thing since the distributors want added playing time on big pictures and won't do anything about the so-called "pupp" that they, the distributors, must be picked up. In trading between exhibitors and exchanges, it is also pointed out that when a given number of pictures have been contracted and scheduled for release, the exhibitor who he committed himself to the Albany 20th-Fox exchange, he shifts it to the first-class theatre.

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WB and Chi Indie Exhibitors Readjust Their Differences Over % Demands; Mpls.-St. Paul Balk

Par Toppers West Soon

Within a week or so Barney Balaban, Stanton L. Griffith, Neil F. Aspin and John Hicks, Jr., plan showing off for the Coast to huddle with Y. Frank Freeman and others on production matters, plans for the spring, etc.

They will be gone two weeks or so.

JULES LEVY'S FIRST AS PRODUCER

Universal has bought the screen rights to "The Boys from Syracuse" for the first production of Jules Levy, who recently joined the studio as producer after years as general sales manager of RKO. Price will star the Ritz Bros. Price paid George Abbott for the screen rights is \$300,000.

Rodgers and Hart, who co-authored the musical, will write two new numbers for the film version. They'll split two-thirds of the authors' share (60%) of the purchase price. As author of the book, George S. Kaufman, will get the remaining third of the authorship share and, as producer, he'll get the managerial share of 5%.

Understood there are as yet no Hollywood feelers for the rights to "Too Many Girls," Abbott's current Rodgers and Hart musical production at the Imperial. N. Y. Warners financed it, but if they want the rights, must buy them in the open market, as the backing is under the regular Dramatists Guild minimum basic agreement, not under the terms of the proposed "Wharton Willk plan."

ASHER MAY PULL OUT OF COL. IN BRITAIN

Hollywood, Nov. 21. — Irving Asher is back in town for a huddle with his lawyers to decide whether he will return to England to produce a production of British-made pictures for Columbia, or pull out of the company and take a job with another studio.

Under his original pact, Asher provided his own financing, but because of war conditions he wants Columbia to assume part of the risk.

South American Way

Hollywood, Nov. 21. — Eleanor Powell is to make a South American tour after an Hawaiian vacash, if Metro gives her time out on completion of "Broadway Melody." Film is just winding up.

of broreaching the accounts for all they will stand, or suffer the consequences. Producers and exhibitors branch holders are in a particularly tough spot since, if they don't get the picture, they have to take the right pictures, they have to take for that. Then there is the branch manager and over the district and division managers who okay contracts and deals. If any one of them do not like the picture as the wrong thing, they may also have to bear the brunt of the squawks.

Chicago, Nov. 21.

Exhibitors and Warner Bros. have settled their differences regarding film deals for 1939-1940, WB resigning its demands for percentage deals. Originally Warners had bought four pictures on percentage, to be set for preferred playing time, which means a Sunday-Monday-Tuesday run here, but company ran into stiff opposition from the local exhibitors who have battled percentage contracts in this territory for many years, and who have consistently warded off any general acceptance of percentage contracts for Chicago.

In the face of this opposition Warners revised its first tentative sales setup and has put through an alternative deal for exhibitors refusing the percentage agreement.

Film Rentals, but—

WB is now okaying flat rental deals for all its product, but is insisting on an upper price for the four specials which would have been otherwise designated as percentage items. Warners is endeavoring to obtain for these four pictures a price equivalent to what the exchange believes, it would have gotten if the picture played the 35% bracket.

Rather than the 35% bracket, Warners is offering the four pictures many indies prefer to signaturate the performance. Warners is offering the four pictures many indies prefer to signaturate the performance. Warners is offering the four pictures many indies prefer to signaturate the performance.

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LaGuardia Huddles With Bankers

On Monday (20) Mayor La Guardia met again with some 10 persons interested in eastern production, among whom were banking executives, as Al Christie and George J. East, prospective producers.

It was disclosed that the mayor is talking to the Empire Trust Co., the Chase National Bank of New York, Irving Trust Co., the Rockefeller interests, and J. P. Morgan & Co. Other banks are also interested and have been in conference with La Guardia, but the names have not been disclosed.

It is understood that a proposition has been submitted by these financial interests to the mayor, which will provide money for eastern production on one of two bases. The banks will put up 70% of the money required against 30% by the producer. Or the banks will put up 50% against 30% by the producer and 20% by the studio.

The producers' money must be placed in escrow in advance as a sign of good faith. No one picture deals will be accepted. A producer must be prepared to make three films or more.

Since labor troubles in Hollywood have scared N. Y. financial circles, another requisite on the part of the banks will be a guarantee that there will be no labor disputes. The last factor is that the banks desire control and veto power over salaries. The mayor has been told that Hollywood salaries to producers, executives, and stars, have been exorbitant, and no desire for repetition is wanted here.

The mayor will hold a meeting with labor executives late this week. Early next week he is expected to meet some of the executive heads of major film companies.

One of the price headaches so far in the deal is the excessive number of crackpots who have been seeking to see La Guardia for the purpose of making films. The mayor's assistants have been continually busy keeping them away.

UP's Eastern Story Ed Expounds On Why He Dislikes It Wood-B'way Deal

Contending that the Dramatists Guild agreement to bring Hollywood coin into legit production is still too one-sided in favor of the writers, despite recent alterations, Larney Goodkind, Universal's eastern story editor, has no reservations about the bankers' backing plays, with or without the new agreement. He stresses that this is his own opinion, and does not necessarily reflect the attitude of Universal. He sat in on producers' and during negotiations.

Goodkind feels that with methods prescribed by the agreement for a film company acquiring screen rights, the play it backs is not unfair. In the first method it must go out and compete in the open market for the rights, despite the fact its coin made the production possible and increased the value of the play for the author. In other words, Goodkind maintains that the more the flippers spend to make a play success, the more it is going to cost them to buy it for screen rights.

Can Run Into Fabulous Coin

Alternate method, prescribed in a recently adopted amendment to the basic agreement, allows the film company to purchase rights in advance of legit production, but the price is determined by the gross from the legit run. Goodkind points out that the sky is the limit on this type of deal on an exceptional job, a company might be forced to pay as high as \$300,000 or more.

As to the Universal editor's opinion that there has never been a play written which is worth that kind of money in films, it is almost impossible for the company to get its money out of rentals. Furthermore, Goodkind contends, it has never been proved that stage success insures film success, thus making it unfair to force producers to pour such sums into a film story.

For Hollywood's backing of any form of play, the editor feels it is pointless. There are two reasons. Hollywood's East (WB) as the way, he states, first being merely an investment with a chance of turning a profit, and second, to test out a story's possibilities and give it a buildup.

Taking reason No. 1, Goodkind points to plays backed by Hollywood in the past. They very frequently flop, which means the hope of a profit came a long chance on a whole if numerous shows are backed. In the second reason, the main reason is that a good story editor can recognize a screen possibility without setting it enacted. Furthermore, he declares, there is so much of the director in a play or film that a Broadway show may be taken to Hollywood and have such a different interpretation placed on it that it

Done in Oil

Hollywood, Nov. 21. Frank Morgan, Ralph Bellamy and J. Reginald Owen are suing for return of \$125,000 invested in oil stock.

Charge that the gent who sold them certificates did not have license to operate.

BING CUTS HIMSELF IN ON HIS PICTURE AT U

Hollywood, Nov. 21. Bing Crosby doubles as star and financier in his next Universal picture, 'I'll Had My Way', scheduled to start some time in December. Crooner is to supply half the \$800,000 bankroll. He is still collecting from investment in his 'silent picture, 'East Side of Heaven', similarly financed.

Currently Crosby is working in 'The Road to Singapore' at Paramount, and reports back to the home lot as soon as he completes deal at U.

Legit Vs. Pix Repre Battles In Akron, O.

Akron, Nov. 21. Legit, amateurs and film shows are all in the arena for the same fare here over the weekend.

Jackie Cogan's 'What a Life' made some time in the Colonial Friday night (17), while 'Loco', down the street, had Jackie Cooper in 'What a Life' (WB) as part of its double-feature bill starting Thursday (16).

According to the Cogan stage show out of the way, the Colonial Monday (20) offered Betty Davis in 'Elizabith' and 'The Great Dictator' as part of its next 20th-Fox picture, while the Westervan Players, Akron amateur group that runs its own theatre, opened in 'Elizabith' the Queen'.

Balanchine to 20th

Georges Balanchine has been signed to make the ballets for 20th-Fox's next 20th-Fox picture, 'Zorina' in private life is Mrs. Balanchine.

has no bearing on the original judgment.

He admits that a Broadway run in 'What a Life' would give a film a certain buildup, but maintains that it is not commensurate with the cost.

PRODUCTION LINEUP SCHEDULES A MONTH FROM NOW—Even December's Lineup Uncertain—Only 3 Companies Set Into January

FILM LINEUP

Despite the fact that some companies are much further ahead on 1939-40 product than they were last year at this time, the distributors, with a couple of exceptions, are away behind on the setting of release dates. Result is that theatre operators don't know exactly what they're going to get beyond a month from now. Moreover, they are not certain just how many pictures will be available for December. It is still more doubtful what's going to be placed on release during January, less than six weeks hence.

This is causing considerable delay in releasing dates to pictures making it dubious just when certain film will be available. This makes it more difficult to lay plans in advance and in some cases may bring about a change in the type of the engagement a picture is to play, holding up advance booking, thus possibly, too. While such companies as Paramount, Warner Bros. and 20th-Fox are far ahead on production, the smaller studios are in a quandary. The majors are taken as a group, is quite small as far as dates go. Usually, the distributor has to make release dates two months or more in advance, sometimes as far as a year, in other cases they are pulled off the schedule entirely.

As of Monday (20) only three companies have any dates set for January, and that too so far no date beyond December have been assigned. Some are in the thin column so far as even December is concerned. Paramount, 20th and Universal are set through January; none of the others go beyond Christmas week.

Far is farther ahead than any other major though dates are subject to change, as always. This company goes to the screen in February, while Fox and U go up to Feb. 1.

Warner Bros. has a lot of product in the cans for release beyond the first of the year but so far no date beyond December have been assigned. Exhibitor news is that the company of knowing what will be delivered to him after New Year's will be in the hands of the dating is in the hands of the exhibitor.

While the majority of the distributors have their December schedules set, Columbia, Republic and United Artists are far behind. Several others. Whether they will be filled out by the end of the year is not only two releases set for December; and that was decided upon only during the last week of the year. 'Send Another Coffin', Dec. 22, and 'Rebecca' which has been assigned the date of Dec. 29. The company delivers nothing during November. Columbia has only three pictures so far promised for December, one of them a western.

This is about the way the companies stand up to the end of the year, together with pictures and dates:

- COLUMBIA**
'Amazing Mr. Williams', Nov. 24; 'Cafe Hostess', Dec. 1; 'Fugitive in Paris', Dec. 8; 'The Sign of the Cross', Dec. 8.
- METRO**
'Secret of Dr. Kildare', Nov. 24; 'Call on the President', Dec. 1; 'Henry Goes Arizona', Dec. 8; 'Nick Carter, Master Detective', Dec. 15; 'Judge Hardy and Son', Dec. 22; 'Balanchine', Dec. 29.
- REPUBLIC**
'Roll, Wagon, Roll', Nov. 24; 'Gentleman from Arizona', Nov. 24; 'Yulon Fligh', Dec. 1; 'Lucky Texan', Dec. 1.

Important Financing for LaGuardia's Campaign to Bring Film-Making East Seen; Mayor's Many Contrasts

Ahoy Landlubbers

Hollywood, Nov. 21. Busiest shipyard on the Pacific Coast is in the San Fernando Valley, miles from the ocean, where the Warners are building two windjammers, the Talcott and the Madre de Dios, and the artificial billboards of Stage 21.

The first, a 145-footer, is being constructed for Errol (Sea Hawk) Flynn, and the second, measuring 150 feet, for James (John Paul Jones) Cagney.

Harold Orlob Stymied

On His Plans to Make 'Luelle' In The East

Determined to scrap his plans for film production rather than be forced to make his scheduled picture on the Coast, Harold Orlob may have postponed 'Listen Luelle' until next season. He is unable to obtain a distribution deal from any major company if he produces in New York and hesitates to go ahead without such assurance in light of present conditions on the world market.

Since breaking off negotiations, which were almost consummated with Orlob has been forced to deal by Nate Blumberg, prez of Universal, but only on condition that he produce on the Coast. He turned it down.

Orlob maintains that his difficulties have resulted not only from a lack of faith by major distributors in New York production, but also from his desire to dictate on production technique and casting. Orlob's position is that pictures made in New York should take advantage of the assets indigenous to Broadway. Distributors have refused to accede to this view, however, and won't allow him to use stage talent, demanding screen stars. They have also been afraid of his original story.

Orlob filmed 'One-third of a Nation' in New York last year. It cost about \$250,000, and he just broke even on it. It was released by Paramount within two weeks.

C. Ryan, Jr., in Charge

Devoting to the bring-back-filming-to-New York campaign, the mayor has appointed C. Ryan, Jr., in charge of the details. Ryan is expected to do most of the huddling with the producers. He has been given title, financial sources, producers, etc. Formerly secretary to the mayor, Ryan is now in the city as a deputy commissioner of sanitation and is said to have fine financial connections.

While no scale has been mentioned, the unions have agreed to a five-year contract, which is being held up so difficultly. This action was taken that would the producers claim that the Central Trades & Labor Council when a resolution was passed insuring that no one would be under any circumstances for five years.

Although the same scale as now is being held up, it is being obtained in union quarters it is said that it wouldn't be less. It is added that the producers claim that the labor cost will still be less since fewer men would be required on the set.

LaGuardia

Continued from page 1

and his fellow conspirators went back to the Hall and told Fiorello that he had learned the real mysteries of A and B productions, including westerns, romps and musicals. So what does he do? He threatens to pick Hollywood up by the seat of its stocks and toss it into the Borough of Queens. Every time the studio exec thinks of red McGoldrick they develop big red ears.

Probability that the pursestring will be pressed together for eastern production with important money interests claimed indicating willingness to encourage the acquisition of more film-making for New York, is expressed in circles close to Mayor F. H. La Guardia's vigorous campaign in this direction. It is hinted at the same time that banking and financial pressure may be forthcoming to force some production from California. Also reported on inside that certain heads of majors might be willing to heed La Guardia's appeal for a law of labor and other concessions.

Sources close to Mayor La Guardia have revealed that the push back of the mayor's plan for eastern production is the banks. It was declared that most of these institutions, which have been financing films in Hollywood and advancing money to production companies, are not willing to keep a close watch on production. Members of several large investment and banking houses first approached the mayor and asked for his aid, according to the inside.

With La Guardia and associates offering to lay various plans, it is understood producer-distributor organizations are setting up the question of giving N. Y. a break at least 10% of the production now being made in Hollywood. Among the names mentioned are those of Nicholas M. Schenck and George J. Schaefer are the first names mentioned.

Meantime, it is understood the mayor has asked for T. K. Stevenson, president of Electrical Research Products, Inc., to discuss the recent numerical figures of the upset of action of Stevenson, which had been planned for Astoria following the taking of the picture. Stevenson's plan, would concentrate on commercials there in future. The mayor is said to have been burned over this.

During the past week the mayor discussed with labor heads and the question of setting up a special financing corporation in New York to provide backing for producers. He is quoted as saying that Mayor was quoted saying he would like to work out the setup of such a corporation within two weeks.

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While no scale has been mentioned, the unions have agreed to a five-year contract, which is being held up so difficultly. This action was taken that would the producers claim that the Central Trades & Labor Council when a resolution was passed insuring that no one would be under any circumstances for five years.

Although the same scale as now is being held up, it is being obtained in union quarters it is said that it wouldn't be less. It is added that the producers claim that the labor cost will still be less since fewer men would be required on the set.

In addition to possibility that the labor cost will be less, it is in the east shortly, Par being mentioned, since the mayor started his campaign for bringing back film-making to New York, two indie units have been set up. One is headed by John Butler, president of the Borough of Queens, and one, and Gil Boag, who are understood to have obtained financing.

Continued on page 42

Chi Spotty; Cab Calloway Hi-de-hos 'Cavell' to Sock \$19,000; Marxes G Ted Weems Ups 'Rulers' to OK 31G

Chicago, Nov. 21.—Business is scattered, currently, showing ups and downs in the loop. There is nothing to excite the local picturegoers since the local picture, "Go to Washington" begun its second week after a smash hit. The picture, which opened the plenty solid trade in the office for the State office, which is all-colored show headed by Cab Calloway is garnering business. The United Artists' loop is also going along with a good fashion with standard vaudeville bringing a neat profit.

Palace looks extremely flabby currently with a double bill of "Allieghery Unraveling" and "Little Accident", neither of which indicates any popular appeal, and which means strictly a weak week for the combination.

Chicago is awaiting word-of-mouth to build up its "Rulers of the Sea", which got away slowly. It is regarded as pretty poor bill for the femme picture, which is the Chicago priority depends.

"Bail" moved over to the Garrick after a pretty and session at the Chicago last week.

Estimates for This Week

Apollis (B&K) (1:20): 35-55-75.—Mr. Smith (Col) (2d week). Great picture and a clutch for the week. For many more weeks, heading for \$14,000 after wallowing \$11,000 last week.

Chicago (B&K) (4:00): 35-55-75.—"Rulers" (Par) and stage show. Ted Weems' untold account of business. Great picture and a clutch for the week. For many more weeks, heading for \$14,000 after wallowing \$11,000 last week.

Chicago (B&K) (4:00): 35-55-75.—"Bail" (Par). Moved here from Chicago and looks like a good picture. Last week, "Twenties" (WB) finished three weeks in loop to all right \$14,000.

Oriental (Jones) (3:20): 25-40-75.—"Buster" (20th) and "The Great Gatsby" (20th) in the office and sold for \$14,000. Last week "Blackout" (M-G) and "The Great Gatsby" (RKO) all right at \$14,000.

Chicago (B&K) (4:00): 35-55-75.—"Allieghery" (RKO) and "Accident" (U). Double feature item not going well. "Allieghery" is bringing in the low territory at \$8,000, poor week. First time in "Circus" (Par) finished good. "Circus" finished good two-weeker to \$10,000.

Reverend (B&K) (1:20): 35-55-75.—"Jamaica" (Par). Will make it a hit. "Jamaica" going to \$14,000 after a 90-actway last week to \$14,000.

State-Lake (B&K) (2:20): 25-40-75.—"Palace" (RKO) and Cab Calloway's "Go to Washington" (U) is bringing in the coin and upping the gross to smash \$19,000. "Palace" (WB) rounded up to smash \$18,000 with "Hillbilly" unit on Marx.

Chicago (B&K) (4:00): 35-55-75.—"Circus" (M-G). Stage picture, picture looking good. "Circus" (U) fell away sharply to wind up a mock fortnight at \$4,000.

Memphis Uncertain On Thanksgiving and B.O.s

Fall Off on Split Dates

Memphis, Nov. 21.—"Drums Along the Mohave" is testing a mighty heavy at the Malco Palace this week. Bad weather, a general outcrop of picturegoers, and a good playing game around town, and the picture, which has been in the loop via radio, has been in the balance of the film house's week. A little blow, but the picture is plenty okay.

Thanksgiving playdate uncertainty has certainly been a factor in the situation. First-run houses have been coming up to a split date. "The Day" (2d) opening, necessitating a change in scheduling. "The Day" (2d) opening, this bringing in the least attractive product and causing the picture to divide the picture.

Constance Bennett's two-day personal appearance at the picture, which drew nicely with "A Woman Is the Judge" on screen.

Estimates for This Week

Loew's (Loew's) (2:20): 10-30-40.—"Intermezzo" (UA), split with 20-30 item. "Intermezzo" (UA) split \$4,500. Last week, "Fat Furious" (M-G) and "Eternally Yours" (M-G) split \$2,500, fairish.

Warner's (Warner's) (1:20): 10-30-40.—"Kid Nightingale" (WB). Looking satisfactory \$2,000 in three-day stand. "Kid Nightingale" (WB) ready to get about the same for return date second half of week. Last week, \$3,000.

"Elizabeth Essex" (WB), \$8,100, whatever.

Malee (Lightman) (12:00): 10-30-40.—"The Day" (U). Looking toward possible \$8,000, big picture. "The Day" (U), \$4,300, better than expected.

Orpheum (Cullins-Evans) (2:20): 14-24.—"Wanted" (C&G). Running with Constance Bennett on stage, and last week, "Miracles for Sale" (M-G) and Lum and Abner on stage, \$8,000 in four days, terrific.

Strand (Lightman) (1:00): 10-20-30.—"The Day" (U). Second run, and "Full Confession" (RKO), split. Getting \$1,800 for okay week. Last week, "Beat It" (C&G) and "Hidden Power" (Col), split, \$1,700, fair.

OMAHA PARADE PEPS MARKES TO \$8,000

Omaha, Nov. 21.—Nebraska attorney-general's ruling that the state must observe two Thanksgiving holidays has resulted to hypo amusement big generally. Ruling means that in no legal has been for Nov. 23 and means closing of banks, brokerage houses, exchanges, and federal agencies and postoffice also closed on earlier date, which will help help the state.

Although exhibitors are advertising both Thursdays as Thanksgiving, parade prices will be in fact on Nov. 30.

Many places may be closed both days, although schools and stores will shutter only the second Thursday and Governor Connelley's office there will be only one holiday, Nov. 30.

Overseeing, due to opening of parade, "Drums Along the Mohave" (U) double feature item not going well. "Allieghery" (RKO) and "Accident" (U). Double feature item not going well. "Allieghery" is bringing in the low territory at \$8,000, poor week. First time in "Circus" (Par) finished good. "Circus" finished good two-weeker to \$10,000.

Reverend (B&K) (1:20): 35-55-75.—"Jamaica" (Par). Will make it a hit. "Jamaica" going to \$14,000 after a 90-actway last week to \$14,000.

State-Lake (B&K) (2:20): 25-40-75.—"Palace" (RKO) and Cab Calloway's "Go to Washington" (U) is bringing in the coin and upping the gross to smash \$19,000. "Palace" (WB) rounded up to smash \$18,000 with "Hillbilly" unit on Marx.

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First Runs on Broadway (Subject to Change)

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Adams Mill on the Floor (Standard) (2d wk.).
Capitol—Another Thin Man (M-G) (2d wk.).
Globe—Beasts of Berlin (PDC) (2d wk.).
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B'way Okay; Garbo's 2d Week Smash At \$100,000; Cagney-Crosby's 1d 42G, 'Beasts', Big \$14,000, 'Toss' Good 12G

On Broadway beat big is a little lumpy in some houses but good in others, including for two holdovers. "Ninotchka" and "The Great Dictator" (both M-G) are showing a drop in the Monday night (Wed.) and tomorrow (Thanksgiving).
Undisputed block-analyzer is the Garbo picture at the Music Hall. It is going to hit \$100,000 or within whisking distance of that and starts on stage third week tomorrow (Thurs.). Cagney's draught at the Strand should mean \$40,000 or near for Tuesday on its second week with Bob Crosby on stage, excellent. "Movie" (M-G) is changing to \$10,000 on six days this week (3d) at the Regis, with "Time" (U) in a day ahead for tomorrow's holiday business.

The new Marx Bros. 'Circus' pin

Buffalo, Nov. 21.—Downtown aspect is plenty of action this week, with three houses in top brackets. Dick Powell, "The Great Dictator" (M-G) and "The Circus" (U) are hitting on a high note. "The Circus" (U) is hitting on a high note. "The Circus" (U) is hitting on a high note.

POWELL-CIRCUS FILE \$22,000 IN BUFF

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It is somewhat disappointing at the Capitol and the Music Hall of Berlin is a sock for the Globe, having been banned by the censors for "anti-Americanism" and "anti-Americanism" and its title, its \$14,000 is a good picture. "The Circus" (U) is hitting on a high note. "The Circus" (U) is hitting on a high note. "The Circus" (U) is hitting on a high note.

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60,000 Bids for 'Wind's' \$10 Tee-Off in Atlanta Spot Seating Only 2,000

Atlanta, Nov. 21. Duets for regular run of Selznick International's filmization of "The Wind," which opens here Dec. 16 after gala premiere here night before, went on sale Saturday (18) at special boxoffice in lobby of Loew's Grand, where picture will be seen. First boards are scaled at \$15 to \$10 for afternoon performance, \$10 to \$15 for night show. Reservations are being taken two weeks in advance.

Atlanta Community (Chet) Fund will be in complete charge of distribution of tickets for premiere and will get proceeds. Seats, at \$10 apiece, will be available only in advance to fund through heads of various civic, cultural, educational and garden clubs. No duets to preem will be available before Dec. 3. Indication of just how big the picture is in Atlanta in particular and southerners in general are to be present for first showing of "Wind" is spotlighted by fact that 60,000 applications have been received for the 2,000 seats available.

Metro exploitation staff has moved into suite at Georgian Terrace hotel here with E. B. Croft, chief of Metro's Southern Division public relations chief, in charge. He is assisted by Bill Hedges, chief of Atlanta office, and Todd Ferguson, out of Memphis. Clark Gable, Vivien Leigh, Laura Hope Crews, Evelyn Brent, (Laurie R. King), Ann Rutherford and Oona Munro, stars and players in "Wind," will head Hollywood contingent here for preem. They're scheduled to plane into Atlanta today before pic opens and will take part in costume ball, being sponsored by Junior League at 6,000-seat City Auditorium night before preem. Music for ball will be furnished by Kay Kyser's orchestra. Kyser will also act as m.c. on this occasion. NBC Red net will have a radio 30 minutes of this affair, with WSB, Atlanta Journal station, feeding.

Mayor William B. Hartsfield plans to proclaim Dec. 14 to 16 as dates for "Wind" week, in which all civic organizations and business firms will participate. Atlanta hotels are being flooded with reservation requests and city will be decorated in its best bid and tucker for occasion.

Meanwhile, Mr. and Mrs. Wilbur G. Kurtz, Sr., Atlantans engaged as technical director of "Wind," have been kept on Coast to aid in preparation of trailer and display advertising for picture. They were forced to cancel string of speaking engagements after having been retained by Metro to assist in work for ad campaign. They are expected here about Dec. 1.

STEAM VS. SAILS SETS UP 'RULER SEAS' BALLY

Detroit, Nov. 21. Miles from the ocean, this spot still caught a canny piece of exploitation on "Ruler of the Seas" (Par). Though inland, Detroit still has the world's heaviest river traffic flowing past it, hundreds of sailboats and pleasure homes here and its own fleets of Great Lakes ships.

Paramount's pic about the conquest of steam over sails was booked right into the nautical consciousness of this setting for the picture. Speed Trophy races, its numerous yacht clubs and moonlight cruisers when the local sailing season is brought down to a special screening of the film.

Dressed in their shiniest buttons and blues, such local maritime figures as Capt. Lee De Nile, of the Greater Buffalo; Capt. John McCrea, of the Eastern States; Capt. John Hyatt, of the Greater Detroit; Capt. J. Palmer, of the City of Detroit; Capt. L. C. Mantel, of the Western States; James McMillan, assistant general manager of the Detroit & Cleveland Navigation Co. and Capt. James Watt, retired, were photographed by the dailies at the special showing to tie the picture up with the vast riverfront following.

Although the point at issue between Darryl F. Zanuck, head of 20th-Fox production, and Si Fabian, owner of Proctor's, Schenectady, N. Y., is slightly biased in the absence of any rejoinder from Fabian to Zanuck's open letter of protest against pulling "Drums of the Mohawk" while it was doing profitable business, the controversy, despite its present logical status as subject of conversation among exchange men and exhibitors.

Zanuck clearly states his case of dissatisfaction with prevailing exhibition policy which, in his opinion, does not encourage extended engagements of outstanding films. He quotes boxoffice figures for "Drums of the Mohawk" in six days in the Fabian house grossed \$6,812. This exceeded by \$117 the seven-day cash returns on "Alexander's Ragtime Band." He states:

"It is incredible to think any exhibitor could be so shortsighted as to pull out a big picture when it is still making excellent money, thereby depriving its own theatres of additional revenue and consequently cutting the fair return to Hollywood."

Leaving respondent Fabian to make out his own case in his own way, which he is perfectly capable of doing, the Zanuck letter notwithstanding has stimulated much debate on the question of extended run for "big" pictures. It also has brought to discussion the question of no runs at all for some pictures. Zanuck concludes his letter by stating:

"I am writing you this open letter in the hope that it will awaken response from exhibitors so that moving pictures worthy of extended engagements will be given the same and so they will be permitted to earn for you and for us every dollar that they can in your territory so that you may share the same success as I have returned to Hollywood to make other pictures just as fine and fitting as "Drums of the Mohawk."

AN OLD PROBLEM

Thus does Zanuck kick into the open the entire producer-exhibitor relationship which, in various forms, has kept the industry a-dithering in one way or another. He builds up a strong case for the unusual, popular picture—the type of merchandise which merits higher percentage of payment than the average picture in exploitation and advertising. He buttresses his argument with a review of current production problems, stressing the absence of higher and more consistent in the face of diminishing foreign income. "We have lost in Europe almost one-third of our year's gross," Zanuck declares, and he states further that production in this double was 18 months ago." Also, he asks the question, "Do you realize that labor today receives a higher percentage of payment than it did in 1920?" He then asks the question that do the stars themselves, and that the cost of building material and equipment makes it impossible to produce a big picture-subject at a reasonable price?"

In all frankness, Zanuck's quarrel is not with any single exhibitor, but with the prevailing system of film showmanship, which puts a premium on quantity production, book selling and routine double-billing. It is a good thing, however, that it is so indifferent. Once tossed into the hopper of the distribution and exhibition machinery, the individual picture, with all its exceptions, is lost. It is a few weeks during the period of first run showings, it pokes its head above the run-of-the-mill competition and then it is forgotten. The trade and sides traded by the public, whose interest wanes and wavers as the early exploitation efforts languish and disappear as fast as the film has been shown in a few key theatres.

What Zanuck envisions is an industry keyed and tuned to the opportunities of shaking the last boxoffice

dollar from a public that is willing and able to pay—provided it has a chance to select its entertainment within reasonable limits. Only occasionally does the system unhitch itself from the unusual and outstanding film. "Snow White," Mr. Chips," "The Old Maid," "Alexander's Ragtime Band," "Jesse James" and a few others have been in their brief career in the industry through the routine and demand distributor and exhibitor attention. In the past year there have been a number of films which were in their brief career in showmanship quality which were entitled to better rating than the routine has provided.

NOT TO BREAK UP

It is not so easy to break away from the conventional despite the fact that show business thrives on novelty. First-run exhibition generally is controlled by one of the producer-distributor majors, with all essential theatre policies carried out from central headquarters.

Doubtless, this, which prevails throughout the country with the exception of a portion of the south and southeast, has been a pressure on studios and film exchange to hunt the film into theatres as quickly as possible after completion. Scores of films representing substantial costs in millions, progress directly to the laboratory to theatre screen without so much as a sign of salvation from branch exchange managers and first-run theatre managers. When it is too late, usually as initial engagements are about to close, the merit of the film, unused and unknown, impresses itself on the public through word-of-mouth ballyhoo. At last, when new customers are seeking the box office, the engagement is over, two new features are already being shown, and the buyers' choice has departed. The exhibitor and the community unite in a sigh as days have passed. By that time the urge to see it has been dissipated by a thousand and one distractions, including the Bureau of Education's Thelma, the football pools and other good films.

THE EXHIBITOR'S SIDE

There is something to be said on the side of the theatre operator. Under the "system" he has a minimum range of choice of engagements. If he plays, he is within which to play them. He may, if he wishes, juggle his availabilities from the various exchanges in a manner that suits his own situation. He is not his film contracts most decisions with regard to his bookings are not made by him, but by the film exchange.

He is "sold" to the limit of his playing time by the various majors. An extended engagement is discouraged by the film exchange. Failure on the part of the exhibitor to play films as they become available for his run disturbs the booking routine, delays subsequent bookings and may result in a loss of business. Of even greater importance to the theatre operator is the risk entailed when he changes his exhibition policy, especially booking dates or spots to book. The prices for a special attraction. He learns from experience that his audiences prefer to go along on the line of routine exploitation.

American film business was not built to its present stature by routine methods, however. Hundreds of theatres, at present, are in the hands of independent operators, men who had started as exhibitors in small situations and expanded their enterprises to the proportion to their own hustle and showmanship. There was keen competition. Distributors sold ideas for exploitation product. There was excitement and a growing public interest in films which gave impetus to originality.

Strong Radio Plug For Dead End Kids' P.A.

Albany, Nov. 21. Dead End Kids and Sam Hearn (Shepherd) staged a strong ballyhoo for their six-day run of "Zabian's Palace," Albany, through a 15-minute WABY studio broadcast the night (19) they opened. The broadcast featured the sextet (Leo Gorcey's wife also mixed) in one of the most effective pieces of radio exploitation in Albany.

Radio date was arranged by Lou Golding, Fabian division manager; Alex Sayles, Albany radio manager; Frank Waldeck, handler of the youngsters since he was stage director of original "Dead End" legit production.

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Sports Quiz

Lexington, Nov. 21. R. E. Falkenberg, manager of the Majestic, Lexington, and weekly high school's football program for promoting interest in his theatre, is printing up a picture of the picture film he wishes to be down on ballyhooed on same.

"Prize each week is a \$5 book of tickets. Plans to do the same thing with basketball. It's a town of 2,000 people, but he sometimes has more entries than that.

By John C. Flynn

Book Giveaways

Albany, N. Y., Nov. 21.

Fabian's Harnamus Bleeker Hall has launched a Tuesday "Book Lovers' Night" promotion, with a Funk & Wagnalls Encyclopedia set offered to the first customer to buy a copy of the 25 volumes, each book to cost the patron 10c for a regular, or 20c, for a library edition. This covers handling charges.

Mary Martin P.ing

With "Victor Herbert"

Dallas, Nov. 21.

Mary Martin ("My Heart Belongs to Daddy"), who met Victor Herbert, Texas, on the map, so to speak, bringing that town a world premiere—that of her first film, "The Great Victor Herbert," will play at the Princess and Palace here.

Willard Sadler, owner of these theatres, who was with Martin and her when she was at the picture, along as a dancing teacher in the town when she also appeared here and in North Worth.

Personalizing With Film

Albany, N. Y., Nov. 21.

Mary Martin and Allan Jones, who are in "Great Victor Herbert" for Paramount, will appear on the stage of Broadway Park, starting Dec. 1. The film had to be changed from cause the company's entire colorama.

Par's Special Bally

Staff on 'Gulliver'

Albany, N. Y., Nov. 21.

Paramount this week starts a total of nine special exploitation items on the road in advance of "Gulliver's Travels," which will be released during the holidays and is expected to go into between 40 and 50 first-run theatres. The picture, which has put six men on the picture, is a story of a man and three out of the studio.

Quiz of Aussie Patrons

Surprises Hoyts; Duals Preferred; Vaude N.G.

Sydney, Oct. 28.

Hoyts, controllers of major city and nabe chain, just concluded a personal survey of Australian localities to secure a close contact with likes and dislikes of the average Aussie payee. The results have been astonishing.

Patrons heavily favored dual bill, suggested that, if shorts must be played, they should be spotted at the end of all programs. Newsreels, however, were given a low rating.

Patrons declared, "British and local were always welcome. Quiz revealed that 100% were against the introduction of stage acts. Such and local acts, declared, were both an irritation and a waste of time. Adults nixed the policy of fat playing series nights, stressing that this type of fare should be exclusive to kiddie mats.

The survey also indicated that they would permit children to visit film theatres at night, providing the theatres are not open after 10 p. m. For younger children, parents suggested that care should be given to the choice of fare shown at all mats. Smoking in theatres was tabooed by patrons, and it was also suggested that the use of alcohol should not be allowed to operate. The National Anthem was desired at the end of each program.

Newspaper critics had been suggesting that Aussie filmgoers would be more interested in vaudeville, in place of duals and that shorts should be given a more prominent spotting in the program.

Quiz proves that the average Aussie prefers both quantity and quality in the fare shown. It is suggested that a general bill for a single feature, plus shorts, would not meet with the approval of the average Australian. The mixing of stage acts as a great surprise. It is suggested that the use of imported acts would be welcomed occasionally in see city houses, but that the use of stage acts in U. S. product, carrying names of marquee value, remain the mainstay in the local market.

U. S. product, carrying names of marquee value, remain the mainstay in the local market. The war has made very difficult to find the right place for the strong ones and leave the weakies to fill in the way side.

HOW COMM'L PLUGS

ANNOY LOCAL EXHIBS

While virtually all exhibs are annoyed by commercial advertising which sometimes creeps into feature films, some exhibs are annoyed by the plug, they claim, actually go beyond the personal announcement stage and wreak real harm on a theatre. This is principally true in smaller communities, rather than large cities.

One exhibitor, who claims exhibs maintain results in the strongest backfire is that of well-known but little-known Little Arden, N. Y. The exhibitor, who has a certain million-dollar output is handled by retailers through whom the picture is arranged whereby only one or two stores in a town can carry them. As a result, the exhibitor's picture brand is mentioned, it actually becomes a trailer for that store in town. Inasmuch as the exhibitor's picture is their exclusive outlet for special chapeaux, femme flingers have taken to the streets and the exhibitor is to town giving their items a break.

Others descend on exhibs, of course, from all the other shopkeepers in town whose particular product or brand is not mentioned. That they have a legitimate beef was proved in a survey by C. Nelson Schrader, associate with the exhibitor of C. E. Hooper, Inc. Results of this survey, published in Variety last week, show that exhibs have a real effect on sales.

A plug for a certain handpiece actually brought in a large number of orders from stores and redirets it to others.

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WHO
WON OUR HEARTS AWAY?

WHO'S
READY FROM NOW TO MAY?

WHO? WHO?

NO ONE BUT

WARNERS!



All Already Released, Completed, or in Work!

THE ROARING 'TWENTIES

(James Cagney, Priscilla Lane, Humphrey Bogart, Gladys George, Jeffrey Lynn)

THE OLD MAID

(Betty Davis, Miriam Hopkins, George Brent, Donald Crisp)

FOUR WIVES

(With the entire cast of 'Four Daughters')

INVISIBLE STRIPES

(George Raft, Jane Bryan, William Holden, Humphrey Bogart, Flora Robson)

WE ARE NOT ALONE

(Paul Muni, Jane Bryan, Flora Robson)
By the author of Mr. Chips!

A CHILD IS BORN

(Geraldine Fitzgerald, Gladys George, Jeffrey Lynn, Gale Page)

THE RETURN of DOCTOR X

(Wayne Morris, Rosemary Lane, Humphrey Bogart, Dennis Morgan)

ON DRESS PARADE

(The 'Dead End' Kids)

THE PRIVATE LIVES OF ELIZABETH AND ESSEX

(Betty Davis, Errol Flynn, Olivia de Havilland, Donald Crisp, Alan Hale)

THE FIGHTING 69TH

(James Cagney, Pat O'Brien, George Brent)

DUST BE MY DESTINY

(John Garfield, Priscilla Lane, Alan Hale)

VIRGINIA CITY

(Errol Flynn, Miriam Hopkins, Randolph Scott, Donald Crisp, Humphrey Bogart)

WE SHALL MEET AGAIN

(Merle Oberon, Pat O'Brien, George Brent)

THE LIFE OF DR. EHRICH

(Edward G. Robinson, Ruth Gordon, Donald Crisp, Maria Ouspenskaya)

BROTHER RAT and a BABY

(Priscilla Lane, Jane Bryan, Eddie Albert, Wayne Morris)

YEARS WITHOUT DAYS

(John Garfield, Pat O'Brien, Ann Sheridan, Burgess Meredith)

NEW BUSINESS NOTES

'Roaring '20s' is New York's big shot now—held for 3rd week!

Radio City grabs Muni's 'We Are Not Alone' for next attraction!

'Four Wives' Preview calls it better than 'Four Daughters'!

'Elizabeth And Essex' next for N. Y. Strand—watch!

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

U.S. Cos. Await British Frozen Coin Decision; Huddles On in Australia

Expecting for the last two days a decision on frozen currency policy in Britain, American picture companies still were up in the air late yesterday (Thursday) afternoon because a verdict still was not forthcoming from London.

Expectation is that formal ruling will be made this week. Predictions are that about 32% of the dollar money may be okayed for withdrawal. Under this arrangement, 35% would be allowed direct payments for operating costs on the British films, with companies permitted to ship half of the remaining 65% to the U. S.

Parleys in Aussie

Sydney, Nov. 21. Representatives of American distributors have been invited to a government conference in Canberra on the question of remitting coin to the U. S. Understood here that the government would suggest distributors leave around 20% of their rental collections in Australia.

Refusal by U. S. distributors to do this may mean tighter restrictions and regulations through local restrictions on remitting coins overseas. The Motion Picture Distributors Assn. of Australia is huddling on the proposition.

U. S. Cos. Expect Curbs
The U. S. film industry currently anticipates moves to establish exchange control, possibly with certain restrictions, in Britain. Under the plan as Great Britain adopts a permanent policy on frozen currency, American firms that the coin is 55% in Australia and possibly other British possessions will be patterned after the setup established by England.

New Zealand adopted currency restrictions over a year ago whereby film companies are allowed to ship 75% of their money to the U. S. and the balance of the coin, 25%, can be removed in via some barter system, such as purchase of merchandise.

Film executives in the U. S. see no excuse for Canada adopting a similar policy, particularly in view of the comparatively free passage of coin between the two countries in the past.

Scandinavia and Spain Shape Up as Best New Foreign Film Sources

Scandinavian features seem to have the inside track in the move by U. S. army theatres to test new fields of foreign-language product more thoroughly because of the disorganized state of foreign film imports. Another new source which looks strongly is Spain.

Evidence of this new trend was seen in the newly announced policy at the 48th Street Cinema, New York, where only Scandinavian products are being shown for the next few weeks. Danish, Norwegian and Swedish pictures have been used, with the best-made ratings, the best chance for sustained demand. Latter also has been used freely and with considerable success at the Fifth Avenue Playhouse, N. Y.

Aside from this product, army theatre operators believe the word market may develop for Spanish-language features, not only because of U. S. attempt to build a good-neighboring policy in the Latin-American, but because Dictator Franco is expected to assure to re-open production in Spain. Film-making in Madrid, too, may be given impetus by the proposed plan of additional American majors to do some producing there.

Swedish product already in their hands or ready for shipment to their country, foreign dist. in N. Y., are under assurance of additional films during the next few months. Currently, about 12 features are in the air or are about to go into production.

Film Official Transferred

Paris, Nov. 21. J. Chateignat, head of the cinema section of the Information Bureau, has been transferred to a diplomatic post here.

SAILING SNAG RETARDS FOREIGN PIC SHIPMENTS

American distributors report print shipments to certain foreign countries slowing down although no actual transportation had been halted except temporarily. Most of the trouble has been caused by the shortage of boats. Only the fact that most of U. S. companies are far enough ahead on their supply to meet reefer dates has prevented actual huddles with foreign account.

Typical situation arose last week when Java began clamoring for pictures. Delay in getting shipments out of Amsterdam is reported back of this anxiety, since printing and superimposing of titles currently is being done in the Dutch metropolis. Formerly, films for this market went directly from Paris, where printing and titling were done.

NEW ARGENTINA TAX SQUABBLE

New distributors in the sides of American film has developed in Argentina. It is the new 1940 budget for that country, which includes a retroactive feature pertaining to income taxes levied on U. S. distributors.

Foreign department executives huddled at the Hay's office Monday (20) morning to map a plan of combating the new statute. Tax question, which dates back to 1934, has been fought in the Argentine since 1937. The new law, in payment of the tariff has been held up, the full coin allotment for U. S. S. and S. and S. laws paid on the totals in this country. Consequently, American companies have no time to pay Argentine taxation that goes back five years, and are lining up to combat the new retroactive action.

Tax calls for 5% of all remittances to this country to be paid to Argentine government. Estimated that this would run as high as \$240,000 per year, making about \$100,000 presently paid as a result of taxation over the last five years.

'VELVET' OK IN LONDON; 'BAR,' 'MONEY' FALTER

London, Nov. 21. Despite appetite of entertainment-starved Britons for legit fare, two of the three shows which opened here last week appear to have limited chances of success. Third is a Hippodrome, was enthusiastically received. "Bar," "Money," a farce, which opened Tuesday (14) at the Hippodrome, was enthusiastically received. "Bar," "Money," a farce, which opened Tuesday (14) at the Hippodrome, was enthusiastically received. "Bar," "Money," a farce, which opened Tuesday (14) at the Hippodrome, was enthusiastically received.

'Corn' Being Returned To London By Williams

Emlyn Williams, currently touring the English provinces in his own play, "Black Velvet," is expected to revive the show at the Piccadilly, in London's West End, Dec. 11 for a regular season.

According to a letter from the actor's attorney, received Monday (20) in New York, the tour has been highly profitable.

'Corn' played in London last season. William Williams, for a number of years the chief Hears representative here, and who is now with Colliers, is doing a series of weekly broadcasts to America.

Black Restores Cuts To 'Little Dog' Cast

London, Nov. 8. Prior to reopening the London Palladium with "The Little Dog" Lauder, producer George Black told the principals it would only be possible to do so if they agreed to take a 40% cut. To this they agreed.

After a run of a fortnight, Black called the principals together and also reimbursed them for the slash of the previous fortnight.

Show is now playing to capacity, averaging about \$27,500 per week for 15 performances. This despite house having no library (agency) deal, which has always been Palladium policy.

Distributors Eye Exit of Multiple Sales to Reinforcement

With distributors anxious to plug every leak in the foreign market, particularly at this time, when the field has become so disorganized, there are indications that multiple-selling system, in vogue for years in Argentina, is gradually growing in disfavor to a point that its elimination is fast becoming an economy.

Multiple selling varies from ordinary deals in that the distributor gives the exhibitor four to eight additional print runs for a feature after the initial run. For example, the distributor gets \$150 for this setup instead of the \$100 he might be expected to receive for a single regular booking.

Allowing this right to rebook for an additional \$50 is the start of worries and expenditures for the distributor and exhibitor. Latter would keep a print of that particular film available for possible additional showing, for full bookkeeping system and then must figure in the cost of servicing, shipping, etc.

Instead of having so many pictures on all under its aird shelter, the distributor have for some time seen the logic of the standard method of booking an exhibitor but has been around for a reuse, it's anticipated he would more likely get a stronger feature in the present situation were changed.

War-Time London
Violet Lorraine, London, 11. The popular music stars during the last war, talks of coming back from her long absence to entertain the troops.

Michael Balcon to make a picture, "Convoy," dramatizing modern warfare. He is seeking official cooperation.

Ritz hotel only spot in London. The premier of its air-shelter film, "It's packing 'em in. Has the swanky moniker of 'L'abri, which is French for shelter.

United Artists, RKO, British Lion and General Films' executives and executives in the Capitol, are in the air for the duration of the war.

Government has 't'en over the premises of the Gaiety Club and Norman Marshall, who has been conducting the theatre, expects momentarily to be called up.

Teddie Gerard, w.k. reserve player of the last war, has returned from the conflict in the army, singing, or run concerts, for the troops.

The Queen attended one of the lunch-hour concerts at the National Gallery, run daily at 75c. Artists give their services free, and money goes to Musicians' Benevolent Fund.

U.S. Pic Industry Speculates on Lift of British Quota: Verdict Due This Wk.

WAR CURBS NORSE PIC IMPORTS, BUT U. S. UP

Copenhagen, Nov. 6.

The war has curbed imports of German, British and French films, and also has caused a demand for American pictures is on the increase throughout the Norse countries.

Big success in Copenhagen are "Four Fathers" (UA), which broke the World Cinema's record for the first week; "Wuthering Heights" (UA), at the Dagmar Bio; "Stanley and Livingstone" (20th), Paladium, and "Mr. Chips" (M-G), doing well in the second-run houses after five weeks at World Cinema. "Only Angels Have Wings" (Cot) fared poorly at the Kino Palast. Biggest box office success of all is Danish-made "Children of Paradise" (Nordisk Film) at the Hollywood old-timer, Benjamin Christensen. It's in its 12th week at the Paladium and doing exceptionally well in the provinces.

SEERAL PROD. IN SPAIN

Several major companies are mulling deals which would see their re-entry into Spain on a mild scale. American majors and RKO among those mentioned as likely to start distribution and possibly production in that territory under the new setup.

Big catch, under the Franco regime thus far, is that he will not permit money to leave the country. Only out to unfreeze part of this money is via production.

Spanish picture market can be set up for films made in Spain, but would serve double purpose for American distributor would put to use the coin found in Spain and enable them (if properly handled, some believe) to secure certain revenue from other sales.

Viewed from the long-range standpoint, too, some U. S. companies believe it might mean the eventual freeing of the entire Spanish market, one of the best of the lesser European markets.

SHEREK PLANS REVIVAL OF 'FOREST' IN LONDON

London, Nov. 21.

Henry Sherck is looking ahead rather optimistically. Producer plans a "best money" production of Robert Sherwood's "The Petrified Forest," which Gilbert Miller presented on Broadway several seasons ago.

Another of the Playhouse Co. members, Elmer Rice, is having "Judgment Day," done also on Broadway some seasons ago, given a West End revival.

Lipton Astrachan's Suit Vs. M. P. Export Due Soon

The suit of the suit of Lipton Astrachan against the Motion Picture Export Corp. for breach of contract goes to trial Jan. 5 next in N. Y.

Plaintiff claims he was engaged \$16,646, for three years at \$10,400 a year, but the general manager of the Far East office of the company was discharged June 29, 1937, and the company went out of business in August, 1937. The sued for amount is \$22,400.

BRITISH WAR MAG

London, Nov. 11. Britain has a new weekly illustrated magazine devoted exclusively to the war. It's called "The War Illustrated" and reports and interprets the conflict in pictures and text.

Publishers see a good market for it in the U. S. and are arranging for a number of key distribution points over here for testing purposes. Will sell here for about a dime. Over there it's priced at 6c.

With decision on realignment of Great Britain's quota law expected this week, speculation among American distributors is that the agreement would be lifted and if so, the quota would be approximately \$60,000 (\$75,000 under the old rate of exchange) outlay per feature, for the quality clause is removed and the minimum is dropped near the old level of about \$15,000 per picture. American companies would receive increased 'quickie' production in England, had in the old quota Act that ended in 1930.

Under wartime conditions, American distributors contend, not only is the same quality level impossible but the unstable conditions in Great Britain make risking a large outlay for feature production extremely hazardous and unfair to companies putting up money. They have indicated a desire to cooperate in maintaining production, with concessions.

Present stipulation is that not less than 75% of labor costs must be paid to British subjects for quota. American distributors must have to be adjusted. Right now, American companies do not feel like going ahead on the big picture production without assurances as when the picture will be completed, a factor posing an under the disrupted state of British production.

Presently, under the second-year increase for distributor's quotas, American distributors must pay 50% of their total pictures distributed annually in Great Britain. Thus, the major firm under to cooperate in Britain during a year must make eight single-credit quota pictures. Willing to turn out in this many features, American companies contend they should not be forced to make more than 10 pictures in the past, especially when a \$75,000 film might easily cost \$150,000 to produce. American companies, with additional credit picture costing proportionately more.

Danes Go Native On Talent, Which Means Stranding Foreigners

Copenhagen, Nov. 6. Although many foreign acts are able to stage a comeback despite war obstacles, there are still many who are stranded here by the client funds. They are return to native countries. Consequently, arranged to be under the production of a monster beast, proceeds of which would permit them passage.

The inclination for locals to preserve native coin and employment under the stress has naturally had a strong relation to the biz here, where theatres are only employing Danish performers, but the Danish government has decided that royalties must be paid for foreign plays currently on view here.

Strained Russ-Scandia Relations Halts 'Geste'

Copenhagen, Nov. 6. Scandinavia's natural apprehension of encroaching on Soviet sensitivities, particularly during these times of strained relations between the two, has resulted in Denmark's holding off ceremonial passage of Brian Donlevy's characterization of the brutal Russian sergeant in the U. S. film.

Reva Reyes' Leg Broken In Auto Crash In France

Paris, Nov. 11. Reva Reyes, Mexican songstress; suffered a broken leg and lesser injuries in auto wreck this week in France. She was returning from troops near the western front. Motor car in which she and her mother were riding crashed into a tree near Rheims. Miss Reyes' mother received severe brain injuries. Since Valere is the American hotel, Neuilly, for more than a month.



NO MATTER HOW THEY PRONOUNCE IT—IT'S TERRIFIC!

Lobby Hold-Out With Lines Block Long Outside!
 ("In the smash division at \$110,000. Holds Over"—VARIETY)



Crowds storm Radio City Music Hall as
 "NINOTCHKA" gets BIGGER day by day!
 The Year's Comedy Sensation is sure-fire for
 Hold-Overs! (An M-G-M Custom!) Be ready!

GRETA GARBO in
 "NINOTCHKA"
 with Melvyn Douglas and
 Charles Coburn
 Screen Play
 by Charles Brackett
 and William Wyler
 Based on the Original Story
 by the three authors
 Directed by William Wyler

murder mystery in Paris during the Munich crisis, unravels a spy ring, blocks shipment of contraband, rounds up numerous suspects, and finally solves the crime with intuitive deductions. 'City in Darkness' is decidedly weak in story facts and slow in proceeding through

Our Neighbors the EXHIBITORS...



Paramount Studios
5451 Marathon
Los Angeles

Dear friends--

"OUR NEIGHBORS--THE CARTERS" proved a welcome surprise at the Theatre. In addition to good business, patrons of their own accord made it a point to speak to those in authority on the floor complimenting the picture and giving splendid reaction to the film itself. I cannot recall many weeks where there has been such an absence of criticism as during its showing--and I felt you would like to know this.

With very kind regards
Yours sincerely,
Harry Allen
Manager

UNITED DETROIT THEATRE CORPORATION
Executive Office
1501 Broadway,
New York, N. Y.
November 17, 1939

Paramount Pictures, Inc.,
1501 Broadway,
New York, N. Y.

Dear Sirs:

Paramount's production of "OUR NEIGHBORS--THE CARTERS" is a welcome and impressive achievement to theatre audiences. Reactions at the Michigan Theatre here were splendid. The naturalness of the characters, the humor, romance, and drama, make "OUR NEIGHBORS--THE CARTERS" an excellent triumph in entertainment for any audience in any theatre and a picture that will be discussed and remembered for months to come.

Sincerely,

UNITED DETROIT THEATRE CORPORATION
E. J. Jones

Pangloss & Marco
Paramount Theatre Building
Hollywood, Calif.

Paramount Pictures, Inc.,
Hollywood, Calif.,
November 17, 1939

Dear Sirs:

"OUR NEIGHBORS--THE CARTERS" played to a good week's business as a single feature with a stage show at the Paramount Theatre, Los Angeles, but more unusual than this, it is one of the few pictures that nearly everyone leaving the theatre seemed to delight in commenting favorably upon as they left.

Sincerely,
Marco

PRAISE Paramount's "Our Neighbors-- the CARTERS"



"Our Neighbors-- the CARTERS"

with

Fay Bainter • Frank Craven
Edmund Lowe • Genevieve

Tobin • Produced by Charles R. Rogers

Directed by Ralph Murphy • Screen Play by S. K. Lauren

Rubin Sells Out, Bolte Buys House; Other Theatre and Exchange News

Pittsburgh, Nov. 21.
Gabe Rubin, who operated the tiny Art Cinema several years, has just disposed of his interest in the Penn Square theatre, Cleveland foreign film spot which opened couple of months ago. Rubin sold out to his Cleveland partners, claiming that although house was showing a profit he didn't have time to shuttle between the two cities.

William Moss, son of the owner, John P. Moss, has just been made manager of the Melrose, Brentwood, succeeding Elbert Smith.

Joseph P. Lefko resigned from RKO sales force here; also George Wheeler from Columbia, latter replaced by Sidney Goldberg, from Washington, where he has represented state right pix for some time.

Dave Kimmelman, Par exchange manager, was rushed to Montefiore hospital several days ago after suffering series of fainting spells, believed induced by stomach disorders. He's been bedded there ever since.

EQUIPMENT FOR SALE

Large quantity of 14" projectors, 16" spot lights, 4" projectors, 6" spot lights, boomers and costumes. In New York call Dickerson 4-3181 or write Box 20, Variety, New York.

*He had no money for rent, for food
He had been in the motion picture industry for years
But something happened—he lost his job
His Family waited for him to get work—
But nothing happened—
Desperate—he tried to borrow from friends
But found no friends
Except
Motion Picture Associates'
Helping Hand
Willingly outstretched to aid*

**Annual Dinner and Dance
CHARITY FUND
Motion Picture Associates
HOTEL ASTOR
November 25th, 1939**

● ONLY SOURCE OF INCOME FOR CHARITY FUND IS SOUVENIR JOURNAL ISSUED ON ABOVE DATE.

● MAY WE COUNT ON YOUR SUPPORT AND PATRONAGE FOR THIS WORTHY CAUSE?

Please Make Checks Payable to

MOTION PICTURE ASSOCIATES

c/o JACK ELLIS, REO RADIO PICTURES

630 Ninth Avenue New York City

undergoing series of tests, which so far have failed to disclose anything.

Bolte Buys House

Denver, Nov. 21.
Henry Bolte bought the Lyons Lyons, Colo., reopening same. At J. Goodstein has leased the Bideaway, Denver, nabe, for 10 years, and after improvement will be the theatre where Harry Huffman, then druggist, now city manager, Fox theatre, got his start. Huffman bought the house as a stimulus for his drug store next door, but soon quit the pharmacy and went into the theatre business in earnest.

Ted Kemper, army post booker, has sided army film commitments for this area about half. Most of the troops have gone south for maneuvers.

Managers in the Fox International division presented Bob Garland, district manager, with a wafer thin pocket watch and a \$100 order on his favorite clothing store. Garland has been in the hospital for weeks because of an auto accident, as result of which it was necessary to amputate his left arm. He is much improved and expects to be back at work by the first of the year. The new equipment dealer has a Bob Garland week.

Jimmy Walker to M.C.

Philadelphia, Nov. 21.
Former New York Mayor James J. Walker will be toastmaster of the annual Variety Club dinner skedded for Dec. 10 at the Bellevue-Stratford.

Other speakers include U. S. Senator Burton K. Wheeler, Gilbert Seldes, Lovell Thomas and former Gov. Harold G. Hoffman of New Jersey. A three-hour show will be headed by Jean Harlow. Tickets of the event will go to the Philadelphia National Paralysis Fund. Tickets are \$12 a head.

Reade Relinger Has Stepped Out of the Picture

New York, Nov. 21.
Reade Relinger has stepped out of the picture. He has been operating for several years for the corporation in control, Lionel Cantwell is taking care of the actual operation and negotiating the film contracts for the house.

\$50,000 Theatre Fire

Glooucester, O., Nov. 21.
Firemen here reported that 18 hours Thursday (16) to be burned here which destroyed the Crawford theatre building. Loss placed by the owners, \$50,000.

The two-story brick building was the second largest in town. Included in the loss were 500 theatre seats, two projection machines, and all theatre building equipment. Crawford had only \$7,000 insurance. The building is undecorated. The theatre will be replaced.

Big Fire Damages

Charlotte, N. C., Nov. 21.
The Ritz Union, S. C., which several months ago was burned, was remodeled and re-opened. The entire building was gutted and the equipment destroyed. The house was operated by All-State Theatres, of Talladega, Ala.

New Ithaca Nabe

Buffalo, Nov. 21.
Bernstein Bros. have acquired a site at Ithaca for a new second-run Jack Berkson, former Republic franchise holder, has changed his name officially to Berkson, the same moniker adopted by his brother Harry Berkson, manager of Monogram.

The Andover, at Andover, N. Y., shuttered indef.

Open New L. A. House

Los Angeles, Nov. 21.
George Bromley and Alex Mounce open their new Campus, Thursday.

L. W. Gray took over management of Fox Belmont, Long Beach, replacing Fred A. McQuaiden, on leave of absence because of illness.

MISSING EVIDENCE

(Continued from page 16)
for a program meller in 'Missing Evidence' that will serve satisfactorily for secondary booking. It is routine G-man stuff but has been brooded with more than the usual care and consistency by Phil Rosen, who also directed.

Cut to its meat, the picture progresses at a good clip through the customary plot situations, with a romantic flavor on the side for relief. The story itself proves to be a little, the general tenor being that of serious business in tracking down a particularly insidious breed of mobsters who control the counterfeiting and marketing of forged duces.

After a fashion, the action offers a strong preachment against the sweepstakes lottery and points up the heavy odds that alone exist in getting a ticket that is the same. The opening is in the form of a newsreel attacking lotteries, with a couple of winners rung in to tell what it do with their ill-gotten gains. There is a swell opportunity for a couple laughs that was muffled.

When the story itself proves to be a little, the general tenor being that of serious business in tracking down a particularly insidious breed of mobsters who control the counterfeiting and marketing of forged duces.

STORY BUYS

Hollywood, Nov. 21.
Metro purchased screen rights to 'Countess Maritza,' opera produced by the Shuberts in 1928. Twentieth-Fox bought 'For Women Only' by Hilda Stone. A. J. Cronin sold his unfinished novel 'The Doctor of Lennox,' to Columbia.

Mary Pickford sold screen rights to 'Kitty to RKO.

Hammons Burns

Continued from page 4

cerned. The referee granted permission to Dannenberg to employ a set of accountants to examine the books of GN to discover the alleged fraud the attorney charged perpetrated.

The meeting closed with a submission of expenses during the past month. Cash on hand as of Nov. 2 was \$20,266, and a bank loan, authorized by the referee, of \$17,000, was secured from the National City Bank. Total amount of monies received was \$34,501. Of this amount \$12,861 was collected from exhibitors. Expenses for the month were \$15,822. Cash on hand as of Nov. 15 was \$95,695.

GN Folds Three Exchanges

Grand National on Saturday (16) shuttered three of its exchanges, consolidating their work into other branches and dismissing and shutting numerous employees. Cities affected were Albany, New Haven and Portland, Ore.

Work of the Albany branch was taken over by Buffalo. Paul Richartz, Albany manager, becomes boss of the Buffalo office next Monday (27); replacing Bert Freese, who is out as of Saturday (25). William Richartz, Albany booker, takes over similar post in Buffalo, Al Techmaster being released.

New Haven territory will in the future be handled by Boston, and Portland by Seattle. All employees of both closed branches were released, no shifts being made. Also slated to be discontinued in a few days are Milwaukee, Omaha and Salt Lake City.

Deal has been completed by GN

FABIAN'S DICKER FOR 3 STAHL HOUSES COLD

Deal by which Fabian circuit was to take over three houses in New Jersey operated by Murray Stahl, has floundered. Theaters were the Rutherford, Rex, East Rutherford, and Regent, Kearney. Stahl was believed set to accept a post with the Fabians upon completion of the deal. It is understood that several of the film companies from whom he buys product came to the aid of Stahl, who is a former film salesman.


which will bring some income into the remainder of its 29 branches. It is with J. T. Cosman, of Producers Laboratories, Inc., N. Y., for distribution of a series of films owned by Cosman. They are said to have been made in recent months on the Coast and purchased by him. GN will sell and service them through its exchanges on a commission basis.

GN Folds Albany Exchange

Albany, Nov. 21.
Grand National closed the Albany exchange, shifting manager Paul Richartz and booker Bill Murray to Buffalo. Later office will serve both territories. Albany has no local salesmen for past year. Richartz has been here since last July, when he succeeded Artie Newman, present Republic branch manager.

Judell on GN Led

Hollywood, Nov. 21.
Ben Judell, head of Producers Picture, closed a deal to produce exclusively on the Grand National lot. First under the new agreement is 'Mercy Plane,' starring James Dunn.



RELO

From:
Helen Hayes' Mother

To:
Helen Hayes' Daughter

Subject:
Helen Hayes

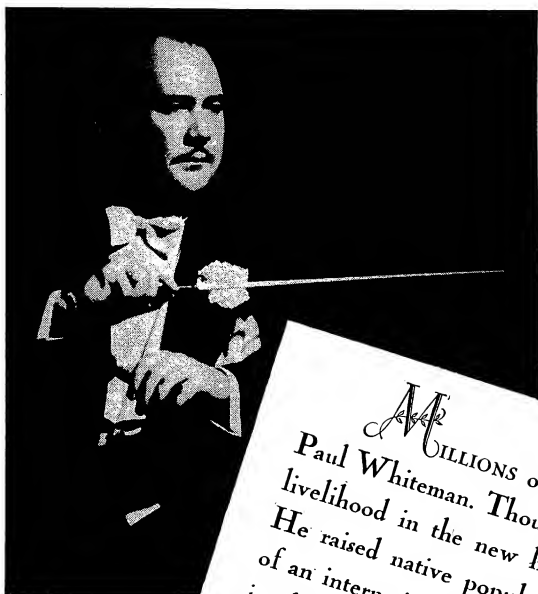
► Read the fascinating letters about Helen Hayes in this week's Post. Read about how she cured a Southern accent; her secret rehearsals with William Gillette; her tours with *Dear Brutus* and *Clarence*. A unique theatrical biography of interest to everybody in show business.

Now in **THE SATURDAY EVENING POST** 5¢

By EDGAR A. GRUNWALD



20th Anniversary



MILLIONS owe immeasurable joy to Paul Whiteman. Thousands owe to him their livelihood in the new horizons which he set. He raised native popular music to the status of an international art, industry and institution in all human life, an achievement that elevates Paul Whiteman to immortality. No transitory stylist or faddist, his was basic, constructive imagination and realization. He is the founder of the modern American school of music. The American school of music that he founded has captured the world. His is the pitch, the tempo, the harmony that made it so. This is his rhapsody in blue—and gold.

Jack Lait



20th Anniversary



With compliments to the Dean of
Orchestra Leaders, Paul Whiteman,
who first exploited the possibilities of
a form of popular music which is essen-
tially American.

JOE N. WEBER, President,
American Federation of Musicians

IN THE ORCHESTRA BUSINESS no one
has more consistently or more splendidly played
a leading role than Paul Whiteman. Upon the
standards of excellence he set and maintained,
an entire industry has been founded, and as a
part of that industry I wish to publicly express
to Paul my appreciation of the contributions he
has made to the cause of popular music.

Tom Robbins



Est. 1898

To Paul

"Our Heartiest"

William Morris Agency

Congratulations,

PAUL WHITEMAN

We only hope that when we reach
our 20th milestone we will be as
respected and honored in the mu-
sic publishing business as you are
in the field of American music.

Lester Santly George Joy
Santly-Joy-Select, Inc.



20th Anniversary



Congratulations to Paul Whiteman the
King of Modern American Music from
the Queens of "The Hour of Charm"
and your friend Phil Spitalny



20th Anniversary



Congratulations!

PAUL WHITEMAN

And His
Orchestra
Concert Orchestra
Swing Wing and Modernaires
Bouncing Brass
Sax Soccette
Swinging Strings
Woodwinds
Joan Edwards
Clarke Dennis
Roy Bargy

Exclusively on
DECCA RECORDS



Greetings
Pop

BING

Postal Telegraph

*Mackay Radio
Commercial Cables*

*All America Cables
Canadian Pacific Telegraphs*

PAUL WHITEMAN
17 EAST 45th ST.
NEW YORK CITY

CONGRATULATIONS

POSTAL TELEGRAPH





Long Live the King!

A salute to a great musician and a great man. After 20 years as King, Paul Whiteman has greater popularity now than ever before in his brilliant history!

COLUMBIA ARTISTS, INC.

485 MADISON AVENUE, NEW YORK



20th Anniversary



Thanks, **P**aul

for your invaluable cooperation
through the years

for inspiring the publication of
the greatest catalog of modern
American music

for your friendship, counsel and
advice

Sincerely,



THE MAN OF THE HOUR—
THE BAND LEADER OF A GENERATION

We Know Him
As a Great Man
And a Swell Boss

ARTISTS MANAGEMENT, Inc.
17 East 45th Street, New York
NORMAN CAMPBELL JEAN COHEN
LESLIE LIEBER MOLLY KORNBLUM
FRANK BURKE

CONGRATULATIONS POPS

You're Still the Tops

PHIL COHAN
PRODUCER

WHITEMAN-CHESTERFIELD PROGRAM

HI DE HO

CAB
CALLOWAY

CONGRATULATIONS

TO

PAUL WHITEMAN

HARMS • WITMARK • REMICK

Happy Anniversary Paul
"THE KING'S JESTERS"

BEST WISHES

CHARLES E. GREEN

President
CONSOLIDATED RADIO ARTISTS, INC.

Always

Our Best Wishes

PAUL

JACK MILLS
IRVING MILLS



Best Wishes

GLEN MILLER

To the Dean of Modern American Music
You blazed the trail and I gratefully acknowledge the
inclusion of my compositions in your pioneering.

BERT SHEFTER

now publishing thru
Modern Music, Inc., RCA Building, New York



20th Anniversary



They don't come any finer than you, Paul.
May I add my sincere congratulations on
your twentieth anniversary as a leader
and helper to so many of us.

Lonny Doucy



20th Anniversary



With sincere gratitude to the Dean of Modern American Music for his generous recognition of all other pioneers in jazz.

DUKE ELLINGTON

And His Orchestra

Exclusive Management
William Morris Agency, Inc.

Congratulations, Paul—

And
thanks
for
all
the
swell
things
you've
done
for
me.

Matty Malneck

FORT WORTH joins the nation in paying just tribute to Paul Whiteman. It recognizes him as the Dean of Modern American Music, the pioneer who blazed the trail, the outstanding orchestra leader of this generation. But while admiring him for the fine achievements that have brought this recognition in the field of music, Fort Worth loves him for his great human qualities—his big heart, his generous nature, his lovable personality. He's a man whose hat size hasn't been changed by twenty years of national acclaim and who had rather swing his feet from the top rail of a corral than to swing his baton over the best of orchestras; a man, who in two summers among us, made a lasting friend of every one who came to know him.

Paul Whiteman is an adopted citizen of Fort Worth and Fort Worth is just as proud of him as his native Denver or his adopted New York. It congratulates him on what he has done. It hopes that he continues for another twenty years to give to the nation as much pleasure as he has in the past, and when he tires of it all, he will come back to the city that loves him to make his home.

FORT WORTH FRIENDS
or
PAUL WHITEMAN

Congratulations

FERDE GROFE

Congratulations

Morton
GOULD

HAPPY ANNIVERSARY "POPS"



CHUCK GOLDSTEIN, WM. CONWAY (Arrangers),
RALPH BREWSTER, HAROLD DICKENSON

FOUR MODERNAIRES

With Sincere Appreciation For All You've Done For Us

Currently at Hotel New Yorker Broadcasting for Chesterfield, Wed., CBS. Featured on Decca Records.

Exclusive Direction of ARTISTS MANAGEMENT, Inc.,
17 East 45th St., New York

Congratulations,
"Pops"...

Jack Bregman Rocco Vocco
Chester Conn



*Martin... the Royal Family
of Band Instruments... Extends to His Royal Majesty*

PAUL WHITEMAN
KING OF JAZZ

Sincere good wishes on the completion of twenty years' reign in the hearts of music lovers all over the world.

MARTIN BAND INSTRUMENT COMPANY
Elkhart, Indiana

Congratulations

JACK TEAGARDEN
And His Orchestra

WITH VERY BEST WISHES
MAURICE SEYMOUR



20th Anniversary



"Greetings Paul.."

on this, your 20th anniversary, as America's foremost dance maestro, and heartiest best wishes for continued success are yours from the entire staff of the Hotel New Yorker."

We feel honored in having been the ones who induced you to return to a New York hotel restaurant—your first in five years. That you are still the potent entertainment force you have always been is evidenced by the fact that on the evening of November 4th you broke all records for both attendance and revenue in our popular Terrace Room. No one could ask for more conclusive proof that New York is glad to have you back.

Sincerely yours,

Bayle King
President.

Hotel NEW YORKER

34th Street at Eighth Avenue, New York



THANKS, POPS —

In acknowledgment of your splendid cooperation for the past twenty years.

LOUIS BERNSTEIN

SHAPIRO, BERNSTEIN & CO., INC.
JONIE TAPS, Gen. Mgr.

Congratulations

JOHNNY
MERCER



ALL THE BEST
JULIAN T. ABELES

TO PAUL WHITEMAN

Our congratulations and gratitude for the privilege of being associated with you on this memorable occasion.

IRVING SZATHMARY
NATHAN VAN CLEAVE

HI, POPS!



JIMMY
DORSEY

Whiteman '28

Dear Pops:—
Gee, I'm thrilled—
proud and very happy
to be associated
with you. Congratulations
—Joanie
"JOAN EDWARDS"



20th Anniversary



Thanks America!

You have been swell
to me during the past
twenty years.

And thanks, too, for
the many congratulatory
expressions on this happy
occasion.

Sincerely,

Saul Whitman

'ECONOMIC INJURY' TO SUPREME COURT; FINANCING OF PUBLIC INTEREST AN ISSUE

Impoverished Ability to Serve Public, If Small Advertising Pie Has Another Mouth to Feed, Comes Up in Dubuque Appeal

Washington, Nov. 21. Question of economic injury to existing broadcasters—whether they are entitled to oppose newcomers or must sit back and take the punishment—is before the U. S. Supreme Court for review. With the District of Columbia before Appeals on both sides of the fence, barristers are anxious about the order in appeal of the FCC in the Sanders Bros. (Dubuque, Ill.) case which centers directly on the right of licensees to object about more competition.

Because so many cases have been fought on the ground that more rivalry would cause financial suffering—and thereby undermine licensees' ability to serve "public interest"—the Dubuque case may be another of those vital rows that will have a tremendous dollar-and-cents effect on the trade. No other important question is involved in this, in which WKBB, Dubuque, Ill., is seeking to keep the Dubuque (La.) Telegraph-Herald from going on the air.

After the Commish granted the rag's plea, for the right to build a station after using 150 kw. of power, WKBB went to court and won in a case where the Commish maintained arrogantly that it is not compelled to consider the economic welfare of existing stations. The FCC position was that the public need for more and better service transcended the ability of current operators to stay in business.

In the petition for review, filed by Solicitor General Robert Jackson, the government maintains that the lower court had no right to entertain an appeal from the Commission's findings, erred in holding that the FCC must issue "formal findings of fact," and in calling for further consideration by the administrative body of the Telegraph-Herald request. The questions which the highest bench is asked to answer are:

1. Is WKBB "aggrieved person" whose interests are adversely affected as set forth in the appeals section of the Communications Act?

2. Was it compulsory for the Commish to make a finding on matters of financial effect of a new transmitter on a going station?

The case dates back for many years. After asking permission to occupy the 1340 kc. stripe, the Telegraph-Herald went to hearing in a double-barreled proceeding. Other issue was the station's request for consent to move from East Dubuque, Ill., across the Mississippi to the Iowa bank. Evidence showed WKBB had been running at a loss. Contention was that this fact demonstrated public interest would suffer if competition from the Telegraph-Herald should be permitted. Examiner's report favored WKBB, but the Commish granted both applications, without making any finding on the question of monetary situation of the present licensee. The Court of Appeals issued a stay order, preventing the decision from becoming effective and early this year reversed the Commish, remanding the case for more mature deliberation.

In asking for review, the Federal

Government said the lower court in effect conferred no licenses "the legal right to object to the construction of a competitive station on the ground that competition will lead to final loss and to compel the Commission to grant or deny applications for broadcast licenses according to the economic effects the competition of the proposed station would have upon existing licensees." Under the Communications Act, according to the Solicitor General's concept, the chief objective of the law is to give the public the most and best service, not to protect the investment of anyone in the business.

The decision below would seem to mean that a successful broadcast station, drawing business from its competitors, should be denied a renewal license. The Supreme Court is now faced with the decision of the court below that an existing licensee could assert its economic interest in freedom from competition assumes a property interest in the license which is contradicted by the statutory delineation of its nature. It is plain enough that the statute contemplates a privilege which is neither exclusive nor absolute.

PRIVATE EXPLANATION

Engineers Hear But Public Doesn't What Jams CBC Pick-Up

Toronto, Nov. 21. Blaring bands which cut into British statements' trans-Atlantic broadcast, and which have brought a flood of letters into Canadian Broadcasting Corp. headquarters, all protesting inefficient CBC operation, are explained by D. C. McArthur, CBC public relations rep, as an attempt by Germans staidous to drown out reception. That was MacArthur's private explanation to a luncheon group of electrical engineers this week.

Strange is the fact that this explanation has not publicly been made as a news release, particularly in view of the protests on the part of Canada's radio listeners.

FAMOUS AVIATORS' STORIES DRAMATIZED

Wander Bread (Continental Baking) goes aviation-minded Dec. 9 with a half-hour program on CBS. It's the Saturday 7:30-8 p.m. spot and "Air Show of the Air" is the tag. Series will dramatize exploits in the careers of noted aviators.

Benton & Bowles is the agency.

NBC-RCA Television

Wednesday, Nov. 22

2:30—"The Right and the Wrong of It," with Elizabeth Watts, fashion expert.

2:45—Film, "Gold Diggers of 1940."

3:05—Film, "Touchdown."

3:15-3:30—Madge Tucker's Radio Children.

8:30-9:00—A preview of "Swinging the Dream"; Rene Chapuisque, Hotel Bossert chef, in Carving the Thanksgiving Turkey; Bob Kent's "Visi Quick"; and a review of "A Treasury of Art Masterpieces," with Mabel Cobb, Virginia Hare.

Thursday, Nov. 23

12:30-1:30—Macy's 15th annual Thanksgiving Day Parade.

8:30-9:45—Film feature, "Stolen Sweets," with Sally Blane and Charles Stratton.

Friday, Nov. 24

2:30—Film, "Take It Easy."

2:40—Film, "Spanish Symphony."

2:50—Film, "William Tell Overture."

3:00—Film, "March of Time—Dixie U. S. A."

3:20-3:30—Film, "Streamlines."

8:30-9:30—"Three Men On A Horse," by Cecil Holm and George Abbott, with Jack Sheehan, Ross Hest, Joyce Arline, Lorelei Sayers and Frank Camp, Reginald Hammerstein, director.

Saturday, Nov. 25

2:30-3:30—"Wings Over the Nation," fifth in a series on aviation and air travel.

9:00-11:00—Boxing at the Ridgewood Grove Athletic Club. Sam Taub, announcer.

KTUL, WIRE, KLO Praised by FCC For Get-Together

Washington, Nov. 21. Patty-caking on the part of KTUL, Tulsa; WIRE, Indianapolis, and KLO, Ogden, Utah, was publicly recognized last week when the Federal Communications Commission described their cooperative efforts as "an example of public benefit resulting from broadcast stations working out mutual problems of power allocation."

Stations—which were each operating with 5 kw days and 1 kw nights—got together in a joint desire to increase night power to 5 kw. This could not be done independently without interfering with one another. Commish explained, so a bundle was held in which technical details involving the use of directional antennas were worked out.

The case is typical of mutual efforts of other broadcasters, who, by using modern engineering methods, are able to improve broadcast quality and coverage, Commish crowed.

VIC GEORGE'S SIDELINE

Montreal, Nov. 21. Vic George, of All-Canada Radio Facilities, is organizing broadcasting activities on behalf of the Canadian Red Cross.

He's chairman of sub-committee in charge of radio broadcasting.

YOU'LL GET THE CROWDS WITH A HARD SOUND SYSTEM

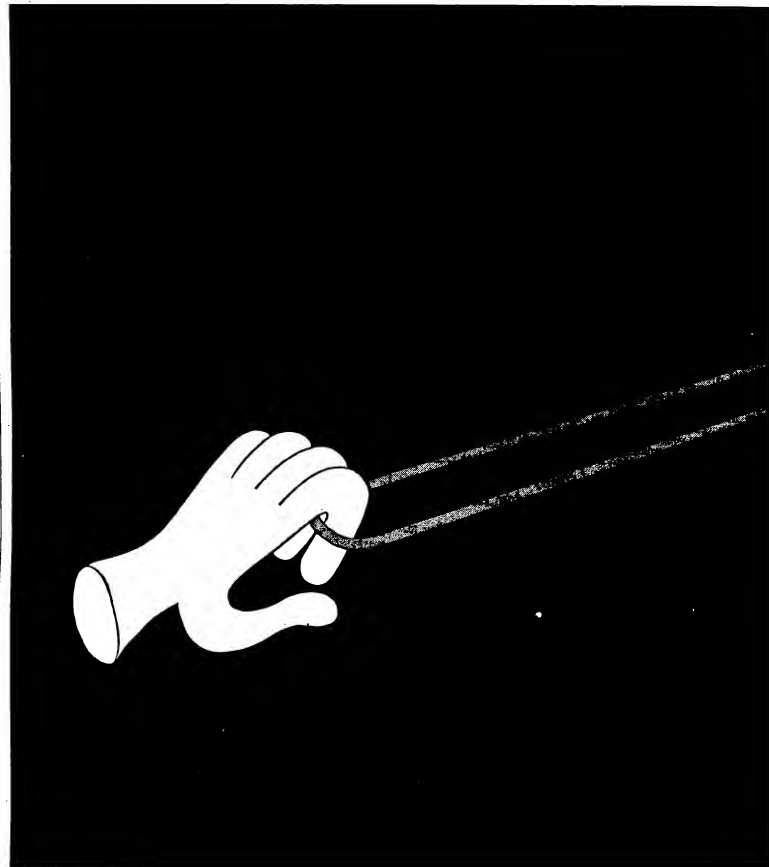
System Includes:

- MICROPHONE** Successful showmen will tell you that a "WARD" microphone is an essential part of their show.
- PHONOGRAPH** For your business. Easily packed and carried in a trunk. Simple to set up and operate. Works on either 5-Volt battery or 210-Volt AC current.
- AMPLIFIER**
- RAW PROOF**
- SPEAKER**

All for...\$100

LOW PRICES Money-back guarantee. Price as low as the lowest in the industry. 15-day trial. Time Payment plan on purchases over \$140.

MONTGOMERY WARD & CO.
DEPT. BA-32 CHICAGO, ILL.



FCC WANTS MORE RIVALRY

CREDO SEEN IN DENVER OPINION

Network Reps Feel the Chill in Washington as New Principle of Open Invitation Is Discerned—If a Town's Stations Are All Affiliated a 'Need' Is Presupposed

4-TO-3 DIPPY

Washington, Nov. 21. Cold chills this week are going over network representatives at what seems to be the meaning of a new policy-defining decision written by the Federal Communications Commission. Laying down the principle that the FCC is free to go outside the record and arbitrarily inject its own views of the radio needs of any given community the regula-

tors have given a hint with the force of a mule's kick that where all stations in a city have network affiliation there will be a predisposition by the FCC to assume such a town in need of a local non-affiliated station. This carries one step further the already clarified point that the FCC, as now constituted, is substantially indifferent to the plea that newcomers will visit 'economic injury' on existing licensees.

Precedent-suggesting opinion was handed down in connection with a favorable action on the application of manager of KLTZ, Denver, for a new local outlet in the Colorado metropolis. Commish held he is entitled to papers simply because Denver lacks 'local service.' Turning point in the case was the affiliation of the town's present transmitters with national networks.

Decision in the case has national significance. It seems to clearly reflect the economic and legal philosophy of the new Commish chairman and the element now in the FCC driver's seat. Two regulators, Commissioners Norman S. Case and T. A. M. Craven, refused to subscribe to the logic, while one absentee, Commissioner Thad H. Brown, was known to have registered objections before the final vote.

Competition

The four motorcycle cops who comprised the majority said in substance

Not the Only One

Advertising agency press agent making the rounds of the country not long ago in behalf of a show which was about to return to the network for its seventh consecutive season, happened to call on a station not far from New York. He asked the station's p.a. whether they couldn't get together on some local publicity for his program and was amazed when the local publicist inquired, 'Is that program on our station?'

Upon inquiry later the agency man learned that the station spacegrabber had been hired for an altogether different purpose. His boss had made his pile in radio and was now politically ambitious, and the p.a.'s main job was to get the boss personal publicity.

that even if applicants do not show there is 'need,' permits will be forthcoming whenever the Commish thinks it is desirable to have another transmitter. More of the theory that the highest degree of competition is best for the public.

Eyesore of radio baristers here were lifted because of the fact that the Commish previously had decided that 'public interest' would not be served by approving Myer's plans to construct a low-power plant using 1310 kc. The somersault occurred after a second formal argument, following submission of a petition for reconsideration. Suspicion was voiced that obscure political wires had been yanked to bring about the desired result.

If the Commish adheres to the

view-point taken in the rather long-winded discussion which led up to the order granting Myer's plea, any individual with ample cash, technical knowledge and legal qualifications stands a chance of receiving consent for a local transmitter in any town now dependent solely upon network affiliates. Whether there is a showing of 'need' will make no difference, for the FCC is seemingly convinced that the 'need' automatically exists in such circumstances.

Anti-Web Sentiment

The anti-web sentiment which has become increasingly obvious in the past year was sharply reflected in the Myer case opinion. Regulators conceded that their past principles were partially responsible for Den-

ver's dependence on network affiliates for radio service, but in effect they amended the book without the formality of a hearing on basic policy or officially altering the regulations.

What lawyers speculated what will happen if Myer ever seeks a network tie or more waiting, the philosophy foreshadowed an era of expansion regardless of the economics of the business. For the Commish's philosophy is that when existing operators present incontrovertible evidence that another station cannot keep going without loss for local transmitters in competition with web outlets be denied. Since the FCC now refuses to allow intervention simply through fear of economic injury and is flint-hearted toward licensees who may lose accounts, the prospects are that many such applications will be rubber-stamped.


Under time-tested distribution principles, metropolitan areas are 'appropriate locations' for regional stations, the Commish agreed, but whenever all plants in one community are networked, this policy is to be modified. Additional stations rendering 'local' service such as Myer proposed will not detract from the goal regarding large centers and their suburbs as a population unit, the regulators commented.

'It has been argued also that no public need is shown for additional broadcast facilities in Denver,' the FCC declared. 'All of the stations operating full time in that city are affiliated with the national chains. Thus the hours during which these stations may reach the greatest number of listeners are not available for local broadcasting. Local governmental, educational, civic, charitable, and community organizations thus lack an effective means of reaching the radio public of the vicinity.'

Were there an absence of substantial need, the argument or denial would not be wholly convincing. It should be noted that nothing in the Communications Act, our rules and regulations, or our policy requires a finding of a definite need to support the grant of an application.

Cases where such a finding of need is not made are, however, to be distinguished from situations in which a real lack of broadcast service is made clear. In the latter class of cases, the Commission will give due consideration to this fact.

'The public interest, convenience or necessity' which the statute provides as the basis for a grant cannot be construed as a mandate that actual necessity for the particular facilities must be shown. Neither the disjunctive form nor the public convenience as an independent factor is to be entirely ignored. Indeed, the words 'public necessity' in the Act are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service possible.'



"HOW BIG'S A RUBBER BAND"

asked this before—

January 1st of this year, we wrote:

"Humble as it is, the common rubber band of commerce serves well to symbolize the size of the Mutual Broadcasting System insofar as it may be made to meet your radio needs. For both the rubber band and Mutual are always precisely as big as you want them to be to serve your purposes."

In October, 1939, the elasticity of the Mutual System was put to spectacular proof when Gillette broadcast the World Series over the largest single network hookup in radio history.

It is noteworthy that even while this client was spending \$90,000 for time alone, in a single week, two other astute Mutual advertisers were investing their regular weekly expenditures of \$9,000* and \$900** for Mutual facilities.

We repeat, "Radio and Mutual can be as flexible as the minds that use it and the budgets that buy it."

*Bacuk **Detroit Corp.

THE MUTUAL BROADCASTING SYSTEM

Leads All Radio Stations in Detroit

1. In Listener Interest,
2. Advertising Preference,
3. In Community Service.



American Pioneer Station
WJZL
Geo. P. Hollingsworth Co.
New York, Chicago, San Francisco, Albany

Follow-Up Comment

Ben Bernie had a bright and diversified half hour Sunday afternoon with his usual stock company of comedy and vocal acts including Lew Lehr, Mary Small, Buddy Clark and the ole maestro's own, by no means negligible bright-small-talk and general funstering. Clark's "South of the Border," despite its heavy plugging of later, was a tip-top vocal job; did Miss Small's "Lull Night" solo. Lehr was also in good fettle and Bernie's opening crossfire against his Miami farm fed up the show to a brisk and bright pace.

Antenat Border, the Major Bowes-Capitol Family's 17th anniversary show the same morning featured the Mexican folk ballad and, without including the songwriters thereof, Waldo Mayo's violin interlude of "La Golondrina" ("The Dove") clearly indicated the melody source of the appealing folk ballad.

Donald D. Davis, president of General Mills, registered in, aggressively in a recent round table of "The Farmer" via Columbia's People's Platform. The educational originated, on this occasion, at WCCO, Minneapolis. General Mills head spoke in a deep, resonant voice which a character actor might envy, though it may have kept control room engineer on edge. His command of English was excellent, knowledge of subject on the first, and his delivery and viewpoint apparently unbiased. Davis impressed as industrialist who could be an effective spokesman for business, outside its own ranks.

The farmer participant in discussion, a clear-headed, well-spoken character, was miles removed from the old-fashioned "hayseed" type. Lyman Bryson, conducting questions, seemed sharp, clarifying questions

and in general smoothed out controversial wrinkles. He is adept at this sort of thing.

Vox Pop on CBS quizzed an alleged "old-time jewel thief" (not named), who after 22 years in prison of United States and England now works stories and radio scripts as well as doing "occasional" radio acting. Unusual character, identifying himself as "Just plain Bill," displayed much poise, command of English and voice. Listeners had to take the biography on faith. Interviewer Parks Johnson refused from all kidding into man's present position and radio activities. "Bill," on straight and narrow for one of seven years mentioned Massachusetts State Prison at Charlestown, there where he had been a "guest" and Vanzetti as he was walking companion in his yard. He recalled of names of prisoners played like an actor might detail important theatre engagements. New York Police Department's athletic league for borderline boys is the most important single movement to determine, "Bill" opined.

John Beale on the same program

Bitly Gould criticized his guest on "Horse and Bugzy Day" sponsored over NBC blue with a zippy war appeal of "Alegation as Ragged Band." Just as he did the number at Hammerstein's Victoria before the war. Like most of the old entertainers heard on the air, Gould's enunciation of lyrics was exceptionally clear.

Speech of these oldtimers is somewhat different from present-day old-fashioned "hayseed" type. Lyman Bryson, conducting questions, seemed sharp, clarifying questions

told a gag heard pretty often on the air.

Frazee Sisters tossed off a brace of verses very fetchingly Monday evening (20), for vocalization. Monday evening, Larry Clinton's music backing up in his several swingeing arrangements. The Frazee Sisters, on the menu as "Swing Dance for a Mummy with Flat Feet."

There was a strangely misfit interpolated bit on the program called "The Story of the Hunchback of Notre Dame" with a new flash of a prisoner inmate. The story of the hunchback, with due to over-familiarity, had become "comedy." The mental picture of the hunchback, with due to over-familiarity, had become "comedy."

The take was in a restaurant, with a waitress releasing her suppressed anger, the waitress, who was a plain customer, who said the girls all cold, have them in the face. Clinging last to the conviction that all this was worthy of network radio. The take was in a restaurant, with a waitress releasing her suppressed anger, the waitress, who was a plain customer, who said the girls all cold, have them in the face. Clinging last to the conviction that all this was worthy of network radio.

Freda Gibson's warmish style of delivery was a happy added starter to the "Horse and Bugzy Day" sponsored Monday (20). Her's is an appealing, a little bit of a "Hayseed" style, slightly inflammable. Extra points, too, for well defined.

The "I Love a Mystery" was sold indubitably on the strength of Carleton Morse's trade whinger, the script came out of the author's trunk, a plausible explanation for the immature craftsmanship and the Rover Boy type of characterization. It is hard to reconcile "Family" (one of the best) with "Mystery," one of the worst. It sounds as if it was written long ago, when radio and Morse were both a lot younger.

Something of that strange, haunting, nostalgic charm of the story and the film of "Goodbye, Mr. Chips" came through the loudspeaker, the restricted and not-altogether satisfactory radio version that has a pause for soap to have its ratings. Any literary piece that has a touched person in other media must necessarily suffer from the bruising and cramping of radio. The fondly remembered scenes are those, whose whole sequence omitted, things are talked about rather than shown. It seems certain that a vast army of Mr. Chips partisans will have varying reactions to the radio version, many of them grumblingly.

The program is an odd literary framework for advertising that sells "glowing energy" and promises "morality, more pep." Heard in the evening, so it must be for adults.

'GOODBYE, MR. CHIPS'
With Laurence Olivier, Edna Best, James Hilton
on Music
LUX
Monday, 9 p.m.
WABC-CBS, New York

(J. Walter Thompson)

Something of that strange, haunting, nostalgic charm of the story and the film of "Goodbye, Mr. Chips" came through the loudspeaker, the restricted and not-altogether satisfactory radio version that has a pause for soap to have its ratings. Any literary piece that has a touched person in other media must necessarily suffer from the bruising and cramping of radio. The fondly remembered scenes are those, whose whole sequence omitted, things are talked about rather than shown. It seems certain that a vast army of Mr. Chips partisans will have varying reactions to the radio version, many of them grumblingly.

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The Lux program itself continues the merchandising. Among the trimmings Monday night (20) "Mr. Chips" creator, James Hilton, spoke intelligently, pleasantly and like an Englishman. Land.

'TENA AND TIM'
With Peggy Beckmark, James Gardner, John Goldsworthy
Transcription
15 Min.
KXTA, San Antonio

This is a transcribed comedy series rounds around the antics of a Swedish maid and an Englishman in the Hutchinson household. Program, by Peggy Beckmark (actress) and John Goldsworthy (singer). Episode caught lacked punch and listening appeal and centered around a plot by Tim and Peggy to get the Hutchinsons to frighten Tena.

Tim and Peggy, who sought a career as a singer in a night club and when the Hutchinsons refused to let them, they should stick to her housework. Tena was offended and caused a bit of damage in the club. Tim and the others sought to scare Tena into believing that she would have to pay several thousands of dollars damages and be imprisoned for a certain length of time. The Hutchinsons in the garage sold the house and the Hutchinsons in the garage sold the house and the Hutchinsons in the garage sold the house.

Program at a whole dragged. Left the listener listening for something after the buildup in the opening announcement, but after a few moments the lead down is pronounced.

LEONARD H. NASON
Military Analyst
15 Min.
WOR-NBS, New York

Nason is best known as a fiction writer for the Saturday Evening Post. With his title of "major" (reserve) brought into play, he appears in Mutual as a military and naval analyst in answer to Columbia's Major George Fielding Eliot. As a professional dealer in words, Nason knows how to make his quarters hour engaging, and what he had to say particularly about the Reichwehr was timely and informative.

Nason is widely acquainted socially in New York and at WOR. He is reported to have eventuated through the Macy end. The main knock on his talk, with a he-man delivery, and should kick.

EMELIA HATMEN
Singing Accordionists
15 Min.
CFPC, Montreal

Singularly interesting singing according to one of the brightest figures in local radio. She's a femme Street singer with vocal charm, especially when handling pop melodies. Accordionists play a variety of tunes combined with song its limit.

Program should be limited to single accordion solo, with girl doing the combo for balance of quarter-hour drama.

Handles melodies in plaintive throat style which is strictly major league.

'FLAMMERS LAB'
Drama
One Hour—Local
WVUE, New Orleans

Run the orb over that list of actors remembering that this is New Orleans and one goes to it as an ambitious Little Theatre. Core, and emphasize "ambitious" for the home drama work as an understudy, even with the station's continuity editor, Beverly Brown, keeping supervisory tabs on the production. About 80 persons figure in various ways in setting the program on air. It was original all the ways including the script. "The Boy Who" by Helen Pickett, Scherz and Evelyn Soule, and the show, it rang South of the border, but the bell, not the song, and when that it they'll take the trouble local States can turn in some home-made drama of merit.

Story dealt with the sad fate of the Duke of Brunswick's 15-year-old daughter, Charlotte, as bride of Alexis, son of the Czar of Russia. Script depicts her troubled life in Russia, a royal rat. Finally her death and ceremonial funeral at St. Petersburg following a beheading ministered by Alexis. But the author's go beyond history. They had Charlotte fern death and allowed her to be smuggled out of the country. She then came to New Orleans for re-union with a former officer in her father's court who had fled to the new world when he saw how he could do nothing to aid Charlotte after her marriage.

Title comes from fact that Charlotte's father never built his cabin upon an ancient, majestic oak removed from other settlers so that the story of a drama. The play, Mary Alice Buist (sister of Stone-Silverman) and her husband played lead as Charlotte adequately in latter scenes, but sounded too mature for first scenes when he supposed to be 16 years old. H. H. Fowler also adequately handled the role of Alexis, the Russian Czar. Crown prince. Cast also included such local persons as Howard Gschwind, a New Orleans poet and author, and A. Fortier, Louisiana historian, and at least okay as a historian.

Don.

Norman H. Brainerd, formerly of WHIP Hammond, Ind., is new Man on the Street for WKBB, Dubuque.

FULTON LEWIS, JR.
Singer—Sponsored by American National Committee for a Free World

Another Musical Personality

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

WVUE, New Orleans

"Encore, WBT, 1 1/2 million times!"

WBT broadcasts the oldest community service series on the air every Thursday evening at 10:45—the SCEA program. And when WBT builds good-will, it's built solidly! Since the series began, WBT listeners in 42 states have said "Encore!" more than a million and a half times, by asking for that many copies of SCEA talks!

What's the SCEA? It's the South Carolina Economic Association. WBT's partner in making the state's 547 communities as familiar to WBT's listeners as their own names. Today, after 503 consecutive weekly broadcasts, WBT listeners know almost as much about South Carolina's DUE West (pop. 620) or Dixiana (pop. 35) as they do about its big cities like Columbia, Greenville or Spartanburg.

WBT builds such good-will for products, too. For everything from Norge's \$484.00 refrigerators to Wrigley's 5¢ chewing gum. If you want "encores" for your sales in the Carolinas, WBT's audience is the place to go for them. And WBT is your vehicle. Write us, or Radio Sales.

WBT
CBS
50,000 WATTS • CHARLOTTE, N. C.

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, San Francisco, St. Louis, Charlotte, N. C., Los Angeles, San Francisco

Offices at Cincinnati Radio Groups Inc. branches in WSAI's "Merchants Quiz Biz"

To make Radio—and WSAI—as personal to Retailers as their own voices, and to cause them to experience the selling impact of WSAI's sponsored shows, "Cincinnati's Own Station" instituted "Merchants Quiz Biz."

This program of fact, fun, and fancy is aired every Tuesday, 9:30 to 10:00 P. M. Every week a different sponsor's program and product are emphasized—and the million consumers of WSAI territory...; Then, during the next day, next week, next month, since some of the conversation which their show stimulated is directed toward themselves, 12 more Retailers learn how people listen—And Buy. Because of WSAI.

By thus convincing dealers, by thus convincing dealers, by thus convincing dealers.

Has built its programs "dealer backings."

THE NEW WSAI - Cincinnati's Own Station
Represented by International Radio Sales • New York • Chicago • San Francisco • Los Angeles

MARRIAGE CLUB, INC.
With Evelyn MacQuarrie
Sustaining
Wednesday, 8 p.m.
KECA, Los Angeles

Haven MacQuarrie in his first time on the air since "Do You Want to Be an Actor?" he's along the line of a dozen others simply put in to entertain quiz shows. Main idea is to bring husband and wife to the mike and put domestic questions to them. If their answers aren't funny, MacQuarrie interjects a few quips of his own. The first batch of contestants weren't funny.

NBC kicks in with a few bucks to help along the showcasing. One buck goes to question senders, another two "nice round silver dollars" to contestants. Couple that rates the most applause draws down an extra \$10, and the best question mailed in bonuses its author with a five-spot.

Some of the questions on the program had to do with naming the wife, mothers-in-law, kissing the wife, bearing a child, the radio dying her hair and other little things that took up big fusses at home. It's a subject close to most folks and their experience, and therein lies its salvation for commercial consideration. Best laugh was rent's designation of his carpentering trade as a wood butcher. It was only mildly diverting rest of the way.

With a better array of subjects for interesting and a line of questioning more conducive to laughs MacQuarrie may have something that handles the entire show much in the same manner of his "Actor." Helm.

'SATURDAY SERENADE'
With Ken Sisson orch, Four Inkspots, Gertrude Lutzi, Eddie Mannuso, Art Steffen, Meyer Balaban, Buftalunos
Wednesday, 7:30 p.m.
WHEA, Buffalo, N. Y.

During the half dozen years of its presentation, this musical series has become one of the most popular local shows and an effective plus for the theatre. Weekly routine calls for singing the orchestra overture and name acts or bands that may be playing the house, pick-ups originating from the theatre mezzanine. Ken Sisson, the incumbent maestro, led the seasoned Buffalo outfit through a striking medley of popular numbers. Although perhaps over-long, it clicked because of excellent vocal and instrumental solo and group work by members of the ensemble. Eddie Mannuso and Art Steffen hold the vocal spots, the latter especially in "Stars on Alabama" and "Star Out of Heaven," in duet with Gertrude Lutzi. Meyer Balaban of the violins, offers a bass vocal. Miss Lutzi continues to negotiate difficult soprano assignments. The Buftalunos (four men) are sure voices, as usual.

The Four Inkspots had two numbers, the first a fast double item which was lost in the shuffle, but they scored with "Address Unknown." It proved, if anything, that the boys should stick to balladry, where their talents in instrumental and vocal backgrounds and recitative passages are best. **Burt.**

'MARCH OF GAMES'
With Arthur Ross
Children's Quiz
to Win
Sustaining
Sunday, 10:30 a.m.
WABC-CBS, New York

"March of Games' Columbia with minor diversification, new rolls on a 30-minute Sunday morning spot, instead of two quarter-hour late afternoon periods in which it once thrived. Current series is not only described as "for big and small" but fathers and mothers are invited to accompany youngsters to a broad-acreing in metropolitan area. Arthur Ross, youngest emcee, in radio, (he's 14) is a junior Prof. Quiz. A pleasant speaking firm (name sounds like Sybil Trent) helps at various points. Natalie Prager is tagged as originating feature, and Mike Mack as producing it. Trio of studio musicians do their part. Program is shrewdly planned and smoothly staged at small cost (\$5 first and \$3 second prize make up the awards along with book grants for voted winners).

It's educational, testing knowledge, alertness and responsiveness of five contestants. Even small studio items are brought in. Whole thing is dressed up as entertainment. Ross lad handles himself well, but shows traces of a tendency to become professionally blasé, smartly, and a little cocky. And at 14 that isn't pretty. **Jaco.**

'LIT ABNER'
Serial
Sustaining
Daily, 6:45 p.m.
WEAF-NBC, New York

To a listener wholly unfamiliar with the newspaper cartoon strip antecedents of this new NBC serial the opening installment was 90% dead air. Where it was all taking place, who the strange creatures were, and whether the tale classic as drama, fantasy, slapstick or folklore, were matters never quite clarified.

For a long time there was happening seemingly isolated and pointless. But presently the guest pointed out by the evidence of dialect and continuous references to a "cabin" that this was in the far country, that water was rising and that a piquetted hilly grandma. Equine style, refused to admit the flood until it climbed to her chin and put out the fire in her corn cob pipe. Probably it was whimsy. **Land.**

'Info Please' Experts Muff Questions About Radio, and Proud of Ignorance

"Information Please" experts made a brilliant showing on poetry, literature, history and several other subjects last week for Canada Dry, but were blacked out at outset of program over NBC blue, on simplest radio question: meaning of DX. It was another in a long series of instances where the brainy boys failed to show elemental knowledge of the medium in which they work—for pay.

Classic example some months ago was inability to identify two famous comedians who feud on the radio. Surprising as it must be for listeners to hear the know-all-the-answers crowd fumble radio questions, even

more so must it be to note outspokenness with which they indicate, sometimes almost boast, they do not listen to broadcasts. Showmanship of such a revealed attitude seems dubious to many.

Versatile Oscar Levant, with his show business background and demonstrated knowledge of motion pictures, legit. plays, acting and music, but not radio, cracked two weeks ago: "I don't listen to the air any more." Incidentally, Levant, author of many caustic capsule off-hand criticisms during "Information Please," was guilty of professional discourtesy to Eddy Duchin. But both being plainists, maybe there's a reason.

afternoon "Studio Party" permitting display of products—\$25 per participation.

EVENING:
"DINNER RHYTHMS"
Conducted by George Van Dorn and his 14-piece NBC network orchestra. (The only Baltimore orchestra performing regularly on network.) At the peak listening period of 6:30 to 7 P.M. 50 word participation \$25; 6 times weekly \$100.

"THE NIGHT WATCHMAN"
Saturday night only. 11:30 P.M. to 1 A.M. Class D rates prevail for announcements or spot programs.

WFBZ
BALTIMORE

National Representatives
EDWARD PETRY & COMPANY

★ ON THE NBC RED NETWORK ★

DON'T MISS PALMOLIVE'S

"HILLTOP HOUSE"

STARRING
BESS JOHNSON
By Adelaide Marston

Dedicated to the women of America. The story of a woman who must choose between love and the career of raising other women's children.

WABC-CBS-10-30-10-45 A.M. EST.
78 Stations Coast-to-Coast

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

Music for a Maharaja's Palace

You will find the Capehart in turmented palaces of Maharajas and Kings . . . on the estates of America's industrial leaders, distinguished musicians and authors . . . and in hundreds of homes of other music lovers. They are people who demand the very finest in musical reproduction.

The Capehart Automatic Phonograph-Radio is one of the few products that is *not* built to meet a price. Rather, it is built to give the ultimate in tonal quality. Reproducing the entire audible range of both fundamentals and harmonics, Capehart tone is an exacting replica of the original.

The *De Luxe* Capehart is the only instrument that will give you, without attention, a musical program of your own selection lasting more than three hours. Its exclusive automatic record-changer plays so records continuously. Playing both sides of each record in succession, it reproduces entire symphonies, operas and other musical compositions in their recorded sequence, without your having to go near the instrument. The Capehart, of course, includes a superb radio unit—equipped and ready for television sound.

To hear the Capehart for the first time is one of life's great thrills. Visit your Capehart dealer. Or write for illustrated brochure. The Capehart Division, Farnsworth Television & Radio Corporation, Fort Wayne, Indiana.

THE CAPEHART-PANAMUSE . . . A LOWER-PRICED INSTRUMENT

The Capehart-Panamuse is a new automatic phonograph-radio, designed by Capehart sound-engineers to Capehart ideals. Its automatic record-changer plays ten 12-inch or twelve 10-inch records—providing nearly an hour of the music of your own choice.

Capehart-Panamuse prices range from \$159.50* to \$299.50*. They may be purchased with a small down payment and terms to suit you.

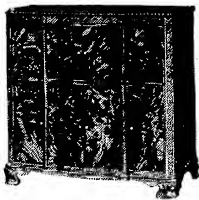
● THE CHIPPENDALE, \$114.5* *De Luxe* Capeharts in other authentic period designs—\$59.5* to \$250.0*.

THE DE LUXE CAPEHARTS MAY BE PURCHASED WITH A MODEST INITIAL PAYMENT AND TERMS TO SUIT YOUR CONVENIENCE.

*PRICES SLIGHTLY HIGHER ON THE WEST COAST

The CAPEHART

THE FINEST IN MUSICAL REPRODUCTION



REPRODUCE 1939, BY FARNSWORTH TELEVISION & RADIO CORPORATION

Gannett Idea Too Partisan, Thinks N.A.B.

Washington, Nov. 21. If Frank Gannett, chain newspaper publisher and broadcaster, has one of the most virile foes of the few deal, wants to help the radio industry get along, it is the N.A.B. He is grateful for such support, but the trade organization feels that its attack on the code is unfair and unproductive. A d. b. l. wondering whether station owners will fork over additional contributions toward the national crusade when they already are being tapped heavily for maintenance of the N.A.B.

This is the reaction to Gannett's announced intention of seeking changes in the Communications Act and legislative action giving the industry greater stability and more freedom from government regulation. Although Gannett is a member of the Association, the headquarters attitude was not very enthusiastic toward his movement. Feeling was that the National Committee to Uphold Constitutional Government (Gannett is chairman and chief promoter) is not too much interested in protecting the radio industry as it is in putting in the White House a national executive with ideas diametrically opposed to President Roosevelt's.

There was no official N.A.B. comment on Gannett's letter to station owners asking for donations to finance a campaign to make certain that radio is "free and independent." Top men all felt they can sincerely oppose the declarations that the threat of "revocable licenses" is an invasion of the "constitutional rights of listeners" and menaces "property rights."

Plan to form a super brain-trust of lights "who know the history and background of radio" also caused little comment. Remembering the way the Liberty League's unofficial supreme court fopped, most industry people were inclined to smile derisively at the thought of rounding up barbers to help the radio business safeguard its Constitutional rights.

The attack on the code by former Congressman Sam Fettingill, one of Gannett's mouthpieces, did not draw any N.A.B. fire. Attitude at headquarters was that "it answers itself" and the previous explanations and defenses are a sufficient response to its charge that the agreement amounts to "invisible government."

Father Edward Lodge Curran, president of the International Catholic Truth Society, director of radio activities in Brooklyn diocese, frequent defender of Father Charles E.oughlin and sometime speaker on alter's network, delivered a frontal attack not only on NAB code, but in the trade association itself, in fifth of the Sunday afternoon series over CBS. Father George W. Johnson, of Catholic University, will present another Catholic viewpoint on code. Sharp-voiced Father Curran, who mixed sarcasm, ridicule and irony with direct, partly-inside argument, insisted NAB code was not opposed to radio censorship, but only to it when exercised by anyone else. As proof, he cited station's opposition last summer to FCC ruling (never enforced) on international transients.

Yanell on Shortwave

L. P. Yanell has been transferred from RCA, where he was an executive to NBC to direct the network's shortwave commercial activities. The assignment is temporary. NBC recently sold its first International shortwave account, namely, United Fruit.

WHA, Madison, Can't Get Politicians to Pony Up In Plea for WMAQ Wave

Madison, Nov. 21. Because of the failure of the state legislature to provide an appropriation, the plan of WHA, Madison, to seek the facilities of WMAQ, Chicago, has been dropped, at least temporarily. WHA more than a year ago applied for 50,000 watts on 670 kc, the WMAQ assignment, in lieu of its present 5,000 watt daytime assignment on 940 kc. The Federal Communications Commission on Oct. 27 granted the WHA petition to withdraw the application without prejudice, although it had been set for hearing Nov. 10.

Scheduled for hearing several times, the hearings were always deferred on requests of applicant pending disposition of the bill in the legislature which called for an appropriation of \$9,600 to prosecute the application, \$108,500 for constructing a 50 kw. plant, \$79,000 to cover cost of first year's operation and \$126,000

Engineer's Theme

Duluth, Minn., Nov. 21. Clubwoman frantically phoned Gil Fawcett, KDAL's program director, the other day. She was preparing for a broadcast and she swore to Fawcett she'd been to every music store in town, called on all her friends, but couldn't lay hands on 'Up and Down and Fade Under.' He allowed her to pick another 'theme' and she was happy and never knew the difference.

annually thereafter. The application was to have been pressed on the plea that Wisconsin had no high-power clear channel outlet, and the plan contemplated elimination of WLBZ, Stevens Point, also state-owned, if the WMAQ facilities were procured.

John Otterson Out

John E. Otterson has given up all connection with Radio Wier Television Corp. of America. Managerial control is now with A. W. Fleiman, v.p.

Alfred Sloan Foundation Grant Finances Denver Educational Radio

Denver, Nov. 21. Alfred P. Sloan Foundation has made a modest grant to the University of Denver to develop educational programs that have a chance of competing for major listening interest with network commercials. Harold S. Sloan, director of the foundation, is of the opinion that most of the so-called educational programs are tuned out because of defective presentation and it's his idea to have the local university experiment with some patterns. None of the formulas worked out at the university will be put on the air before February.

Prof. A. D. H. Kaplan, head of the university's government management department, is in charge of the experiments. Chief among his aides is Roscoe Stockton, production manager, of KOA, Denver. Included in the types suggested by Sloan is a

round-table program with dramatized interpolations. Sloan would have the program stress matters relating to taxes and public finance. For those who want to delve deeper into the subject the foundation will make available booklets.

Sloan states that the programs won't be framed to influence political views. Only the basic facts essential to intelligent discussion, he says, will be given. As the problem of government becomes complicated, holds Sloan, it becomes increasingly difficult for the voter to know the facts, and that the voter cannot make a competent choice unless he understands all the facts involved.

Larry Mohr, Walter Brester and Leonard have been assigned to the staff by Clyde Hunt, chief engineer of WJSV Washington station.

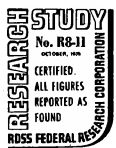
IT TAKES LISTENERS TO MAKE COVERAGE

First, coincidental surveys of listening habits were conducted by

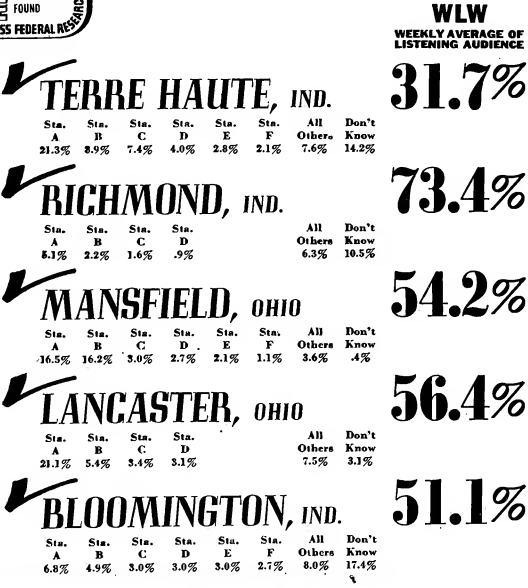
impartial, accurate research authorities—Ross Federal Research Corporation and Alberta Burke—in thirteen key markets in WLW's primary effective sales area—140,803 calls in all—showing the impressive scope of WLW's listening audience.

Second, seven additional important marketing centers were studied—18,496 more calls—with the same clearly shown result—WLW dominance.

NOW—just completed—a further coincidental study of five more cities—12,092 more calls—



FIVE more reasons why more advertisers are buying more time and SPENDING MORE MONEY currently on WLW than at any other time in our history.



All figures quoted are weekly listening audience averages. These five studies will be available shortly on request.

THE SMOOTHIES BABS-CHARLIE-LITTLE

This Week STANLEY THEATRE Pittsburgh, Penna.

WLW THE NATION'S most "Merchandise-Able" STATION

Justice Dept. Will Watch Radio Stations Whose Racetrack Stuff May Be Useful to Gambling Setup

Washington, Nov. 21.

Question of broadening the drive against interstate gambling to include radio stations is under study by the Justice Department, with Attorney General Frank Murphy strongly implying last week that broadcasters whose race reports are useful to the betting fraternity may feel the Federal whip. With collapse of the Annenberg-controlled Nation-wide News Service, Murphy said he did not 'know of any particular plans' to carry the crusade further but assured the nation the Justice Department will 'take appropriate steps—without delay—to end any effort to create substitutes for that which has been destroyed'. The Federal prosecutor declined to make any statement as to what will be done about 'particular cases,' explaining that 'the whole subject is under study.'

Remarks from the D. J. top man directly conflicted with earlier statements from underlings, who said the whole objective of the drive was reached when Moe Annenberg de-

cided to quit the business of flash-buzz and pay-off. Murphy admitted the department is interested in the few broadcasters who devote the bulk of their afternoon time to giving the results and odds, and implied that his aides are watching to see if any use is made of short-wave radio, as has been rumored possible in some areas.

Annenberg withdrawal was complete, Murphy said. Revealing it had been discussed with the Philly publisher's attorneys, Murphy said he has been promised that the former wire service proprietor would 'do everything in his power' to see that no effort is made to resort to substitutes. Positive promise was given that Nation-wide, which has been used by some stations, will not be revived with a false face.

Spawns Corruption

Murphy's determination to put an end to distribution of info which encourages betting was obvious. He commented that 'those of us who have been identified with municipal and state governments, with local

police work, know the corruption spawned out of these activities.' He termed transmission of pay-off figures 'just a racket.'

Some talks with the FCC have been held, the A. G. revealed, although not particularly in relation to the radio angle. The Commission is anxious to avoid being dragged into the argument as to whether speedy flouting of results is a violation of public interest, but has been appealed to by some state authorities trying to move against the wire companies. Murphy said his department's conferences with the FCC centered chiefly about the request of Pennsylvania officials for aid in breaking up the business.

Murphy was skeptical whether Annenberg's withdrawal will end the department's problem of crimping large-scale betting. Remarking he is 'not sure the action is going to end all of the activities,' he declared the D. J. will endeavor to 'follow a logical and consistent policy' by attacking any other agency that seeks to serve the bookies and betting parties.

WWL Cancels Race Results

New Orleans, Nov. 21.

Local repercussions to Justice Department cutting race horse bookie wires from Chicago forced cancellation of a nice fat commercial contract by WWL. Station had already signed to broadcast daily from the Fair Grounds in New Orleans with the Louisiana Jockey Club bankrolling series.

Radio Daffodils

Philadelphia—Bob Street, commercial manager of WCAU, has just started taking piano lessons.

New York City—Hobby Lobby' presenting Jiggs, 140-pound orangutan, playing 'The Bee' on a harmonica.

St. Paul—WCCO has a new 654-foot vertical radiator. Claims following fan letter received from Hewitt (Minn.), 150 miles away: 'I am a little deaf and from the reception on my radio this morning, I concluded my hearing had returned.'

AKRON UNION STAYS OFF

Declines to Complete Contract Expiring in February

Akron, Nov. 21.

Akron Industrial Union council—composed of CIO unions—has voted not to return its 'Voice of Labor' program to the air over station WJW despite an offer by the station to carry out the remainder of its contract which expires in February. H. R. Lloyds, chairman of the council, declared it was the consensus of union delegates that the 'Voice' program, if renewed, would run into the same obstacle that marred the last weeks of its presentation over the station.

The program, which had run on WJW for more than a year and previously had been on WADC, was pulled when station manager Edythe Fern Melrose ordered a cancellation in conformity with the new code of the National Association of Broadcasters. Later Mrs. Melrose offered to continue the program until contract expiration, declaring she had subsequently found this was possible under the code.

Union officials claimed that during the last few weeks the program had been 'harassed' with censorship and forced deletions by the station. Mrs. Melrose held that there had been no censorship and that what deletions were ordered in the script were 'only in good taste.'

Grenadiers Sponsored?

Montreal, Nov. 21.

Grenadier Guards military band may be sold for commercial radio. Understanding is that band, under direction of Dr. J. J. Gagner, will do half hour program for Robin Hood Flour.

Vocal group (5) to accompany.

Staff Shifts at KCKN

Kansas City, Nov. 21.

KCKN, across the river in Kansas, has made some staff revisions. Ben Almayor joins to handle continuity on some special accounts. He was with the station previously, but recently with David Mindlin Agency. John Drake steps from sales to head a new department of special productions, including the station's long-running quizer court and some special promotional programs. Eula Plunder takes charge of statistical work.

RADIO OLD-TIMER

HAS BROKEN BACK

Schenectady, N. Y., Nov. 21.

Hank Miller, who was with WGY Players when radio's first drama, 'The Wolf' was broadcast in 1922, is recovering at his Schenectady home from a broken back suffered in an automobile accident at Auburn, N. Y. Miller miraculously escaped death when a truck trailer skidded twice and smashed his car. Taken to a hospital, he was placed in a body cast and eventually brought home.

WGCY Players, recently died Edward H. Smith, another of the five in the accident performance, passed away at Cleveland more than a year ago.

Miller faces a long stretch of confinement.

Revise WHK Music Staff

Cleveland, Nov. 21.

Change at WHK-WCLB last week resulted in Louie Rich moving up to position of music supervisor of twin stations, turning over staff orchestra's baton to Willard Potts. Potts, who has a hotel dance band of his own, and formerly played in George Olsen's outfit, is reorganizing air orchestra of 13 pieces as first move. Bill Dieber, sax, is first addition. Starting in mid-December, Potts and new ensemble will assume network and local programs for WHK-WCLB, with exception of Sunday series which Rich will continue to conduct.

Imperial Sponsors Hockey

Montreal, Nov. 21.

Imperial Oil is sponsoring Allan Cup Amateur Hockey games beginning Nov. 22. Vic George (All-Canada Radio Facilities), buying time and arranging hookups for Imperial. Using stations in Montreal, Quebec, Edmonton, Trail, B. C., and possibly Calgary.

WBAL
means business
in Baltimore

WNAX becomes
Sioux City's Columbia Station
and opens its Sioux City Studios

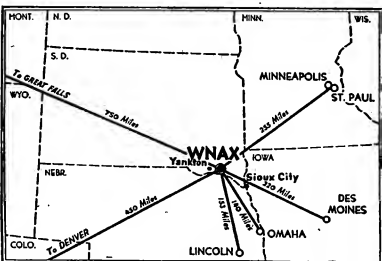


WNAX is now the ONLY Columbia Station between Minneapolis and Denver—between Omaha and the Canadian border. WNAX is FIRST among all CBS stations in daytime rural audience. Its primary area enjoys retail sales of almost a billion dollars per year.

With a frequency of 570 kc.—5000 watts that do the work of 50,000—WNAX delivers a strong signal over this extensive area.

Now, with all major Columbia programs carried on WNAX—NOW, with many of the country's most popular daytime shows spotted on WNAX regardless of network origination—now, that WNAX has studios in Sioux City, natural gateway to this great five-state prairie empire—NOW, WNAX looms larger than ever before as a "must" station.

Can't we give you more information about how you can profitably use WNAX?



•
A Cables Station
5000 Watts L. S.
1000 Watts Night
CBS
•

Represented by
The Kats Agency

RADIO STATION **WNAX** 570 ON THE DIAL
Studios—WNAX Building, Yankton - Orpheum Building, Sioux City

Here it is Thanksgiving—and
I'm particularly Thankful to
JACK KAPP, President of Decca
Records, and one of the greatest fel-
lows I know, for the wonderful breaks
he's given me.

FRANK LUTHER

Phonograph-Radio Combo Sets

May Sell 650,000 in U. S. During 1939

Apogee rejuvenation of the phonograph industry, it is estimated that 650,000 radio-phonos combos will be sold in the United States during 1939. That's something of a record for recent years, but far from cracking any new records. More than 1,000,000 of the combinations were sold in 1927, the year they were introduced. And the average price was \$750 a set. Average this year will be about \$100.

Lowest state of the phono industry was hit in about 1931, when only about 100,000 units were sold. It didn't pick up much until late in 1937. In 1938 more than 370,000 combos were purchased and more than 600,000 records, one for every family in the United States.

High point in phonograph sales was from 1929 to 1931, during which 1,500,000 people bought machines. Peak was 1931 with 2,100,000 sales, followed by a slump in 1932 and 1933, due to the introduction of the combinations.

Sheet Music Sales Up

Music sales, taking in sheet and phonograph records, is 60% over what it was a year ago, according to reports which indicate that 10% of the distributors among their units last week. Pickup in sheet music, as well as from these reports, is even stronger than it has been for discs.

Increase has been due not only to better business conditions but to the circumstances the best seller sheet list contains an unusually large number of high-powered titles. In other words, the leader, 'South of the Border,' has anything but the field to itself, even though it's selling in huge quantities. Other big riders on the crest are 'Scatterbrain,' 'My Prayer' and 'Blue Orchids.'

Fill-In Swingette Good Enough for Monday Nite Is View of N. Y. Hotels

Lincoln and Edison Hotels, both under the same management in New York, have dropped policy of subsidizing on the part of the regularly listed crews are off, as per musicians union rule calling for six weeks. Tossing out such subsidies knives almost in infancy the growing tendency toward booking in one week. Tossing out such subsidies is one free evening, for these two spots anyway. The New Yorker Hotel still uses them.

Tito's Swingette will replace Jan Savitt at the Lincoln for the next three weeks while Savitt plays the New Yorker Paramount after will come in each evening after finishing the Par show, foregoing shuffling and the fourth of the dinner session. Four Feminine Notes, instrumental and vocal trio replaced by Eddie Dorsey at the Edison for the evening past Monday (20).

Hotel management says they can't afford a certain amount paid the Monday night whether they have a big band or not and that there was no percentage in having to pay over a full size band for an ordinarily slow evening.

N.Y. Fair's 'Tin Pan Alley' Show Closes \$39,908 Suit

Suit for \$39,908 against N. Y. World's Fair 1939 Inc., and John Ferrone was filed Saturday (18) in N. Y. court by the copyright owner. The suit seeks damages of \$12,448 against the Fair, and \$27,500 against Ferrone. Ferrone claims to have paid the Fair \$24,000 in April 1939 for a concession to open a 'Tin Pan Alley' show, promised to him \$17,500 in the venture for a 50% interest. It is charged that Ferrone backed out of the agreement, and persuaded the Fair officials that the plaintiff was not financially responsible, and so got through with the concession agreement.

Universal bought two more songs from Charlie McCarthy, Detective. They are the titles 'The Little Chickadee,' 'Jacques Press' and 'Hal Black,' and 'Almost,' by Ben Oakland and Sam Lerner.

Has the Best

Albany, Nov. 21. Benny Goodman, Bob Crosby and Glenn Miller are among the 'America's greatest bands' specifically advertised by the New York State Fair. More than 1,000 patrons may dance nightly, 7 to 12, for 10 cents. An asterisk at the bottom of newspaper copy specifies 'recordings.' Jimmy Stroppe's orchestra impersonates Saturday and Sunday.

CONTACT MEN'S UNION NOW A REALITY

All terms of the agreement between music publishers and the contact-men's union have been agreed to and copies are now being sent to the employers for signature. The signed documents will be turned into the Music Producers Protective Association for wholesale delivery to the union for counter-signature. All members of the association are concerned in the union. One pertinent provision written into the agreement is that any writers who also do contacting. The contract states that the union will continue to be subject to the writers also engaged in contact work and that as far as such writer-contractors are concerned, the union will limit itself to those matters arising from contact work done by leaders' 'command' functions, so that they may have as writers will not be considered by the union.

The unfair practice clause or only bars publishers from giving or offering any form of gratuity or reward for a plug, including cut-ins, or the many special arrangements or extractions but prevents them from having their employees attending band leaders' 'command' functions or special nights, unless the consent of the union has been obtained. The provision is effective by a series of stiff penalties, starting with \$500 for the first infraction and escalating to \$1,000 for every violation thereafter.

An executive or employer expelled from the union can continue to do contact work, but the latter will continue to be subject to the rules of the union. The only difference will be in the penalty applied to his firm. It will be twice the usual fine.

Pettillo's Distinction

Chicago, Nov. 21. Song pluggers who play the piano for their livelihood may not join the Contact Men's Union, according to the Chicago Federation of Musicians. Such was the decision of the union's executive committee last week. However, if they are members of the musicians union, they may join the Contact Men's organization.

This means that most of the piano-playing songpluggers will be able to continue working as song pluggers since membership in the Contact Men's group is a prerequisite for any actually contacting band leaders and radio station men.

It is also believed that the one or two men who still must play the piano as well as contact will shortly be given authorization to belong to both unions. Several men have since membership in the Contact Men's group for many years and have continued to pay dues in order to have the piano, and they do not want to relinquish these benefits at this time.

GUS EDWARDS LEAVES HOSP

Hollywood, Nov. 21. Gus Edwards is back in home after a brief stay at Cedars of Lebanon hospital. His condition has shown a slight improvement.

Ella Fitzgerald Into Play

May 2c Royalty Per Phonograph Disc

Ella Fitzgerald is signed for 'Young Man with a Horn,' legit dramatization of the life of Biz Beiderbecke, which goes into rehearsal New York Dec. 12. Miss Fitzgerald's part calls for speaking lines as well as singing.

She's currently out on a one-night tour with her band, the former Chick Webb crew.

ATLANTIC MPPA MEET IN N. Y.

Membership of the Music Publishers Protective Association held its annual meeting at the Astor hotel, N. Y., yesterday afternoon (Tuesday). Edwin H. (Buddy) Morris as president reported on the association's activities during 1938, with these including the movement to protect the copyright owner on the commercial use of phonograph records, the campaign against bootleg sheet music and the experience distributing tip with the International Circulation Co.

There will be another MPPA meeting the latter part of this week for the publishers to discuss three matters:

1. Whether they want to go on record as opposing or supporting the Showtoll copyright bill in its entirety.
2. What legal position they want to take on the subject of copyright owner participation in the licensing of phonograph records for radio stations. Victor has proposed a three-way equal split as far as income from stations is concerned, with the manufacturer, the copyright owner and the interpretive artist as participants.
3. Whether they wish to consummate a contract with the interpretive artists whereby the two factions will become the co-administrators of coin machine rights and with the licensing income split equally between them.

Performance Societies May Leave Paris While War Lasts; to Switzerland

American Society of Composers, Authors & Publishers has received word that the Confederation of Authors and Composers Societies may move from Paris to Geneva, Switzerland, for the duration of the war. The move would involve the Confederation of Authors Societies, the Federation of Performing Rights Societies. ASCAP is a member of the latter.

The Confederation was to hold its 1940 convention in New York but on the outbreak of the war this plan was called off. Rene Jeanne heads the Confederation's staff, while Hugo Girault is the paid officer of the performing rights federation.

Ben Oakland held the scores for 'The Little Chickadee' and 'Charmaine,' McCarthy, Detective, both Universal productions. Milton Drake wrote the lyrics for 'The Little Chickadee' and Sam Lerner the lyrics for 'McCarthy.'

Artie Shaw, Heedless of Fame, Coin, Walks Out of His Own Orchestra

Carrying out a move he has threatened for some time, Artie Shaw has left his own band, the Artie Shaw orchestra, sans announcement, and stated that he will never return to the group. Shaw, who has just come in to work at the Pennsylvania Hotel, New York, Wednesday (15) evening.

Word was given out that he was ill while his lawyer, Andrew Weinberger, and his manager, General Agent Corp. attempted to talk him into changing his mind and rejoining the group. Shaw, however, was not contacted at the hotel, and, though listed in the dailies for scheduled sustaining pickup, has pulled off all such work with no explanation other than "program scheduled for me" will not be on his stand.

Shaw's move was evidently a spur-

1-2-3 on Hit Parade

Before the tune became a hit, Louis Armstrong, of Shapiro, Bernstein & Co., offered a "Bragman," Yocco & Conn \$25,000 for the complete rights to 'Scatterbrain.' The bid was turned down.

Bernstein figured that 'Scatterbrain' was a natural and since he had two numbers, 'South of the Border' and 'My Prayer,' moving toward the top, Bernstein harbored the wish to publish the first three best sellers.

AFM EXTENDS DRIVE ON PUBLISHERS

American Federation of Musicians, through Joe N. Weber, president, is formulating plans to ask the forthcoming Congress to enact a law prohibiting the stealing of music from the air. More and more complaints have reached Weber's office that records are being made of radio music and other programs, without the knowledge of the musicians playing same, and these records are afterwards sold for commercial and other purposes.

Musicians will endeavor to convince Congress that a general evil exists and that only drastic legislation will be effective in putting a stop to the practice. Weber has communicated with Harry Baldwin, secretary of Los Angeles Musicians' Informing Association, Local 47, informing him that it will be necessary for his (Weber's) office to be advised of all instances where locals or members have discovered that radio and other programs have been stolen, that is, records made of same without the players' consent.

Members of Local 47 are cautioned to watch radio programs as much as possible, and if they determine that records are played consisting of stolen music, to immediately advise headquarters of the AFM.

Joe Sullivan Retains Steinberg, Others New

Joe Sullivan, who recently opened at the Cafe Society, N. Y., with a new small band, has released all except one of his original men and replaced them with a mixed white and negro band. Sullivan's new band leader, the trompeter, is the lone holderover from the old group.

Replacements are Danny Poin, tenor sax; Ed Hall, clarinet; Henry Turner, string bass; Johnny Wells, piano; and Joe Sullivan, Sam Lerner, Hall, Turner and Wells are colored.

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Muric publishers may be faced with the necessity of charging a minimum 2c royalty for phonograph records as the result of an action taken by the executive council of the Society of Composers, Authors & Publishers. Latter has passed a resolution demanding that the 50% division on disc royalties as specified in the proposed new standard writers' contract be based on a minimum fee of 2c, which is paid for the composition, and 2c on 50c records and 2c on 75c bands.

John Schulman, counsel for the SPA, and Julian T. Abeles, as counsel for the publishers, have agreed on the wording of all provisions in the new standard writers' contract and the agreement is currently being printed for examination by the pubs and signatures. Abeles was defeated by the pubs several weeks ago to get together with Schulman on 'smoothing out several provisions in the agreement which they didn't like, with the understanding that the document that Abeles okayed would be acceptable to them.

The new contract had already been signed by the Warner Bros. and the Decca-Odeon-Dreyfus group and Mercer & Morris.

CLASSIC 'S' EDITORIAL SET

The new fangled N. Y. Sun editorial, 'Is There a Santa Claus?' first authored by Francis P. Church of the staff in New York, made its first appearance in the issue of Sept. 21, has been given a musical setting by Roscoe Bourdon and the fantasy recorded as a two-part Xmas release by Jessica Dragonette, who made her debut with the Sun, and has been translated into many languages and published in every corner of the globe.

Incidentally, Virginia O'Hanlon, daughter of Dr. and Mrs. Philip F. O'Hanlon, who wrote the story in 1897, when the wrote the Sun to inquire 'Is There a Santa Claus?' is now Edward O'Hanlon, a N.Y. public school vice-principal.

PARIS REED-MAKER TRANSFERS TO N. Y.

Saxophone and clarinet, tooters can breathe easier now that the source of reeds for their instruments has been taken out of reach of European war. The reed maker for Jimmy Dorsey, Artie Shaw, Benny Goodman, et al., has moved from Paris where he was unable to get reed makings because of the war. The reed maker has moved to New York. He'll ship for Cuba next week and reenter properly to apply for citizenship papers.

No one knows why but Jimmy Dorsey christened the N. Y. joint by bouncing a reed into the jukebox over one of the shop's machines.

ASCAP Meets Nov. 28

Board of directors of the American Society of Composers, Authors and Publishers will meet on Nov. 28, at its monthly meeting Tuesday (28) instead of the customary final Thursday of the month. The meeting will explore the basis of a new contract for broadcasting will make a preliminary agreement with the industry will not make a licensing agreement available to the industry until the reservoir project of the National Association of Broadcasters, Broadcast Music, Inc., has been clarified.

On the Upbeat

Jack Leonard will return to the Tommy Dorsey orchestra at the Palmer House, Chicago, in a couple of weeks. Allen De Witt, who replaced him, may shift to the Bob Chester crew at the Niscollet hotel, Minneapolis.

Pete Brown's small combo replaced the Jimmy Muland band at the Oxy Club, N. Y., last week.

Hank DeMeco, clarinetist, with Richard Himel, may soon form a band of his own.

Johnny Mage switches from WOR to NBC wires from Donohue's Mountain View, N. Y. He added Allen Girard and Muriel Baker as vocalists last week.

Inkspots opening at the Famous Door, N. Y., deferred until Dec. 12. Woody Herman goes in Tuesday (23).

Erskine Hawkins band to play for RCA-Victor dealers in New York's Eve shop at Park Central hotel, N. Y.

Larry Clinton is scheduled for four weeks at the Sherman hotel, Chicago, beginning April 5 as part of the deal sold the hotel by General Amusement. Glenn Miller's part of it. Jimmy Dorsey goes in

Dec. 29. Artie Shaw had been listed.

Benny Goodman's shift to the west coast late in January will likely keep him there till late spring, returning via the southwest, territory he hasn't covered in three or four years.

Coleman Hawkins will eventually enlarge to a full size 14-piece band. Went into Arcadia Ballroom, N. Y., Saturday, for two weeks. Saxy Sultans replacing in the interim at Kelly's Stables.

Robbins Music set to publish recently acquired theme tunes of Sammy Kaye, Ranny Weeks, Eddie Duchin, Will Bradley, Spot Murphy, Teddy Powell.

Will Osborne goes to Schubert theatre, Newark, tomorrow (23) in event of scheduled week at Carlton theatre, Jamaica, L. I.

Bobby Day shifts to new Pool Club, Jamaica, L. I., Friday (24) after 26 weeks at the Show Bar. Forest Hills. Jerry Brannin replaces at Show Bar.

Toppers, instrumental quartet, open at the Chanciller, Baltimore, Friday (25).

Merry Maes play with Decca another year.

Red Stone signed as arranger for Al Donahue. Stevie McKay added on tenor sax to Donahue's crew.

Local 802 medicine fund benefit at Madison Square Garden Monday (27) lists almost 60 bands promised. Martin Block encores again.

Al Goodman's orchestra now tied to Wm. Morris contract.

Larry Taylor, hurt last week in a auto crash while driving to an audition for Johnny Mage, joins Tommy Reynolds' band at State B. Boston, as vocalist. Jody Ellington, formerly with Charley Barnett, goes to Taylor also.

Ben Wall guests at New York U. prom at Waldorf-Astoria hotel, N. Y., Friday (25) and will sing one number by request. Band hired for the

date and with whom Miss Wain will sing is her old boss, Larry Clinton.

Dave Tough, drummer, has again pulled out of Jack Teagarden's band.

Duke Ellington added Jimmy Blanton on string bass. Now has two.

Wanda and Her Escorts, five-piece outfit out of Pittsburgh, checked-in for a run at the Rita-Carlton hotel in Atlantic City after a stay at the Warwick in Philadelphia.

Herman Middleman band goes back to Boat, Pittsburgh, when that spot reopens in couple of weeks. Spot will have a new name, the Yacht Club.

Val Olman current at the Hotel Stayesant, Buffalo.

Bob Chester, at Hotel Adolphus, Dallas, bowing out with Ray Herbeck following. After Herbeck will come Lawrence Welk on Nov. 30. Understood hotel's Century Room will remain Columbia network outfit, permitting booking of top bands.

Henry King replacing Joe Reichman at Baker Hotel, Dallas.

Chase Bickley's orchestra in at White Rock Showboat, Dallas.

Anton Weeks' orchestra to play Des Moines Junior League's annual charity ball at Hotel Ft. Des Moines Dec. 2.

Glenn Gray orchestra into L. A. Paramount theatre for one week opening Dec. 7, and then shift to the White Rock Paramount.

Sam Garber's stay at Toppy's, Los Angeles, has been extended to Jan. 14.

Shirley Knudsen band plays Nov. 24-25 at Sacramento, and Dec. 22-23 at Burlingame, Calif.

Rudy Vallee followed Harry James into the Victor Hugo, Beverly Hills. "Honey" band.

Victor Young directing 53-piece orchestra to record score of "Gulliver's Travels" at Paramount.

Harry Owens and his orchestra stay at Blenheim Room of Hollywood Roosevelt for 10 more weeks.

Music Notes

Charles Henderson owned the musical direction, background and music of the Paramount picture, "Buck Benny Rides Again."

Sun Music is opening, Chicago offices. Max Lutz has been placed in charge for Chi and midwest contacts.

Ben Gilbert was installed as professional manager of Leo Feist, Inc. with a luncheon by Robbins Music combined next week.

Mitchell Parrish and Vernon Duke have a new title titled "Miss We Kiss Again." Robbins publishing.

Murray Wisell, formerly with Famous Music, now assistant to Charley Warren at Mercer & Morris Music.

Peter Tinturin clefted three songs for "The Days of Jesse James" at Republic. Ditties are "I'm a Son of a Cowboy," "Saddle Your Dreams" and "Echo Mountain."

Eddie Cherkose and Jacques Press sold their song, "How Was I to Know?" to Universal for use in "Charlie McCarthy, Detective."

Moé Jerome and Jack Scholl spotted their song, "The American Way," in the Warner short, "Royal Rodeo."

L. Wolfe Gilbert and Lew Pollack clefted the title song for Edward Small's picture, "My Son, My Son."

Phoney Amateur Wins \$25

Allen Williams, WMCA, New York, announcer, entered the amateur contest at the Fox theatre, Brooklyn, which airs over his outlet last week (15) and walked off with first prize. He sang "Oh Man River" to grab the top \$25 payoff, \$10 of which he gave to a colored boy runner-up. Used the name Allen Barnes.

15 Best Sheet Music Sellers

(Week ending Nov. 18, 1939)

South of the Border.....	Shapiro
Scatterbrained.....	BVC
My Prayer.....	Stidmore
Blue Orchids.....	Famous
Over the Rainbow (Hard of Hea).....	Felix
Lilacs in the Morning.....	Robbins
"Good Morning" (Babes in Arms).....	Chappell
El Rancho Grande.....	Marks
Beer Barrel Polka.....	Shapiro
In an Eighteenth Century Drawing Room.....	Circle
Last Night.....	Chappell
Man With the Mandolin.....	Gandy
What's New.....	Wittmark
Oh, Johnny.....	Forster
Baby Me.....	ABC
Filmusical.....	ABC

Radio Producers' Peeve

Continued from page 1

an industry has remained steadfastly indifferent.

Only a handful of radio writers have ever been credited, although there is less opposition to mentioning the writer than there is to credit the program producer. Direction involves trade politics. Advertising agencies often wish to take air time on organizational bow and not to permit any individual to seem important. With the networks themselves producing units, the organizational aspect has also been considered, although CBS is now fairly liberal in air mentions.

Apparently NBC, the chief opponent of air credit, fears that even Tom, Dick and Harry will, if encouraged, demand billing that would clutter up the scene. All of them, NBC argues, could argue with the same plausibility that air credit was a vital need of professional standing and prestige. Sound effect men might next demand credit. Even among actors, where the interest of the public is admitted, the credits are invariably confined to the two or three names of stars.

Recent Instances
NBC's refusal to allow the "What's My Name?" program to give air billing to its producer, Ed Byron, has resulted in legal repercussions. Byron, who threatened to walk out of the show because of the network's taboo, has retained counsel to press the issue, and the lawyers are expected to discuss the situation with Niles Trammel, NBC executive v.p., and John F. Royal, v.p. in charge of programs, today (Wednesday).

Under the contract which General Amusement Corp., agency for the credit, "My Name?" made with Blackett-Sample-Hummert, agency on this Project & Gamble show, it is required that Byron receive credit as the producer and Joe Cross as the writer. At Byron's threat to walk out of the program a week ago Saturday (11) NBC modified its stand. Under last Saturday's (18) program there was another squabble over the deletion of the credit line and NBC compromised, making the billing read, "Written by Joe Cross and Ed Byron."

Byron had meanwhile retained Bernard L. Miller as his lawyer in the matter. Byron's idea was to start injunction proceedings against the network immediately but at Miller's suggestion he agreed to accept the revised billing for this week's broadcast and to let the is-

sue ride for a midweek conference, as proposed by the NBC officials.

NBC came in for a similar kick back a week ago Tuesday (14) when it struck out the credit line given Martin Goch as producer in Robert Benchley's final program for Old Gold. Humorist in his valedictory address, he passed the praise to various persons who had been associated with him in the series. NBC felt the names of the writers, Al Lewis and Hank Garson, remain in the continuity but stood pat on its refusal to have Goch mentioned.

A Hit! DOES YOUR HEART BEAT FOR ME?

From the GRAND TORME BABE

BABY, WHAT ELSE CAN I DO? ME AND COLUMBUS

Two Novelties I

BILLY

(Always Dream of Bill) UTT DA ZAY (The Tailor Song)

A Made 1

PAYVANE

By Norman Gould

Lyrics by Gladys Shores

MEMORY REMINDERS

I SURRENDER DEAR IT MUST BE TRUE

Mills Music, Inc.

100 Broadway New York, N.Y.

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Now! EL RANCHO GRANDE Next! DON'T LET ME LAUGH

EDWARD B. MARKS MUSIC CORP. RADIO CITY NEW YORK

FRANK HENNINGS, General Professional Mgr.

A SWELL SWEET SONG

CASTLE

Getting Bigger and Bigger Day by Day

SANTLY-JOY-SELECT, 1619 Broadway, New York

THE NO. 1 SONG OF THE COUNTRY!

No. 1 on "Lucky Strike Hit Parade"

"DAY-IN DAY-OUT"

By Johnny Mercer and Rubs Bloom

Positively a Sensational Sweep!

"SCATTER-BRAIN"

By Johnny Burke, Keen-Boom and Frankie Monsters

Announcing

two outstanding hits

"HAPPY BIRTHDAY TO LOVE"

By Dave Franklin

"THE ANSWER IS LOVE"

By Charles Newman and Sam H. Siept

FROM

KAY KYSER'S

RKO-Radio Picture

THAT'S RIGHT—YOU'RE WRONG

Jimmy Dorsey's New Hit

"SO MANY TIMES"

By Don DeVito and Jimmy Dorsey

A Superb Fox-Trot Ballad

"TWILIGHT INTERLUDE"

By Peter Tinturin and Al Jacobs

BREGMAN, VOCCO & CONN, Inc.

1619 Broadway New York

Delaware 3434 CHICAGO

Chi Best in Years; 'Hamlet,' Cornell Tops at \$16G, Horton-Henry Neat 15G

Chicago, Nov. 21. Business is great. It's the biggest legit season this town has seen in many a year, and there is no indication any more.

On 'last week's notice,' the Maurice Evans 'Hamlet' seemed to take the place of the 'Hamlet' of last week. The 'Hamlet' of last week, 'Springtime for Henry,' came to the top of the list, and indicates a lively stay at the Eranger.

John Barrymore show, 'My Dear Children,' continues at the Selwyn and grinding out a consistent profit, with the turnaway trade in the rival houses considerably less than the 'Children's' gross.

Legit took over the mammoth Auditorium last night (Monday) for 'Leave It to Me,' which will play for three weeks. On Tuesday (22), the Grand will get 'Night at the Crossin' Rouge,' reviewed by A. B. Marcus and N. S. Burger. Following next 'Outward Bound' comes into the Harlow for three weeks.

'Hamlet,' Grand (22nd-41st week) (1,300; \$3.20). Small crowd through for nearly \$21,000.

'My Dear Children,' Selwyn (27th week) (1,000; \$2.75). Cantered through the 2,000th performance here last week and continued to show fine shape. Grossing nearly \$11,000 last week.

'No Time for Comedy,' Harris (2d week) (1,600; \$3.30). Capacity again, \$1,000. One more week.

'Springtime for Henry,' Eranger (1st week) (1,400; \$2.75). Small crowd, snapped off highly satisfying \$15,000.

ANOTHER 7G FOR 'FOLIES,' L.A.

Los Angeles, Nov. 21. With the Biltmore temporarily closed and only the Selwyn and the area being struck at the Belasco, activities center week and last week. 'Folies Bergeres' continues to play turnaway trade in the Capitol, while 'Chocolate Soldier' is reported building at Hollywood Playhouse, where it opened week ago.

'Folies Bergeres,' El Capitan, Hollywood (2d week) (1,360; \$3.10). Hitting pace equal to last week for \$17,000, very good.

'Chocolate Soldier,' Hollywood Playhouse (1st week) (1,130; \$1.10). Selling slowly but with engagement advances. Initial week took for \$2,900, satisfactory.

LUNTS NEAR CAPACITY IN FRISCO WITH \$24,000

San Francisco, Nov. 21. In their first week the Lunts, in 'Taming of the Shrew' at the Curran, did near-capacity hit week with \$24,000.

In second and final week currently.

San Carlo Opera Off In Mont' With \$10,000

Montreal, Nov. 21. Bargain-price opera at the Forum by the Carlo Company, which has been here last week in three nights and two matinees (17-18).

At the Hotel Majestic, also under expectations with \$8,000.

'San Carlo Opera, Forum (4,800; \$1.50). Combo of poor acoustics and inadequate seating, business not sufficient \$10,000.

'Genius,' His Majesty's (1,600; \$2.75). Five nights and two mats (16-18). Maurice Colbourne and Jones played very good enough \$500, though under what was expected.

'Mamba' Nice \$12,000

In Week at Columbus

Columbus, Nov. 21. Ethel Waters, in 'Mamba's Daughters,' pulled profitable \$12,000 last week at the Hartman. Week started slowly, increased to \$10,000, on week-end. Satisfying review. Special features in dailies helped it build.

'Tonight We Dance,' with Ruth Chatterton, is next for three days, opening Thanksgiving.

'Estimate for Last Week'

'Mamba's Daughters,' Hartman (1,600; \$2.85). First week show, but management grabbed slightly better than \$12,000, nice.

'Outward' Disappoints With \$8,500, Pittsburgh

Pittsburgh, Nov. 21. Revival of 'Outward Bound,' de-acted by the national last week, started disappointing last week at the Victor. Show drew probably the best notices of season but came at the wrong time. The show was pulled by 'Leave It to Me' and right before 'Abe Lincoln in Illinois,' which is shorter and plays much more from terrific advance.

Nixon and booked solidly to dark Xmas week, with 'Abe' current and then 'Tonight We Dance,' 'Mamba's Daughters' and 'Kiss the Boys Goodbye.'

'Estimate for Last Week'

'Outward Bound,' Norton (2,100; \$2.75). Florence Reed-Laurette Taylor for the first time, rounded up to \$8,500. Of that, almost \$5,000 was from subscriptions.

COHAN \$11,000, RING 5G, BALO

Baltimore, Nov. 21. Ethel Barrymore, in 'Farm of 3 Echoes,' continued to show fine shape, is supplying the second of six promised productions in the American Theatre Society's new Gold subscription season here this season.

Two pre-Broadway efforts last week, 'Morning at 8,' with Dorothy Gish, and 'Ring Two,' at the indie-booked Maryland, chalked up moderate takes after rather lackluster receptions from local critics. Calendar of coming attractions list herself, Mrs. Patrick Crowley, a new one by Doran Hurst, produced by Harry Sheltan, set for Nov. 27: 'Hot Mikado' is due at same house Dec.

'Estimate for Last Week'

'Madam, Will You Walk,' Ford's (2nd week) (1,100; \$2.75). George C. Scott, by the effort, by the late in the Howard, with George M. Cohan, received lukewarm critical attention. Drew fair \$11,000 strictly on strength of Cohan's show, slated to withdraw from next week.

'Ring Two,' Baltimore (1,500; \$2.22). New George Abbott produced by Gladys Hurlbut, with June Walker, Betty Field and Tom Powers, opened last night, mildly received by press and public, with \$5,000 the reported take.

'ME' SNARES SMASH \$26,700 N DETROIT

Detroit, Nov. 21. 'Leave It to Me,' with co-star Sophie Tucker getting added badly through 'Abe Lincoln in Illinois' at Book-Cadillac hotel's Casino, got a smash \$26,700 at the Cas last night. Additional puffs were gained, too, since Mildred Penton, who took over Mary Martin's spot from local night spot, the 'Outward Bound,' with Laurette Taylor and Florence Reed, is current.

'Estimate for Last Week'

'Leave It to Me,' Cas (1,500; \$3.30). Small crowd, overboard for performances.

Chatterton Next 12½G For Week in St. Louis

St. Louis, Nov. 21. 'Tonight We Dance,' with Ruth Chatterton in top role, collected fine \$12,500 for week's stand at American theatre, ending Saturday (18).

Maurice Evans in 'Hamlet' began week's run last night, with \$12,500. Weather far from ideal.

Le Gallienne-Ibsen Tent For Fair 3G in Memphis

Memphis, Nov. 21. Eve Le Gallienne garnered fair \$3,000 for week's stand at the Le Gallienne tent, ending Saturday (18).

Maurice Evans in 'Hamlet' began week's run last night, with \$12,500. Weather far from ideal.

'Estimate for Last Week'

'Tonight We Dance,' American (1,700; \$2.50). Eve Le Gallienne, with \$12,500. Weather far from ideal.

'Steed' Slows to \$2,500 Canter in 4 Indpls. Shows

Indianapolis, Nov. 21. 'White Steed,' here at the English for three night performance, and 'Abe Lincoln in Illinois' last week, started Thursday (16), played to lightweight local critics, seemed to be confused over the message of the play, and the reviews were hazy, which didn't help the take.

Ruth Chatterton, in 'Tonight We Dance,' in playing current for three nights and Wednesday matinee, starting yesterday (Monday).

'White Steed,' English (1,500; \$2.75). Failed to rally after good campaign. Finished with poor \$2,500.

'Abe UP TO 29G, LAD'S PHILLY; 'KISS BOYS' 9G

Philadelphia, Nov. 21. Steady upward swing of 'Abe Lincoln in Illinois' featured last week's legit here. Opening, while nothing like the 'Abe' of last week, was very big from the first performance. Second week was very big from the first three performances. 'Abe' was fifth straight hit for the Forrest, which hasn't had a poor week to date out of eight.

On Monday (27), 'DuBarry' was also packed, with 'Kiss the Boys Goodbye,' tilted over first week's figure and was probably profit. Final week of 'Abe' and 'Kiss the Boys' better than it looks, since show was advertised as a two-week stay, but which may be extended.

On Monday (27), 'DuBarry' was a Lady opened at the Forrest, while 'Kiss the Boys' was a 'Kiss the Boys' of Berlin'. Both are limited to single weeks. On Dec 4 Ruth Chatterton, in 'Tonight We Dance,' is scheduled for the Forrest and the J. B. Priestley play, 'When We Were Married,' is due at the Eranger. All three local legends seem pretty well taken care of by week-end before Christmas. Suburban 'Three After Three' comes to the Forrest on Xmas day.

'Estimate for Last Week'

'Abe Lincoln in Illinois,' Forrest (2d-week) (1,800; \$3.25). Socko took \$11,000, but the show was three performances. 'Morning at 8' was this week only.

'Kiss the Boys Goodbye,' Locust (2d-week) (1,500; \$2). A trifle up from \$1,500, okay for first week.

'Abe and Mike,' Locust (2d-week) (1,800; \$1.50). Raved \$11,000, okay for first week.

'Farm' Nifty \$15,000 In D. C. Despite Critx

Washington, Nov. 21. Despite only one review, 'Farm of 3 Echoes' of four, Ethel Barrymore's rep and American Theatre Society audience backed all performance, giving 'Farm of 3 Echoes' next too, last week.

Current is George M. Cohan in new Broadway musical, 'Will You Walk,' which is not successful.

'Estimate for Last Week'

'Farm of 3 Echoes,' National (1,600; \$2.75). Approximately \$15,000, okay.

Merman-Lahr-DuBarry Hot 24G, Hub; 'Mikado' \$26,500, Lunt-Largo 'OK' 9G

Boston, Nov. 21. 'Abe Lincoln' (2,944; \$2.75). Bettered first week's take and could have stayed longer. Began \$26,500 for week.

'Key Largo,' Locust (1st week) (1,600; \$2.75). Following meant top-heavy shows, with carriage trade giving the edge. Advance week, second week promising. Very good show, with opening week. Moves out Saturday (25).

'Morning at 8,' Plymouth (2d week) (1,500; \$3.25). Mouth extreme in both directions on 'Abe Lincoln' and 'Key Largo' by Dorothy Gish in Philadelphia this week. Second and final frame \$16,000.

'Mikado,' Opera House (2d week) (1,500; \$3.25). Mouth extreme in both directions on 'Abe Lincoln' and 'Key Largo' by Dorothy Gish in Philadelphia this week. Second and final frame \$16,000.

New Entrants Weak, Father \$18.50, Tops Agency Call, Girls Leads 30G

So far, November continues to run distinctly under October as to the merit of productions, and partially due to the fact that the first half of the month only one standout success arrived; the first rock of present season, usually expected.

Last week's premieres were disappointing. 'Very Warm for May' (R-1,547; \$3.25). Somewhat better than moving here from Alvin and lowering the top; around \$20,000, okay.

'See My Lawyer,' Biltmore (8th week) (1,547; \$3.25). Somewhat better than moving here from Alvin and lowering the top; around \$20,000, okay.

'Skylark,' Moroso (6th week) (C-1,547; \$3.25). Somewhat better than moving here from Alvin and lowering the top; around \$20,000, okay.

'Straw Hat Review,' Ambassador (R-1,156; \$3.30). Moderate length of run, interest here still regarded as strong; off somewhat \$1,000.

'Streets of Paris,' Broadhurst (23d week) (R-1,116; \$4.40). Has eased length of run, interest here still regarded as strong; off somewhat \$1,000.

'The Little Fates,' National (41st week) (D-1,163; \$3.30). Considering length of run, interest here still regarded as strong; off somewhat \$1,000.

'The Philadelphia Story,' Shubert (35th week) (C-1,307; \$3.30). Holding length of run, interest here still regarded as strong; off somewhat \$1,000.

'The World We Make,' Guild (1st week) (R-1,156; \$3.30). Holding length of run, interest here still regarded as strong; off somewhat \$1,000.

'Sidney Kingsley,' adapted by latter (1st week) (R-1,156; \$3.30). Holding length of run, interest here still regarded as strong; off somewhat \$1,000.

'Thunder Rock,' opened Monday (20).

'Ward Room,' Mansfield (2d week) (R-1,156; \$3.30). Holding length of run, interest here still regarded as strong; off somewhat \$1,000.

'Life,' Booth (5th week) (CD-704; \$3.30). Selling out; party or two at cut rates last week drew \$12,000.

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'See My Lawyer,' Biltmore (8th week) (1,547; \$3.25). Somewhat better than moving here from Alvin and lowering the top; around \$20,000, okay.

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thanks to - Director DAVID BUTLER and
 all of RKO ^{for} their cooperation
 in our pic
 "THAT'S RIGHT-YOU'RE WRONG"
 to - CALIFORNIA for its unsurpassed
 hospitality during the past
 six months
 to - ROCKY MOUNT, NORTH CAROLINA
 for making me the happiest
 local boy whoever went
 back home
 (OUR MOTION PICTURE WORLD-
 PREMIERED THERE NOV. 15TH)
 Kay Kyser

...and of course as ever—my appreciation
 to LUCKY STRIKE and LORD and THOMAS for
 their continued confidence in the "COLLEGE of
 MUSICAL KNOWLEDGE"
 ...and the same to COLUMBIA RECORDS
 for their cooperation and loyal support

KAY KYSER
 and his orchestra

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Vol. 136 No. 12

NEW YORK, WEDNESDAY, NOVEMBER 29, 1939

48 PAGES

REPORTS FOR NOVEMBER 29, 1939

Report M-G and UA Not Touching Their Canadian Coin for Duration of the War

Montreal, Nov. 28. Reported here that at least two of the major American distributors (Metro and United Artists) are leaving a major portion of their rentals in Canada for the duration of the war. As far as can be ascertained this is not due to any currency restriction, since industry is still being furnished with adequate American currency for normal requirements. Report is that distributors are not willing to absorb the 10% drop in Canadian rentals, due to the difference in exchange valuations and plan to invest coin here until Canadian funds return to par. If so, this move parallels attitude of American distributors during the last war, when funds were invested in Canadian securities. No difficulties in securing funds to meet payments for American product have yet been encountered here, and for the present there is no talk of freezing film rentals. But Canadian war effort is only beginning, and future policy, in regard to export of currency, will be determined by extent that Canada has to shoulder the war burden.

Other foreign coin stories on page 12.

U. S. Cause for Alarm—Abroad Discounted In Italy; War Called Aid

Rome, Nov. 28. Hollywood's cry of alarm that the war is giving the U. S. film business a kick down the stairs because of cut foreign receipts is all wrong, according to Italian reasoning. Conversely, sentiment here believes the war has everything to gain. Reason: This.

The four major producing countries in Europe are England, France, Germany and Italy. Last year 608 films were produced in all Europe. But as England, France and Germany at war, estimates here place the coming year's production at 170, or, 100, 190 films.

Italians in the know point out that there are 37,000 cinemas in Europe, and with the production of the war, warring nations drastically cut the foreign market is absolutely open to the banks.

They admit that such reasoning does not take into full consideration the fact that in many of these countries no money can be exported, or that the Americans have withdrawn from the market, as in the case of Italy.

It is argued, however, that Hollywood got its foot well inside war. European demand during the last war, the countries over here have not been able to shut them out. Varying the last 20 years. They believe this war will prove to be a real treat for Hollywood in getting an other grip on the markets over here.

And It Came

Philadelphia, Nov. 28. Frances Faye last week cut 'I Want the Whole World With the Water' from her routine.

Hot singer, now at Benny the Bum's, had been plugging the wacky tune for a fare-thee-well. The tray-carriers at the spot ganged up on her. When she started to sing it Friday night (24) every waiter in the joint dashed up with a tray filled with aqua and almost drowned Miss Faye.

Artie Shaw, Jivist, Will Do Comeback As String Dance Band

Artie Shaw, who got himself in dutch with the jitterbugs by calling 'em 'mormons', will mark his comeback into the business eventually with a string dance combo, backed by a hot clarinet (meaning himself). The symphonic string idea for dance is a complete switch from one of the country's toughest out-of-this-world swingologists.

No secret that Shaw isn't serious about retiring professionally despite his walkout on his band at the Hotel Pennsylvania, N. Y., last week, which combo incidentally is continuing under tenor sax George Auld's leadership as a cooperative group. Tony Pastor will go through with his original plans for a band of his own, leaving Shaw.

Shaw is en route by motor from Florida to Mexico (where all good) (Continued on page 30)

'40 S.F. FAIR DEPENDS ON BANKS, CREDITORS

San Francisco, Nov. 28. Prospect of a resumption of the Golden Gate International Exposition on Treasure Island is 40 is now more or less up to Burton J. Wyman, trustee in bankruptcy, who will hear the reports of bankers, contractors, and other creditors tomorrow (Wednesday).

Banking creditors have already gone over the subscriptions raised for the 1940 Exposition, and found them short of the required \$1,650,000. The contractor's committee stand to get about 10% (Continued on page 32)

DeMille's Next Spec

Cecil B. DeMille will make 'Queen of Queens' for Paramount on a scale comparable with his other Biblical subjects. Story is written around the Madonna.

Camera start set for spring.

ONLY 300 PICTS, BUT LONGER RUNS

10 Distributors Have Promised 538 for 1939-40, But Sales Organizations Protest Not Enough Returns Realized at the First-Runs

CITE COMPLICATIONS

A campaign to carry home the importance of extending the first runs of films is likely to be launched immediately and plans for smaller outlets next season (1940-41) by all major distributors will probably result. The exhibitors may demand this if they are to make an honest effort to lengthen all runs that merit such efforts. They have told the distributors this has to be done and they would welcome a move severely cutting down the number of pictures made each year, so that they will be able to find more time for each film that is bought—or at least the top ones.

The desire for greater time on an average per picture, and the difficulty facing the exhibitor in extending his dates very far, based on what he already has bought, may result in the reduction of features for 1940-41 to around 300 features, it is believed. For the current (1939-40) semester, the 10 nationally-organized distributors have promised 538 pictures, one of the highest figures ever attained on any one season.

It is also believed in some circles, including among buyers, that the distributors will not come anywhere near delivering the 538 films promised and sold for '39-40. Justification for a bigger picture on extended runs and a smaller number of pictures in the world is over, would be felt in most quarters, it is opined, due to the effects of the extended runs and (Continued on page 2)

Joan Bennett Writes 26,600 Women's Clubs To Boycott Her Film

Joan Bennett, linked with Hal Roach over the United Artists ad campaign for 'Housekeeper's Daughter', which is just going into release, has written to 26,600 women's clubs asking them to boycott the picture.

Attracting contends the material is too suggestive and has instructed her attorneys to file suit unless the ad matter is changed. She is said also to have rebelled against her part in the picture, but went through with it.

Both studio and actress insist the current battle is no publicity stunt.

Radio Bank Nite Paralyzes Phone Business for 10 Minutes in Louisville

The Injun Sign

Phoenix, Nov. 28. Arizona Indians are blaming Adon Hilder for the sudden drop in the sale of Navajo blankets. Ancient tribal symbol looks so much like the Nazi swastika that tourists refuse to buy.

Redskin chiefs, gathered for the premiere of Paramount's 'Geronimo', declared they adopted the swastika centuries before Hitler became a paperhanger.

15-20c Vaudeville Goes to \$1 Gate On 'Free Bingo' Dodge

Rochester, N. Y., Nov. 28. Howard G. Carroll, Strand is defying the district attorney's ban on bingo by running 'free bingo' during intermission of a special \$1 reserved seat vaudeville show Friday nights with \$600 in prizes. House seats 1,500.

Local Legion post got away with 'free bingo' in connection with 51 dance tickets, the district attorney holding this was legal under a court ruling on a test case involving 'bank nights'. Some few persons hanging around who don't buy dance tickets are given cards and chance at prizes without paying anything, just to carry out the 'free' idea.

Strand management reported so many inquiries for bingo, and business so bad after dropping it, that decision was made to blow the works, trusting to the technicality to avoid trouble. House's usual admission is 15-20c.

NEGRO COUNTERPARTS OF 'HARDY FAMILY' PIX

A colored version of Metro's 'Hardy Family' series, labeled 'The Brown Family', is being turned out by Metro and Miller, Harry M. Popkin's Million Dollar Productions, Inc. First film in the series, 'One Dark Night', is currently in its world premiere at the Apollo, in Harlem. Two more will follow in the MDP program of eight all-Negro films it has scheduled for 1939-40.

Star-billing in the initial pic is given to Mantan Moreland, who plays the father. He was for many years a member of the vaude team of Mantan and Miller. Mickey Rooney counterpart is handled by Robert Simmons. Lnd has only a minor role in the current release, but part will be built up in future.

Other members of the 'family' are: Tredwell, the mother, Arthur Ray, grandfather; Jessie Grayson, grandmother, and Josephine Pearson, sister.

Louisville, Nov. 28.

According to telephone officials in this town, it isn't necessary to make any coincidental surveys, or house-to-house canvass to determine whether-listeners are tuned to the Tums radio broadcast or not. While no figures are available, 'phone men think they can gauge quite accurately the reaction locally to the 'Pot of Gold' show, as they have observed that during the last 10 minutes of the program the switch board in the central exchange is practically black. This means that telephone calls being placed during that time are practically nil, and most of the subscribers are taking no chances on making a phone call, thus keeping their line busy, during the period when the call is being put through for the prize winning.

Whether the odds are 1,000,000-to-one or more of winning, Impression gathered is that stay-at-homes are running no risks of making or receiving a phone call, in the hope of being on the receiving end of the all-important message from the sponsors of Tums.

\$5,000 Due TA on 1939 Prez Ball May Halt '40 Celebration in Capital

President's Birthday Ball celebration in Washington may get the red light on free talent this January, unless the committee straighten out its position with the Theatre Authority. Latter claims that around \$5,000 is due from last January's balls, parties, etc.

Alan Corelli, T.A.'s New York rep, told to Washington Monday (27) to confer with the President's Birthday Ball committee for the District of Columbia, including James H. Meakin, of RKO, Carter Barron, Loew's, Nelson Bell, of the Washington Post, and James H. Hays, District Commissioner of Washington. Last January's President's Birthday Ball celebration included one half-cent performance of 'Outward Bound,' that revivals' cast making the trip to Washington from New York.

Washington situation does not affect the status of other cities' Birthday Balls celebrated as such, as each has its individual committees which settle with the TA.

Show Bids Munitions

Cup of demolishing the New York Hippodrome, the site of which occupies an automobile parking space, was 2500. Of this sum, \$100 was advanced in the sale of scrap iron and steel scrap. Buyer of scrap, it is reported, is a British firm, and has shipped the metal to England.

Steel sheetings which once comprised the roof of the dressing room of Toto, the clown, converted into sea mines and air bombs, is a tipoff idea for short-story writers.

FLOOD OF N. FILM EXECS ON COAST

Hollywood, Nov. 28. Looks like a new gold rush to California these days, with caravans of home office biggies heading to the Hollywood to look over the various problems of labor and production schedules for 1940-1941.

Vanguard of the transcontinental trek consisted of Murray Silverstone of United Artists, Jack Cohn of Columbia and Herbert Yates of Republic, followed by the Paramount contingent, consisting of Barney Balaban, Stanton Griggs, Neil Agnew and John Hicks, Jr. Next came Universal's Nate Blumberg and J. Cheever Cowdin, who arrived yesterday (Mon).

Expected in the next few days are Sidney R. Kent and Herman Webber of 20th-Fox, George J. Schaefer, RKO's president, and Mel Schenck of Metro, Gradwell Sears of Warners, W. Ray Johnston of Monogram and James R. Grainger of Republic.

General idea is to get the 1940-41 features away to an early start, with some of them slated to get under way before the end of January.

Blumberg's Busy 3 Weeks

Nate Blumberg, Universal pres., will be west for at least three weeks. One of principal points of discussion with studio chiefs will be readjustments of picture budgets in view of war conditions abroad. With reports from Europe increasing somewhat in optimism, and 50% of currency being allowed out of England, Blumberg is understood prepared to relax somewhat the tightness of the reins which was ordered immediately after hostilities were declared.

Decision on stories for at least half a dozen players whom U has either under terms or option also requires his attention. A vehicle must be selected for Charles Boyer, who was originally slated for the next Donna Durbin. "It's a date but has been replaced because of his delay in arriving from France. New plans must be selected by Feb. 15."

There must be a decision also on stories for Irene Dunne. She has two to make. Robert Montgomery and Robert Young are also under agreement to appear in one film apiece for U as part of the deal by which Metro acquired "Madame Curie" biopic, while Margaret Sullivan and George Bruce are under option to Blumberg's work being available on their future.

Partner Party

Paramount group including Barney Balaban, Stanton L. Griggs, Neil Agnew, John W. Hicks, Jr., and Robert Holman, will spend two weeks or more on the Coast conferring with Y. Frank Rosenberg, William LeBaron and others on production plans, current operating problems, 1940-41 program, etc. Griggs and Griggs pulled out for Chicago to spend Thanksgiving there, balance of party leaving Friday (Sat.) and hooking up with others in Chicago for trip west Saturday (29).

Last plane Hicks will not join Zukor on latter's trip through Central and South America. Zukor, accompanied by Max Yerkow, stopped off in Tucson middle of last week en route to Miami on way to Havana. Zukor is expected to visit Mexico City, dropping down from there into South America.

LeBaron's 'Miami' For Mary Martin Burdub

Hollywood, Nov. 28. Next link in the buildup chain for Mary Martin is "Miami," to be produced and directed by Andre Stonehead of "Kiss the Boys Goodbye," recently bought by Paramount for transfer for Miss Martin.

Story of "Miami" was written some years ago by William LeBaron, now Paramount's production chief, and the late Victor Jacobi, who did the score.

KEEP IT RESTRICTED TO H'WOOD

Wage differences between the Hollywood studios and craft unions have been temporarily settled. Producers have granted the Hollywood 10% wage increases, retroactive to Oct. 10, and continuing until Feb. 15, 1940, when the question will be reopened and conferees will examine the state of the industry at that date.

Arrangement will be resorted to in an effort to reach a new settlement, provided representatives of each side cannot come to an agreement.

Truce prevails at the moment, and a threatened strike of employees, which would have stopped production and, perhaps, exhibition, was called off by union leaders last Saturday (23).

That the situation remains acute there can be little doubt in view of the statement issued by union leaders as to their position on Feb. 15. It follows:

"The position of the unions on Feb. 15 will be as it now is and has been consistently; that is, that before any readjustment is allowed to diminish the earning power of the studio workmen, the salaries should receive \$2,000 a week and upward should be carefully scrutinized."

"If retrenchment is absolutely necessary on Feb. 15, then it should begin in the higher brackets not among the employees whose average (annual) wage is around \$900."

As always, in disputes of this character,

there are innocent victims of controversial forces who have no opportunity to voice sentiment or change the course of events. In this instance, the interests of thousands of theatre owners and operators throughout the United States are in jeopardy as result of the clash between studios and workers in Hollywood. Reliable sources report there are about 5,000 out of 13,000 American theatres that employ I. A. T. S. E. film operators, who would be subject to sympathetic strike call if the studio crafts walk out of their jobs. As nearly all important key theatres employ IA operators it would be a matter of only a short time before the whole structure of distribution and exhibition would be at a standstill. All other theatre workers would be off the payroll, through no will of their own, and the consequent distress would be widespread.

Independent theatre operators, therefore, have a distinct interest in the progress of events in Hollywood.

Local and national theatre owners' associations should exert their influence immediately, through every agency at their disposal, and insist that the issues of Hollywood's union troubles be confined to the area of Hollywood, and not be permitted to embroil theatre workers. To this end, public sentiment in support of the theatres' position, can be marshalled and made effective.

Steps in a program of this protective nature should be taken immediately.

'ABE' COSTING \$1,043,190 FOR RKO TO MAKE

Hollywood, Nov. 28. Papers were filed yesterday (Monday) in the U. S. District Court in the case of the "Four Daughters" or "Four Mothers" after a brief experience as "Four Wives."

Original quartet of gals, Lola, Patricia and Rosemary, George Cukor, Gale Page, are approaching film motherhood with the same director, Michael Curtiz.

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LABOR UNREST HOLDS UP PAIR AT 20TH-FOX

Hollywood, Nov. 28. Unsettled labor situation caused 20th-Fox to postpone start of two productions on Nov. 27 to Dec. 18.

Pictures are "The Cisco Kid" and "Hotel For Women," both in Sol Wurtzel's unit.

Fewer B's for Par

Hollywood, Nov. 28. Paramount execs, in session at the studio yesterday (Monday), decided to trim the number of B pix on the slate.

Films will carry minimum budgets of \$100,000 as against \$125,000 at \$130,000 on the current season's calendar.

Greenwood's Comeback

Hollywood, Nov. 28. Charlotte Greenwood makes her return to films after eight years in 20th-Fox "Twinkle, Twinkle, Little Star."

Linda Darnell does the twinkling.

Rushing Through Life

Hollywood, Nov. 28. Generations speed each other with amazing speed in the Warner studio, where the "Four Daughters" are about to become "Four Mothers" after a brief experience as "Four Wives."

Original quartet of gals, Lola, Patricia and Rosemary, George Cukor, Gale Page, are approaching film motherhood with the same director, Michael Curtiz.

Idle Insurance Act Revise Saves H'wood Over \$2,000,000 Yr.

Hollywood, Nov. 28. New provision in the California unemployment insurance act will save more than \$2,000,000 annually for studios, execs and employees who are paid more than \$3,000 a year.

After Jan. 1, the state will tax only the first \$3,000.

Under the original statute the employee paid 1% of his yearly salary, no matter how big, and the employer limited 2 1/2% of the payroll. Under the new law some execs and top actors have paid as high as \$5,000 a year for the right to collect \$15 a week when out of work.

Unemployment benefits, under the current provision, go up from \$15 to \$18 weekly, with a minimum of \$10 weekly, as against the former scale which ran from \$7 to \$15. Hollywood gets a lot since it pays and receives about 40% of the state's large salaries.

Langton Back West After Scouting Scribes

Francis D. Langton, chief of Paramount's writers, trained west Saturday (25) after two weeks in New York investigating possible additions to his staff.

No one was inked by Langton but several comparatively unknowns have been instructed to await a call from the Coast as soon as it is determined on what basis Par will go ahead with its 1940-41 program.

FEARS EXHIBS 'MUST PAY' FOR CAST LABOR

Columbus, Nov. 28. P. J. Wood, secretary of the Ohio ITO, has advanced the suggestion that the entire motion picture industry unite in combating "unfair demand" by the labor unions. His suggestion was prompted by the recent labor disputes on the west coast.

Wood stated, "Inasmuch as the exhibitor must pay for any concessions granted the unions, I would say that the problems of the producers automatically become those of the exhibitors."

MARCH, GARSON DUO FOR METRO'S 'SUSAN'

Hollywood, Nov. 28. Metro will bracket Fredric March and Greer Garson in the leads of "Susan and God," originally intended for Norma Shearer. George Cukor directs and Hunt Stromberg produces.

Picture gets under way after first of year, with March completing the film before reporting to RKO for "The American Way."

Gene Zukor's 2d at Par

Hollywood, Nov. 28. Eugene Zukor rolled "The Way of All Flesh," his second picture as associate producer at Paramount.

Akim Tamiroff has the top role, played in the original version by Emil Jannings.

Another Lift for Jane

Hollywood, Nov. 28. Jane Withers had her option lifted by 20th-Fox and started her sixth year on the lot.

Currently she is co-starring with Gene Autry in "Shooting 'High."

DOMESTIC DRIVE: OFFSET FOREIGN

Hope for 60-75% Taxation Start—Even a 5c Tilt Spread Over 10,000 Houses Would Help All Around

BALLY ITS BENEFITS

Searching out some logical means of boosting the domestic income of distributors, the industry is presently mulling the possibilities of another drive against the present 40c ceiling on theatre admissions. Movement now, in the preliminary stages, would seek a revision upwards of the present 35c war tax on exhibition tickets which begin at scales over 40c. This would see a campaign for the establishment of 50c as the point where the taxation should

The problem of eliminating the 40c ceiling on the picture theatre's boxoffice has been up before. But this is the first time that all branches of the picture business have been in such agreement that something must be done to lift the admission price level throughout the nation. New campaign would be predicated on the theory that this is the most logical and certain method of overcoming losses in the foreign field, caused by the war, either through declines at the boxoffices abroad or through freeing of currency by belligerents.

Not thinking point, aside from the fact that improved domestic revenue is essential to healthy theatre business, profitable operation for producer and distributor and maintenance of high salaries, is that increased revenues will mean higher tax revenue, compensating for losses sustained in the foreign point where the taxation shall operate.

It is widely known in the trade that the start of theatre taxes at 40c automatically forms a barrier against efforts to raise the nation's admission price level. Bohibooks contend they are shackled by this 40c barrier which is the line of de-

(Continued on page 47)

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Coast Studios' Labor Mess Seen Further Helping LaGuardia's Drive To Bring Some Studio East

Union strife on the Coast which, during the past week, has been industry jittery, together with the ever-present danger of increased taxes, are having considerable impact, it is reportedly encouraging producing quarters to go along on the East. LaGuardia is planning to move some film-making east, in circles close to the situation, it is believed that the LaGuardia battle to get film production for New York is of such timeliness at present that even more than the Coast studios may be shifted from the Pacific.

Producers are declared in the mood to do anything to get out of the clutches of the Coast union setup and in labor quarters in New York, leaders are high on the prospects of an about-face by the film companies in view of the troubles that are constantly cropping up in Hollywood.

Union higher-ups point with optimism to the action by the Central Trades & Labor Council at a recent regular bi-monthly meeting when a resolution was passed assuring producers that there would be no trouble with studio crafts for the next five years. It is pointed out that perhaps the most important reason for this is that they would set up shop in the east. It is pointed out that perhaps the most important reason for this is that they would set up shop in the east. It is pointed out that perhaps the most important reason for this is that they would set up shop in the east.

Eastern Unions to Copy
The thinking is that the producers, with LaGuardia and banking interests prodding them, may be inclined, in the labor courts, to move to test the possibility of closer harmony on the Atlantic coast. The fact that the producers are pointing up the fact that there has never been any trouble with labor on the eastern coast and there is no likelihood of it in the future under what is termed a more or less "hands-off" agreement policy.

Resolution concerning peace for five years. If producers wanted to talk turkey to the New York unions, they would have to go far beyond the studio crafts themselves and, having been told by the Central Trades & Labor Council, would mean the assurance of all labor, including the A.F.L. union, that the union is one union or, for that matter, all of the studio crafts could be expected to drop the traces and go back on such an agreement.

Studio unions in the east are exceedingly strong for the proposal to build a Cinema City for as many producers as want to participate. The mayor is warm for a production-center development and understood that the matter of the union is to apply a detail following numerous conferences that have been held with the union. Under the plan, it would cost upward of \$10,000,000, it has been estimated.

Schafer Sees Mayor
Meeting with producers and others during the past week, including George J. Schafer, the mayor may huddle today (Wednesday) with the studio union committee, consisting of the National Association of Mechanics, Local 52, who had been very active in the campaign from the beginning; Florence Marshall (A.F.L.), and Marshall, United Science Artists and Charles Downes of the cameramen's union.

Schafer's conference with the mayor, at which the president of RKO stated he was prepared to cooperate, without defining what moves might be made by that major, was held Friday (24). Nelson Rockefeller, with whom the mayor has discussed the N. Y. film-making center, is also a member of the committee with the mayor. Chief executive of the city's chief executive the same day, LaGuardia has been in the matter with D. Rockefeller, Jr., and understood the Rockefeller, who are deeply involved in the matter. The Mayor, LaGuardia, are very much in accord with the mayor's offensive.

LaGuardia's Angle
The angle, as it is concerned, is the attitude of Floyd Oidium. He favors production in the city and has declared his opinion that pictures can be made as good in New York as in California (Continued on page 18)

Judge to Set U. S. Trust Suit's Trial Date on Fri.

Trial date of the Government anti-trust action against the major film company will be set Friday (Dec. 1) by Judge John C. Knox in N. Y. federal court. The companies will confer today (Wednesday) with Paul Williams and William Foxworth to clean up the questions of interrogatories.

It is expected that the U. S. will seek a date of trial in March, 1940, which, it is claimed, will be sufficient to enable all defendants to prepare answers. The Government expects to be able to answer the film companies' interrogatories, which will be served on them Friday, within that period. It is expected that this will meet with opposition from the defendants who will seek a six-month delay, leaving any compromise to Judge Knox to decide. Since several months ago he has indicated that he felt the issues should be tried at the earliest convenience for all, it is likely that a trial before will be assured.

20th Answers Fannie Brice; Further Actions

Chicago, Nov. 28.
Twentieth Century-Fox last week filed answer to Fannie Brice's suit for \$750,000 damages for alleged defamation of character in the picture, "Rose of Washington Square," denying that the film had any connection with her and that all the characters were fictional.

Also set forth that the story of Fannie Brice, they claim, was not completely public, and finally, that Miss Brice continues to earn considerable money as a performer, so that the picture couldn't have harmed her earning capacity.

LaVarre's WP Appeal
Albany, N. Y., Nov. 28.

William LaVarre's suit to collect \$50,000 from Warner Bros. Pictures, Inc. for stolen material which he claims, was used in two films, "Bedside" and "Gambling Lady" was argued in the state supreme court, the highest tribunal. LaVarre appealed from a dismissal of the action in N. Y. supreme court. The case was by the Appellate Division. He claims the producers engaged him to write the scenario, featuring William, to be called "The Bedside Manner". The work was rejected, according to appellant, but plot later was employed in "Bedside". Similarly, scenario material turned out for Barbara Stanwyck starrer subsequently appeared in "Gambling Lady". LaVarre alleges he received \$10,000 in compensation in either case. "The Bedside Manner" story was, writer says, the beginning of a cycle of stories which he is now dramatizing the medical profession.

Company contends both films were produced from original stories written by other authors and denies LaVarre's allegations. The court authorized of the first picture, "The Bedside Manner", Threw; the second to Doris Malloy and Ralph Block.

Chaplin No Appeal
Los Angeles, Nov. 28.

Charges of plagiarism against Charlie Chaplin, involving the play "Modern Times", was tossed out of superior court. Michael Kustuff, assistant attorney, claimed the actor had pirated his script.

London Court Reverses Eliz. Allan's 17G Award

London, Nov. 16.
Court of Appeals has granted appeal by Metro (British) against an award of \$10,000 to Elizabeth Allan for a film actress. A lower court decision had been in favor of Miss Allan. Miss Allan sued for breach of contract and damages, alleging the company engaged her to play Christine "The Girl in the Red Velvet" in the "Rolls (Appeals) judge, in his mission to appeal to the House of Lords.

Can't Take It, Eh?

Sudden stoppage of Warners series of satirical shorts in Technicolor. Is attributed to a double protest. One is understood to come from Samuel Goldwyn, who considered himself caricatured by the linguistic comedies directed by Fritz Lang. The other is from the producer: he said to have threatened to withdraw his picture from Warners theatres unless the comedies were dropped. Second protest is declared to have come from the Motion Picture Association, which said that the public might get the idea that all film exes were screwballs.

Two pictures, written and directed by Crane Wilbur, were titled "Coke" and the Stars of "Swingtime in the Movies". They cost between \$30,000 and \$40,000 each.

Creditors to Ask Permanent R's'v for Grand National Today (Wed.) for That Earle Hammons Step Out

Final for Grand National is expected to take place this afternoon (Wednesday) when creditors of the company, which has filed a voluntary bankruptcy petition, meet once again with the referee, Judge P. B. Oliver, N. Y. federal court. Creditors, who last Friday (24) named Joseph Danenberg, their counsel, are set to ask that a permanent receiver be appointed to liquidate the firm or that Earl W. Olney, the company's president, be forced to put up a \$50,000 bond to cover any future losses if he desires to continue operation of the business.

Inasmuch as the bond idea was suggested by the referee, and creditors believe that Hammons is unable to furnish such a sum in view of the company's present prospects, they are expected to insist on being forced to relinquish control. Only thing that could possibly give him a reprieve would be proof positive that he has obtained a loan from the Reconstruction Finance Corp. for which he has long been clamoring. As much as the creditors have also had communications from the RFC that they are not ready to step in for them to step in. Referee last week said he would acquiesce in the plan.

The moment the bankruptcy is complete, however, a combine of bankers, including the RFC, and men is ready to step in and buy the assets, which they consider principally to be the exchange step. They are prepared to establish a company of their own and will facilitate by buying up GN property. They are prepared to get themselves involved in litigation. Included in the new proposals are several important creditors of GN, who naturally don't want to take over until bankruptcy purges its present debts.

Hammons' Plea for a Week

In an attempt to stay the appointment of a permanent receiver, Hammons on Monday (27) sent out a mimeographed letter to all creditors asking their indulgence for a week and promising he'll have the RFC money. Creditors are in no mood to wait, however, for the result of an event of last Friday (24), and some may take further legal action. It was the amount first listed, the serious allegations were made before Referee Olney.

Hammons' plea was the refusal of Olney's orders, among Hammons' T. K. Stevenson, prez of Electrical Research Products, Inc., who is supposed to have advanced \$100,000 for GN's reorganization, and Thomas J. W. rep of the RFC.

When Shanahan was informed that the meeting was to be at a private luncheon, Stevenson said he told him he wasn't invited, Shanahan called Olney. Olney was away and another was instructed to tell him to attend and pay for his own lunch. Stevenson continued to maintain that he didn't have to be there beyond he didn't want, to his luncheon.

Meeting of the creditors' committee was held last night, however, with Hammons invited to attend and report what progress he had made in the early stages of the Stevenson and Ahearn. He phoned to say he had nothing to report. He was reported to have conferred with Stevenson a few minutes before, who told him Erpi had no \$100,000 commitment.

Allege \$40,000 Weekly Loss
A second meeting of creditors of Grand National Pictures, Inc. was held Wednesday (28) at the home of Peter B. Olney Jr. in N. Y. federal court. At this meeting, Joseph Dan-

enberg, attorney for a creditor, continued his attack on the company (Wednesday) when creditors' investigation of the books of the company, as Jesse Goldstein, its accountant, representing Jerome D. Maguire, a secured creditor holding \$22,000 in claims; Hap Hadley, representing himself; and William H. Walcott, president, but over \$400,000 weekly. In this statement he was backed up by Goldstein, who said that taking amortization and depreciation into consideration the sum would be \$4,000 weekly.

Creditors committee, representing diversified interests was chosen. They are Thomas J. Shanahan, his representative, Jerome D. Maguire, a secured creditor holding \$22,000 in claims; Hap Hadley, representing himself; and William H. Walcott, president, but over \$400,000 weekly. In this statement he was backed up by Goldstein, who said that taking amortization and depreciation into consideration the sum would be \$4,000 weekly.

Representing all creditors, \$168,000 in claims; and Samuel Seafren, representing small creditors, \$168,000 in claims; and Samuel Seafren, representing small creditors, \$168,000 in claims; and Samuel Seafren, representing small creditors, \$168,000 in claims.

Dannenberg then explained to the court what he meant when he said that the RFC loan was not secured. He pointed out that trademarks and release rights are carried on the books as the main asset, and supposedly worth \$1,000,000. This is a jump from a figure of \$112,000, which was the amount first listed, the attorney claimed. He accused the company of selecting an arbitrary figure and putting it on the books so that assets overbalanced liabilities.

The referee agreed that \$1,000,000 was the value of the assets, but a sale for the rights to trademarks, which was pointed out by Rogers that the RFC loan could not be secured if GN were out of business, in which case the company might just as well fold now.

Hammons declared that the RFC would not loan the money if it felt that the company would fold immediately. He said that the RFC is being left in a status quo position, as the referee pointed out if the RFC loan was not secured, the company will need it, and if it fails they will not.

Safer Drafts New Deal For GN Western 'Changes'

Los Angeles, Nov. 28.
New distribution arrangements for Grand National Pictures have been worked out for Salt Lake City, Portland and Seattle by Morris Safer, company's western district sales chief.

In Portland and Seattle GN picture will be distributed by former chief of the company, who has been in deal, and in Salt Lake City former company employees have been placed on a new plan and arrangement to act as distributors.

Los Angeles exchange employees were given wage cuts and a 25% return of Safer and have been paid in full to date with exception of two to date. Waived the amount and other in October. Claims for both these weeks have been paid and will be reimbursed when financial details of company finally are worked out. The plan is to have two years managed of GN exchange here, re-

THE SHOW WINDOW OF SHOW BUSINESS

Means \$200,000 Wage Uppage

Hollywood, Nov. 28. Studio wage hike effected by Willie Bluff will cost the film producers a total of about \$200,000 per annum, with an additional \$50,000 if production is at peak. The \$300,000 figure mentioned as the upped overhead is a theoretical one if the entire 12,000 employees coming under the new agreement were working at the same time, which is unheard of.

It is figured that only about 2,170 employees will share in the pay tilt, including 1,070 laborers not affiliated with the IATSE; 350 plasterers, 400 machinists, 250 building service employees and 100 welders, molders, blacksmiths and allied crafts.

Only one of the laborers work occasionally at indies, hence are not affected in the tilt, which is restricted to majors. Of the total number of employees, most are part-time workers. Some now receive 65¢ an hour, some 75¢, and a few 85¢. Pay of all is to be equalized at \$1.

League of N. Y. Theatres Again Defers Vote on Film Financing

League of New York Theatres will vote Friday (1) on the proposed Wharton-Wilk plan for the return of Hollywood financing to legit production. Plan, which is in the form of an amendment to the Dramatists Guild minimum basic agreement, was presented to the theatres last week as by the Guild membership and now awaits approval by the producers before it becomes effective.

The League, which includes many of the leading Broadway managers, had been expected to vote on the amendment at its meeting yesterday, (Tuesday) but consideration of the theatre ticket code took up all the time of the meeting. After the League gets around to voting on the film financing plan the Guild will call a meeting of the signatory managers who are not members of the League. Expected that proxies will be taken from the managers who vote in the League balloting, so they will not have to attend all the meetings. Figured that the League may seek by its vote to 'recommend' the plan to the non-League managers.

Meanwhile, despite reports that Warner Bros. has acquired the film rights to Sidney Kingsley's 'The World We Make,' at the Guild, N. Y. so actual deal has taken place. Warner back the production, but did so under the existing minimum basic agreement, so the screen rights are still in the open market. It had been announced that Warners would use the piece as a vehicle for Bette Davis, and since the studio financed the legit production, it is presumably interested in obtaining the screen rights. But no outright bids are known to have been made.

COL. CLARIFIES STAND ON BACKING LEGITERS

Columbia's position on backing of legit productions was clarified Monday (27) by D. A. Doran, who came last week as special representative of Harry Colton, Col. who will represent the company in any play production it undertakes.

Doran declared that he has been sent to N. Y. to purchase properties of all types which Columbia can announce in March as its 1940-41 schedule. If plays can be bought without producing them on the legit stage first, that is preferred, he said. However, if the company comes across any plays which authors will not sell without having them toped on Broadway before being filmed, Columbia is ready to do business.

Whether Doran acts as producer any legit undertaken will depend on circumstances, he said. If the play is not optioned by an established producer and Doran feels it is the type of thing he could do he will handle the producer; reins. If, however, the play is owned by a producer, Doran hesitates to undertake it himself, the company Doran has an established enterprise, near, similar to the Warner Bros. arrangements with George Abbott. This is the preferred plan, Doran said.

KICK BACK 10% OF RIZ SLIMPS

Producer Grant of Raise to Crafts Seen as Move for Talent Salary Pruning—Bluff Gives Up on Pandering Rap

FEB. 15, 1940, PARLEYS

Hollywood, Nov. 28. Threat of a general strike in the picture industry was dispasted Saturday (25) when the producers okayed a 10% pay hike for 23,000 studio workers. Those affected include machinists, plasterers, laborers, building service employees, welders and molders.

A proviso was tacked on the wage grant that all pay increases within Aug. 15, 1939 will be relinquished if the film companies, by Feb. 15, 1940, can show the industry is not able to stand the extra drain. This condition was interpreted by leaders of the talent groups as another move by the producers and William Bluff to bring the actors, writers and directors for a wage-cutting strike.

The companies first turned thumbs down on Bluff's demand for an increase for certain American Federation of Labor crafts outside the International Alliance of Theatrical Stage Employees. But when Bluff and his AFL Studio Conference threatened a general strike unless the demands were granted within 24 hours, the producers quickly capitulated.

Following letter was sent to Bluff, as chairman of the Conference, by a producer committee, composed of Joseph M. Schenck, Y. Frank Freeman, E. J. Mannix, Walter Wanger and M. S. Silberberg.

"In order to avert a strike in the motion picture industry, we make the following proposal in response to your demand for a 10% increase in the basic wage rate of the crafts represented by you.

We herewith agree to a 10% increase effective as of Oct. 10, 1939. We have endeavored to point out to you that the conditions confronting this industry are such as to make it impracticable to grant any wage increase at the present time. We particularly pointed out to you

(Continued on page 18)

Trying to Lens the Right Answerer Makes 'Info' Shorts Prod. a Screwy Job

Reopen U. S. Quiz

Hollywood, Nov. 28. Federal Grand Jury investigation of the film industry was reopened here this week, with the return from Washington of Charles Carr, special assistant U. S. attorney-general. It is said that Carr has instructions to present all of his evidence to the jury and let them either rule on indictments or return true bills.

Carr's orders are to investigate income tax matters, restraint of trade and asserted labor racketeering.

Veteran Tom Gorman Blames New School Of Mgrs. for Rowdiness

Chicago, Nov. 28. Theatre managers are held to blame by Tom Gorman, division manager for RKO in Chicago, for uncontrolled audience behavior in New York houses. Gorman was one-time manager of Keith's Jefferson, in New York's East 14th street, where he gained quite a reputation for his persuasive measures in keeping order in a house once noted for its disorder.

"When I see the behavior that is allowed in New York theatres," Gorman observes, "particularly in the so-called first runs, it makes me sick. Only bad management is responsible for a condition that can stand to bring forth stories like Vanuery published recently concerning Jack Haley."

I think many of the so-called new school of Broadway managers certainly know little about handling theatres because, if they knew their business, such conditions would not exist."

'Villa' for Bette Davis

Hollywood, Nov. 28. Bette Davis' next starer at Warner is 'The Villa of the Mill,' which James Hilton is scripting.

Camera work starts early in January.

Pathe last Wednesday (22) shot 12,000 feet of film between 8 a.m. and 8:30 p.m. to make an 850-foot short that will run less than 10 minutes. The cameraman, Tom Hogan, who's been in the business 20 years, much of it as a newsreel lenser, terms it the screwiest job he has ever tackled.

"Even in a newsreel," he explained, "you know which way the horses are going to run."

Short as 'Information Please,' a celluloid version of the radio show. It is probably the most unique job in recent motion picture history, like its three predecessors in the past few months, being entirely ad libbed and shot without a script. It was filmed at Fox-Movietone studios in Manhattan.

Board of experts is the same as that on the air—John Kieran, N. Y. Times sports writer; Oscar Levant, musicologist; and Frank B. Rowland, N. Y. Adman, New York Post columnist. Guest was Deems Taylor. Previous guests have been Rex Stout, Gene Tunney and Clarence Budington Kelland. Clifton Fadiman, of course, serves as interloper.

Hogan, who is assistant to Ray Foster, chief cameraman, admittedly has the toughest job on the set. He operates a movable camera and when Fadiman asks the questions he has to guess who will know the answer and get the lens on him before he explodes. "It's pretty good at it, although there seemed no explanation, reason why he selected Levant when Fadiman wanted to know what a divan is. Taylor knew."

In case Hogan misses his shot, the camera can cut in simultaneously to get in the whole quantity of answers, so no reply is essential.

Shooting is quite an event at the studio. RKO, which distributes the show, has about 50 cameras, which brought their friends, who brought their friends. Board of experts, performing chemical experiments and numerical calculations, means that at one time or another during the day there are more than 100 people in the room, over cables, cough and tumble off of chairs to which they balance the better on.

Shooting begins at 8 a.m., with the entire morning consumed in taking Fadiman asking the questions. Fadiman is spent with the experts, Fadiman not being pictured, although he continues to ask questions. He's dubbed in later. Evening is taken up with shooting of professional players acting out skits which are part of questions, bringing in pictures, performing chemical experiments and numerical calculations, means that at one time or another during the day there are more than 100 people in the room, over cables, cough and tumble off of chairs to which they balance the better on.

Questions are selected by Dan Golenpaul, producer of the radio version, who sits in the first row of papers, bites his fingers, and bawls out Fadiman's femme secretary for upsetting the navigator with something she says too between takes. Quizzes are chosen for visual appeal instead of oral clarity, as on the air.

Best answerer among the experts, who sit at a long desk with a question mark shaped microphone in front of each is Kieran, as on the air, although Levant does the most chattering. Knowledge of what he says can be kept from posterity by leaving him in the cutting room trashcan enclosure. He has to try many awful puns. That's one of the reasons why 11,150 feet of celluloid were wasted.

Deems Taylor seemingly knows a terrifying lot about primitive lethal weapons but is otherwise generally glib, while F.P.A. looks very glum and wears socks that make producer Fred Williamson, Jr., sorry film isn't in Technicolor.

All in all it's a lovely day, even for the experts, who, for the length of the hard work under the lights, although they are understood to collect about \$500 a piece for their lachrymose labor.

The Show Window of Show Business

34th Anniversary Number

of VARIETY

To be published late in December

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Unique Anti-Trust Charges In Suit By Philly Indus Vs. Warner Bros.

Philadelphia, Nov. 28.

The Lansdowne has filed suit for \$210,000 triple damages against Warner Bros. circuit and the major distributors charging them with violation of the Federal anti-trust laws in alleged discrimination against the theatre in the matter of film clearance. Complaint was filed in U. S. District court here by the Lansdowne Amusement Co. and Harrison Bros. Inc., owners of the theatre property.

It is the first suit of this type filed in this territory and believed to be the second in the country. (A similar suit was filed recently in Boston District court on behalf of an Oklahoma independent).

The plaintiffs claimed they had been damaged in a sum of \$70,000 loss in revenue and loss in depreciation in value of the building, and under the Sherman Clayton anti-trust acts, treble damages are asked.

The Lansdowne asked the court to grant a preliminary injunction restraining the defendants from carrying out existing contracts which they were attempting to make with the industry and "combinations and conspiracies in restraint of interstate trade."

The Lansdowne's petition charged that the distributor defendants had divided the territory between them and each enjoys an "unchallenged monopoly in preferred exhibitors' motion picture business." Counsel for the Lansdowne charged that the defendants entered into "combination and conspiracies" during the time Warners operated the Lansdowne by changing its run before Warners' lease expired in order to depreciate the value and the productive possibilities of the theatre and prevent from exhibiting pictures until they had lost their freshness and much of their box office value.

(Warners had a lease on the Lansdowne from February, 1926, until May 31, 1937.)

Switched Runs
When Warners first took over the house, the plaintiff avers, its run was only seven days in the 69th street theatre, also operated by Warners, and in some cases, day and date with the 69th St. Toward the end of the lease, it is charged, Warners changed the run at the Lansdowne so that it followed not only the 69th St. but three other Warner houses in the area. One of them, the Parker, charged a lower admission price than the Lansdowne, the plaintiffs contend.

In most cases the Lansdowne plays pictures three weeks to a month later than the 69th St., it was claimed.

In spite of the fact, they said, that they had offered to pay as much or more for the films than the 69th street, the defendants have "uniformly denied" the plaintiff the right to exhibit them on "first terms."

The Lansdowne, which has 1,633 seats, claimed it suffered "great loss of revenue" in that it was not shown the best pictures.

The value of the building had greatly depreciated.

The patronage of the public had been greatly reduced, it was claimed.

3. The ability of the theatre's operators to "profitably bargain for film in a free and untrammeled market" had been denied.

The defendants in the suit are Warner Bros. Pictures, Inc., Warner Bros. Circuit, Managers Inc., Stanley Co. of America, Vitaphone, Inc., Paramount, RKO-Radio, Loew's, 20th-Fox, Columbia, Universal and United Artists Corp.

Heard by the decision in Federal court two weeks ago, when the Lansdowne granted a preliminary injunction against the same defendants, the independent exhibitors are readying similar suits against the majors.

Another WB Suit As It Waits
While local exhibitors are waiting the appeal of the 13 major distributors and exhibitors against the Lansdowne theatre decision, the court argued in the U. S. Circuit Court of Appeals next week, another independent exhibitor is ready to join the Warner chain and the distributors in Federal court here.

Harry Fried, operator of three picture houses in the New Main Line section, will argue his case this

(District court on Dec. 11. Fried filed his complaint Sept. 29, 1938, charging the Warner chain and the majors of discrimination, especially in the matter of film clearance.)
Warners operates theatres in Ardmore and Bryn Mawr in competition to the Fried houses on those boroughs.

B'klyn Nabe Starts

Anti-Trust Action

Mobiel Enterprises, Inc., operators of the Glenwood, Brooklyn nabe, has filed suit in N. Y. federal court against Century City, Inc., Loew's, Warners, 20th-Fox, RKO-Radio, Paramount, United Artists, Vitaphone, Inc., Universal, Big U Exchange, Columbia, Moumagram and Republic seeking triple damages for holding of the Sherman anti-trust act, with \$75,000 the amount sought.

The plaintiff claims to have purchased the lease of the theatre in December, 1937. Three run pictures were being exhibited, with the Century's College playing behind the Glenwood. In July, 1938, the Century started its anti-trust violations in conjunction with the other defendants, the complaint alleges, and was granted concessions in price, long terms of credit, priority, exclusive rights in selection of pictures, cancellation and rejection. The only thing the plaintiff could secure, it claimed, was a normal exchange not wanted by the Century. In order to get the pictures the Century brought on product, taking all films of every defendant. As a result the plaintiff lost the Century's \$400,000 profit in 1937, showed a loss in 1938, and was only able to keep open by the aid of other exhibitors or ones which the Century rejected.

See Fewer '30 Legislative Woes For Pix

Picture industry does not expect state legislature sessions next year to prove as big a headache as in 1939. Already in 1939, bills have come from various parts of the country that prolonged sessions or too much new legislation are in prospect. It's all predicated on the fact that it is Presidential year and many souls will want to stay home looking after their own political fences.

Film leaders already have been advised that a comparatively brief session is in prospect for the New York state legislature, with maximum of 70 days anticipated. The bill is growing to a short term session as compared with recent Albany huddles. Limited duration also means that many "must" laws were enacted this year.

Film business also is viewing the forthcoming session of Congress in Washington with considerable optimism. The belief is growing that not too much new legislation will be taken up because most congressmen will want to get home to their constituents and start their campaigns locally.

The railroad problem may take the pressure of the legislature drive to push the Neely bill through the house, according to recent advice.

Jackson, Tenn., on Sunday Pix

Jackson, 40,000 pop., large municipality in west Tennessee outside Memphis, will ballot Dec. 8 on Sunday pictures.

Only city of its size in state without Sabbath flickers, town defeated prohibition two years ago in referendum bitterly contested by the ministerial organization.

Sundays OK

Middebury, Vt., Nov. 28. (Middebury approved Sunday films by referendum (Monday) by a two-to-one vote.)

All Shot Up

Kernville, Cal., Nov. 28. Main street, scene of a thousand battles, is now snowed out of its face. Cameramen complain that the old western thoroughfare, most aptly named for pictures, is growing too familiar and needs a new wrinkle.

Attention starts when the snow melts in spring.

WB Defers to win

City Indies on %; Other Film Deals

Minneapolis, Nov. 28. Receding from its percentage demand and giving the independent Twin City subsequent-run exhibitors the alternative of a cash deal, Warner Bros. now is completing 1939-40 product deals at a normal price, with such deals as:

Minneapolis and St. Paul indies resisted the percentage demand and secured an individual buyout. The company claimed that if they accepted it would establish a precedent and there'd be similar deals from other companies; and percentages are objectionable to these nabe exhibitors.

Warners, however, is claiming that where flat deals are being made now the prices being paid for the four pictures usually sold on percentage are equivalent to what the percentage normal would be. Paramount will sell "Gulliver's Travels" to the indies here separately, but at a slightly higher, adjustable contract will prevail, instead of the 50% split usually required.

Columbia also is offering "Mr. Smith" to the local indie trade singly, but at a price as high as the particular theatre ever has paid for any picture. However, there's no question about the picture being that when company offers a big-drawing film separately it's entitled to more than would be called for as part of a complete deal.

Julius Garden's N. Y. Deals

Amuseur Gordon of the Beaumont Amusement circuit in western Texas, partners of Paramount, in New York on product sales, plus personal interests.

Since his father, Sol Gordon, president of Beaumont, took ill, he has taken over the principal duties of the circuit.

The Basil circuit in the Buffalo territory has contracted for the full year of Republic pictures in the 1939-40 season. Numbers 18 and 19, latest deal closed locally with Nick Basil by Jack Dellinger, Rep.'s branch manager at Buffalo.

RKO has closed for its 1939-40 product with the following circuits during the past week:

M. A. Shea, numbering 38 houses in New England, Ohio and Pennsylvania; F. H. Durkee chain of 17 in the Baltimore territory; Wometco Basil by Jack Dellinger, Rep.'s branch manager at Buffalo.

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Lou Smith Succeeds Geo. Brown at Columbia

Hollywood, Nov. 28. Lou Smith has been appointed publicity head of Columbia, succeeding George Brown, in charge of this end for more than two years.

Smith was formerly publicity head at the h.o. in New York. He was in charge of the publicity chain, operating in Mississippi, Tennessee, Arkansas and Kentucky.

REX's RKO Buy

Stalab, a Kate and the Great Escape, is being bought by RKO, which B&K controls, has signed with the indies for 1939-40 season under negotiations which were close.

RKO's E. Depinet, A. W. Smith, Jr. and RKO's midwest district manager, Walter Branson, sat in on the deal with the indies and others representing the circuits.

Fortune on Films Vs. Radio

As part of the national industrial survey conducted by Fortune Magazine and published in the December issue, section 7 is devoted to the Motion Picture Industry. Most experts list, in order of selection, in men: Spencer Tracy, Clark Gable, Tyrone Power, Wallace Beery, Lionel Barrymore, Paul Muni, Robert Taylor, Gary Cooper, William Powell and Nelson DeMille. In women: Jeanette MacDonald, Irene Dunne, Norma Shearer, Shirley Temple, Janet Gaynor, Jean Harlow, and Bette Davis. The survey also indicates that Gable led the men in similar survey, and Shirley Temple topped the actresses. Recap shows that 79.1 of all persons interviewed had no opinion on the question, and 21.9 favored films.

In reply to the question, "If you had to give up either going to the movies or listening to the radio, which one would you give up?" the answer was 79.1 favored films, 21.9 would forego radio. The "don't know" were 6.8% of all interviewed.

Certain thespians who discussed the "which would you give up?" Poll, gave answers to the question, "Which do you think is doing more damage between films and radio entertainment, but includes all radio programs of which news broadcasts, market reports and religious programs excepted, not included by films. Also, they say, juvenile vote would lift the standing of films.

Warner Profit for Year, \$3,102,687;

More Co. Earnings and Dividends

Warner Bros. profit for the fiscal year ending last Aug. 26 totaled \$3,102,687, after provision for Federal income taxes and 85% of the profit made for adjustment of film in the U. S. and 85% of the profit made for adjustment of film in the U. S. and 85% of the profit made for adjustment of film in the U. S.

Operating profit, after provision for Federal taxes and deduction of other charges including the writoff to reflect changes occasioned by the European war, was \$1,807,437 against \$1,807,437 in the preceding fiscal year. This is equal to 36% per common share as compared with 36% per common share in the preceding fiscal year. This is equal to 36% per common share as compared with 36% per common share in the preceding fiscal year.

Warner Bros. statement stressed the foreign situation, claiming that the accounts have been adjusted to reflect certain changes caused by the outbreak of the European war.

Statement covers only business up to Aug. 26. But it was pointed out that because film rental income has declined in European countries since Sept. 1, 1939, the exchange is off in the dollar equivalent, the company has made revisions to provide for the amortization of the film inventory.

Warner's gross income was \$102,683,131 or only \$22,800 less than in the previous fiscal year. Despite a saving of nearly \$1,000,000 in operating and general expenses, the amortization of film costs held nearly as high as a year ago. Thus amortization showed a decline of \$100,000 in the fiscal year just passed and \$30,778.91 in the preceding 12-month period, although the company had noted a year ago that higher costs had looted amortization charges that year.

20th-Fox Directors Meet
Thursday on Final Divvy

Directors of 20th-Fox are scheduled to meet tomorrow (Thursday), to divide final dividends of the year. While the preferred stockholders are certain, action on the common will depend on the current rate of earnings. Company was a profitable income in the final quarter of the year, judged on experience in the last two years and might make possible a common stock dividend. The common dividend was paid the last quarter because of the disturbed conditions abroad.

20th-Fox already has paid \$1 per share on the common this year and has maintained its preferred payments. The common dividend was paid the last quarter because of the disturbed conditions abroad.

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stock to shareholders on record Dec. 8, payable next Jan. 16. This is the 10th dividend on the common shares this year. The company will retire 12 months ending next Dec. 31.

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6 Philly Nabs

Dual, Later;

Indies Panicked

Philadelphia, Nov. 28. Embarking on the Warner Bros. circuit on a double-feature policy in nine nabe houses, and the indication that the indies will follow the practice in the near future, has piled up woes for the indies.

Along Vine street the lone wolf exhibitors are complaining that once more the indies are being caught holding the bag. All their commitments for product have been on the basis of a double feature.

Now with Warners on the twin-bill standard, the indies will have to double their output, and need a "B" picture, will have to pay extra out of proportion to counts not paid in double-feature territory.

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'MEET AGAIN' ROLLS

Hollywood, Nov. 28. Warners gave the Warner Bros. "Meet Again," starring Merle Oberon, George Brent and Pat O'Brien. Edmund Goulding is director.

Chi Vaude Pairs Off; All-Girl Unit Props Walls, 9G, Mikado Helps Flyers' \$16,500, Kyser Big 20G

Chicago, Nov. 28.—Current week, with the public jamming the top sector for all up pews which haven't been dusted in weeks. Stage show business and variety shows and the customers are reacting to the dynamic offerings.

Chicago has "one line" with Dick Powell on the stage, doing the Original with repeat of "Mikado in swing show. State-Lake is riding to a new high mark with an all-girl show. Stage, which is packing in with the Key Kyser picture, "That's Right, You're Wrong," the State-Lake and Gentry are using slough lights to tag along. Their stage show, which is the Chicago adding any picture strength via "Drums Along the Ganga."

At the straight film houses, the best mark continues to be "That's Right, You're Wrong" by Mr. Smith Goes to Washington, at the small Apollo. It's now in its third week.

Estimates for This Week
Apollo (B&K) (2,000; 25-35-65-75) —Mr. Smith (Col) (2d wk.). Practically a riot and smashing through more than \$11,000, crowd getting maximum \$14,100 last week.

Chicago (B&K) (4,000; 35-55-75) —"Drums Along the Ganga" and stage show. Dick Powell, with all-girl unit main magnet. Building the take steadily. \$50,000, Kysers' "That's Right, You're Wrong" and vaude, satisfactory \$22,000.

Gaiety (B&K) (900; 35-55-65-75) —"Jamalee" (Par). Moved here from top week. "That's Right, You're Wrong" at night in the Roosevelt. Is okay however, at \$5,000. Last week, \$4,500. "That's Right, You're Wrong" at night in the Roosevelt. Is okay however, at \$5,000. Last week, \$4,500.

Regin (B&K) (3,200; 25-35-65-75) —"Legion Flyers" (U) and "Mikado in swing show." All-colored Gilbert & Sullivan show here and third take in loop. "That's Right, You're Wrong" at night in the Roosevelt. Is okay however, at \$5,000. Last week, \$4,500.

State-Lake (B&K) (2,000; 25-35-65-75) —"Disputed Passage" (Par). Going for \$11,000. Last week, \$10,500. "That's Right, You're Wrong" at night in the Roosevelt. Is okay however, at \$5,000. Last week, \$4,500.

Key Kyser (B&K) (2,000; 25-35-65-75) —"That's Right, You're Wrong" (U). Double feature item riding on Key Kyser's "That's Right, You're Wrong" at night in the Roosevelt. Is okay however, at \$5,000. Last week, \$4,500.

United Artists (B&K-M-G) (1,700; 25-35-65-75) —"Circus" (M-G) (2d wk.). Word-of-mouth, not too hot for this one, but holding to \$7,500 after sustaining fair-in-midnight \$10,000 for first week. "Ninotchka" (M-G) set to replace.

INDPLS. B.O. PICKS UP; 'THIN MAN' FAN \$13,500

Indianapolis, Nov. 28.—It looks like Xmas shopping has started early in the downtown district with the turnstile spinning for the first time in several weeks. Strong attractions are the answer. "Thin Man" is toping the list.

"Another Thin Man" dualed with "Bad Little Angel," with second pick in the afternoon, rather than helping. Indiana is nicely in the "Thin Man" picture, "That's Right, You're Wrong" and "Meet Doctor Christian" for eight days. Circle and Lyric via "That's Right, You're Wrong" with Martha Raye, but latter doing a week's work. "That's Right, You're Wrong" with Martha Raye and Jack Treadwell. Apollo is healthy with move-over of "First Love" (U).

Estimates for This Week
Apollo (Lille) (1,100; 25-35-40-50) —"First Love" (U). Second week after act showing at Circle, good. Last week, \$10,000. "That's Right, You're Wrong" (U) (2d wk.), mover from Indiana, okay \$3,500.

MUR - LeBaron ORK OK \$17,000

IN WASH.

Washington, Nov. 28.—With Thanksgiving filling the tills and the holiday carrying part over the weekend, total b.o. looks to be okay this week. "Daytime Wife" plus Everett Marshall-Harriet Hector receive a leading town at the original "We Are Not Alone" and Eddie LeBaron Orch a close second at Earle.

Round week of "Babes in Arms" at the Palace is still tops among the straight pie spots, with "That's Right, You're Wrong" (U) doing as surprisingly well for flicker which all week stamped as a flop for no music fans in town, when can't even support one big-name band at a niter or hotel.

Hubbaloob about three. Low houses, twirling around. "That's Right, You're Wrong" (U) on Thursday opening as a regular policy, has fluffed out after three tries, only to receding to traditional Friday debuts starting this week. Everybody looking for a good Thanksgiving offering, which accounts for most estimates being for eight days.

Estimates for This Week
Capital (Lille) (3,424; 25-35-40-50) —"Daytime Wife" (U). Good value. Tyrone Power fanism plus draw of Everett Marshall-Harriet Hector for \$12,000. Last week, \$11,500. "That's Right, You're Wrong" (U) (2d wk.). Good value. Tyrone Power fanism plus draw of Everett Marshall-Harriet Hector for \$12,000. Last week, \$11,500.

Columbia (Lille) (1,234; 25-40-50) —"Real Girls" (UA) (3d run). Back to the drawing board. "That's Right, You're Wrong" (U) (2d wk.). Good value. Tyrone Power fanism plus draw of Everett Marshall-Harriet Hector for \$12,000. Last week, \$11,500.

Edwards (Lille) (1,234; 25-40-50) —"Real Girls" (UA) (3d run). Back to the drawing board. "That's Right, You're Wrong" (U) (2d wk.). Good value. Tyrone Power fanism plus draw of Everett Marshall-Harriet Hector for \$12,000. Last week, \$11,500.

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First Runs on Broadway (Subject to Change)

Week of Nov. 30
Asst. "Mill on the Floss" (Standard) (2d wk.).
Capitol—"Another Thin Man" (M-G) (2d wk.).
Criterion—"That's Right—You're Wrong" (RKO) (2d wk.).
Everett (In Varsity, Nov. 28).
Globe—"Beasts of Berlin" (PDC) (3d wk.).

Nov. 31
Alone—"Wall—We Are Not Alone" (WB).
(Reviewed in Varsity, Nov. 15).
Capitol—"Cat and Canary" (Par) (2d wk.).
"Flying Deuces" (RKO) (2d wk.).
"Ballo"—Destiny Rides Again (U) (2d wk.).

Nov. 30
Roxy—"Housekeeper's Daughter" (UA) (1).

Nov. 31
Asst.—"Mill on the Floss" (Standard) (4th wk.).
Capitol—"Secret of Dr. Kilmer" (RKO) (2d wk.).

Nov. 30
Musie Hall—"We Are Not Alone" (WB) (2d wk.).
The Grand—"The Great Victor Herbert" (Par) (G).

Nov. 31
Harbo—"Tower of London" (U).
(Reviewed in Varsity, Nov. 22).
Roxy—"Destiny Rides Again" (U) (2d wk.).

Nov. 30
Thunder Afloat—"M-G and Glamour Girls" (M-G) (4th week, \$7,500).
Alone—"Wall—We Are Not Alone" (WB) (2d wk.).
"Cat and Canary" (Par) (2d wk.).
Very good \$10,000. Last week, \$9,500.

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No B way Turks This Week; 'Canary' With an Savitt-Martin Chirpy 56G, 'Thin Man' Healthy 42G, 'Deuces' 22G

Not a whimper is to be heard from any quarter along New York's first-run circuit, with the small houses doing well. Thanksgiving day was big everywhere, and Friday (24), with the kids out of school that day, went over normal. The weekend, as well, was excellent. Saturday's take in particular being heavy.

Can and Canary, with Tony Martin and the Jan Savitt band at the Paramount finished its first week last night (Tuesday) at \$58,000, socking it to the top of the second list (Wednesday). Theatre put on an effective campaign. Teeling off Thanksgiving to a mighty gate, another picture that is getting its share of the business. "Thin Man" (RKO) (2d wk.). It will hit around \$42,000 and also holds.

"Daytime Wife" brought in "Daytime Wife" a day ahead of schedule, in order to begin its second list (Wednesday). It goes eight days to around \$40,000, good, but will not be retained a second week. "Housekeeper's Daughter" moves in Friday (1).

"Thunder Afloat", also brought in for Thanksgiving, is taking Laurel and Hardy to the top of the list, better at the small-theater Rialto where it is doing a capacity trade to the top of the list. It holds.

"Mill on the Floss" ended its second list (Wednesday) at \$11,000, a night (24) at \$14,000, an increase over the first week. Thanksgiving, the Carbo picture will end at around the kids, provided the lift. "Mill" received its fourth week, and it will be moved to around \$40,000, good, but will not be retained a second week. "Housekeeper's Daughter" moves in Friday (1).

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all precedent by getting more the "four weeks" than any other of the prior two. Thanksgiving boosts this week's take to around \$100,000, compared with \$88,000 last week (24) and \$108,000 first seven days of last week (24). It is due to booking commitments and Xmas holiday plans. "We Are Not Alone" opens tomorrow (Thursday).

Rialto (750; 25-35-55-75) —"Flying Deuces" (RKO). Laurel-Hardy comedy packed in, only \$5,000, missing "Housekeeper's Daughter" (U), only \$1,000. "Destiny Rides" (U). Opens here today. First, 3,000; 25-35-55-75.

State (430; 25-35-55-75) —"Babes in Arms" (M-G) (2d-run) and Lennie Hayton's "The Great Dictator" (U) on vaude show. Film pulling strong. "That's Right, You're Wrong" (U) (2d wk.). "That's Right, You're Wrong" (U) (2d wk.). "That's Right, You're Wrong" (U) (2d wk.).

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LOVE-POVELL IN \$13,000 IN K.C.

Kansas City, Nov. 28.—Houses concentrated on heavy attractions for heavy play on Frankenstein, "The Great Dictator" and "M-G and Glamour Girls" (M-G) (4th week, \$7,500). "Cat and Canary" (Par) (2d wk.). "Flying Deuces" (RKO) (2d wk.). "Ballo"—Destiny Rides Again (U) (2d wk.).

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MUNI SATISFIES HUB, \$13,500

San Francisco, Nov. 28.—"Mr. Smith Goes to Washington" is still going to town at the b.o. and again leads the Hub film parade in its holdover week, two weeks on vaude show. Film pulling strong. "That's Right, You're Wrong" (U) (2d wk.). "That's Right, You're Wrong" (U) (2d wk.). "That's Right, You're Wrong" (U) (2d wk.).

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DON'T GET CAUGHT OUT ON A LIMB— while the M-G-M Hit Parade passes by!

Enjoy the most amazing
year of successes in all
film history. And just
think, it's only November!
Oh, boy!



3rd BIG WEEK!
of merry mobs at
Radio City Music Hall
and Big Bit Everywhere!
"NINOTCHKA"
a new Garbo
in swell comedy!
HOLD IT!

**CELEBRATE
NEW YEAR'S!**
where
there's wine,
women
and song
"BALALAIKA"
Starring
Nelson EDDY · Mona Massey

**"ANOTHER
THIN MAN"**
Sets New
3-Year Record!
At Capitol, N. Y.
(Held over!)
First 26 engagements abso-
lutely phenomenal! Tops big-
gest attractions of years. Bravo
Bill Powell, Myrna Loy!

SURE
IT'S
YOUR CHOICE
for
SANTA CLAUS!
The Xmas Hit!
**"JUDGE HARDY
AND SON"**
LEWIS STONE · MICKEY ROONEY

ELECTED!
Fall Season
Box-Office Leaders!
"THE WOMEN"
"THUNDER AFLOAT"
"BABES IN ARMS"
Long and Happy Runs!

French Picture Industry Back in Paris As Propaganda Bureau Gets Blame; Giraudo Principal Target for Abuse

Paris, Nov. 14. After spurring to what resembled a lightning of a morning of a beat, the French picture industry is back in the doldrums. The Bureau of Propaganda, headed by the late Jean Giraudo, is the principal target blamed for the ills. He is charged with lacking initiative, authority and organizing ability. The bureau itself is accused of being a hothouse of unhelpful promises.

In September, with the nation busily getting on a war footing, those in the trade remained quietly and patiently in the shade awaiting the expected reaction to the industry's return in the October. The signs of renewed activity. Authorities gave the impression they were looking considerably in showcases restrictions.

False Hopes

Banking on these promises, exhibitors announced the unveiling of many houses and the release of new productions. Heartened by these plans of joy, French and American distributors set to work to supply the demand. Producers were encouraged to produce a new picture and go ahead on new productions. With bonanza days in the hands of producers called to directors and asked for actors to be demobilized in order to finish 15 films in various stages of completion.

November brought the bursting of the bubble. Producers depended on exhibitors and exhibitors on exhibitors to start the ball rolling. The mission petered out to a molehill. Military authorities are expected to have crossed Giraudo somewhere along the line. Although they were once the closing of the show cases to 11 p.m., they were much tougher about increasing the audience at three at any given time. Also, they were charged with summing up production by refusing to release temporarily required actors.

Nevertheless, officials at Giraudo's office are charged with having gone ahead painting everything in rose tints. They flatly announced that work had started on films when the contrary was true.

Of 351 showcases in Paris, 243 are again open for business. This gives a false picture of the situation. All could be doing a roaring trade if the advantages of some of the pictures on the sidewalks were permitted to enter and occupy the empty seats.

After 100 houses were closed, the large, modern deluxes are still boarded up. Only three French and French American pictures have been released to date.

3 or 4 Unfinished Pix

The 15 unfinished films announced as being on the lot divided into three or four. These few were completed but in every case they were only two or three days away from the picture room and required little outside help. There are about 45 other films in release, but are being withheld by the distributors because the propaganda group would publicly cover part of the production expenses.

Exhibitors, distributors, producers, actors, directors and technicians, but not by an industry group, are unanimous in deploring the situation. They point to Great Britain, where the recovery was rapid where government collaboration helped the industry get back on its feet in short order.

Dr. Pierre Blanchville, head of the French Distributors Syndicate, is president of the inter-industrial group, but expresses the viewpoint of the trade.

The exhibitors are irritated with the government for the measures it has failed to take, and the rhythm of the entire trade has been on the rocks," he told Vauxart.

"The military authorities have been far too intransigent," he continued.

"It is hard to understand why they should limit the audiences in motion picture houses and not in restaurants and cafes, sport stadiums and circuses. The dangers are just as great for one as for the other."

If such restrictions are taken for audiences inside the theatre, what about the people in the streets? Is there any admission? In the event of an air raid they are just as ex-

posed as those inside. Yet, no provision has been made for them."

He added that the entire industry hinged on b.o. returns, and that if restrictions continued to be placed on exhibitors, every stage of the trade would remain paralyzed. He said that the industry was permeated with "feeling of timidity."

There is little likelihood that the producers will receive financial aid, he concluded. An inter-industrial committee headed by Deputy Henri Clerc has been formed, however. It will examine unfinished and projected films and will recommend aid in individual cases if the subjects are interesting and timely. He hinted that the aid might be in the form of loans discounted by the Bank of France, and which would not be deducted until the end of the war.

A local pic magazine is loudly demanding a film dictator and recommends Louis Jouvet, René Clair, Julien Duvivier, Marcel Achard and Marcel Pagnol for the post. His wish may be granted because there have been recurring rumors of a shakeup and the transformation of the information bureau into a ministry with powers to encourage or discourage a film and go ahead on new productions. Giraudo is reportedly unhappy about making the appointment of his complaint is said to be that all his wishes and requests have been sidetracked by the Bank of France. He is said to have fought for actors' releases and asked for less severe measures against exhibitors. But for the most part he has been rebuffed. In this connection, Le Jour, "the daily," writes: "If men are tempted to be mobilized to take in the harvest why shouldn't a few very few men be released to complete jobs."

Another paper points out that these officials unutilized and demobilized men to keep the country going. It says that there are 28 directors, 50 cameramen and assistants, 100 technicians, 100 artists, 100 sets, at least half dozen complete sound crews, hundreds of technicians and a few available actors.

War-Time London

London, Nov. 14. Harry Lauder entertaining the Scottish troops.

Small groups of from three to five professionals are providing entertainment for soldiers, travelling in automobiles.

John Atwill has received his doctor's degree, and is now a captain on the Royal Army Medical Corps. He's the son of Lionel Atwill.

Jack Doyle has rejoined the Irish Guards.

Jack McGrath, former general manager of Theatre Royal, Dublin, has been knighted by the royal, the Royal Artillery, as a major.

Desmond Tester, who played the drummer boy with Sabu in 'Drums,' has objected to military service. He was exempted on condition he undertake agricultural work.

Paris in Wartime

Paris, Nov. 14. Lucienne Boyer, Corinne Luchaire, Claude May, Louise Carletti, Genevieve Lenoir, Michèle Baret, Michèle Presles and Jane Souza, latest female film stars to adopt families of soldiers for duration of war.

Shades of pre-war days at Max's Friday night (10), with following picked out at random: Grover Dumas, Duke and Duchess of Windsor, Pierre Lavall with daughter Duchess de Chambour, Jilly Gailpierre, and Mrs. Irving. Irving Marks with Arian Boyer.

Gracie Fields aired in from London and dashed off to the front to sing for the Tommies.

The Olympia grand film gala for army benefit, with L'Homme du

Friedman's Columbia Home-Office Confab

Joseph Friedman, general manager for Columbia in Great Britain, has arrived in New York for confabs with h.o. execs.

Future course on selling in England, in view of currency freezing, will be decided at the confab, which is expected to last several weeks. He returns via Clipper to New York.

Friedman said yesterday (Tuesday) he will determine whether the British Government will supply facilities for production in England. If, so, he declared, Columbia will send Irving Asher, here to continue work. Asher made three for Col. in England last year.

Jack Segal, manager of foreign exchange operations, will accompany Friedman to Europe on the Clipper. He will survey the Continental exchange setup.

Italy's Cabinet Shifts Seen As Aiding U.S. Pix

Rome, Nov. 28. Italy's cabinet shakeup is expected to bring a more definite clarification of the government's viewpoint toward the importation of foreign film, it is stated in well-informed circles here.

While no revolutionary measures that would permit the tanks to come into the country, the Italian Government on the same basis previously enjoyed is envisaged in the immediate future, these quarters state some sort of move that would make business possible here in the currency market. This marks the first admission from Rome sources that the government is trying to win back the U.S. distrib.

Main reason for such a belief is stated to be the appointment of Raffaello Riccardi as new Minister of Foreign Exchange. Unlike his predecessor, Palmiro Togliatti, Riccardi is known to take a longer view on the subject of foreign trade exchange.

Guarneri, for example, would like to allow the country to buy foreign luxuries, as he was a strict economist who believed that the only way to make the country self-sufficient was to prevent her from buying more than she sold. The present banning of coffee, gasoline and American films is generally ascribed to him.

It is not believed that Minister of Finance, Alcide De Gasperi, recently replaced Dino Alfieri, would be opposed to the adoption of a policy that would permit more free importation of foreign films. In any case, it was not the ministry of propaganda that was responsible for the institution of the monopoly, but the former Minister of Foreign Exchange, Guarnieri. Alfieri was expected to be against the monopoly, although some quarters claim that American films cost Italy 20,000,000 lire (\$2,000,000) in gold that was going abroad.

U. S. Cos. Optimistic

Swing away from Nazi influence in Italy, as the U.S. Government is, are officials as indicating a move towards bettering business relations with the U.S. Yank film business being favored.

50% Frozen Income, or \$17,500,000 Left in Britain, Seen Assuring Fine Quality of Made-in-England Prods.

ODEON'S 35-YEAR DEAL FOR PAR'S 7 IN LONDON

London, Nov. 28. Odeon circuit signed a 35-year lease of seven Paramount cinemas on Nov. 23.

Carlton and Plaza and seven others remain under Par control.

Leasing agreement, whereby Odeon would operate seven of Paramount pictures in England, was okayed by Paramount previously, and only remained for Odeon board to approve the lease.

Deal was under way some time before the European war started and was held up as a war-time economy move on the part of Paramount. Negotiations were broken off shortly after war was declared, but a party awaiting business conditions under wartime regulations before proceeding with final details. Stanton Griffiths, chairman of Par's executive committee, went to London and personally supervised negotiations last last summer.

U. S. Film Cos. Protest On Jap 'Discrimination' Opens New Pact Drive

Protest in Tokyo Monday (27) by six U. S. major film companies over alleged Japanese discriminatory tactics against American pictures in a renewed campaign to obtain a new coin-picture pact with Japan. Distributors resent for six major companies sought the help of Joseph C. Grew, American ambassador in Tokyo, in freeing American money frozen there and in securing permits for additional pictures to enter the market.

American distributors have exhausted their supply of about 1,000 pictures in Japan since 1939. A new deal, allowing some 2,000 new, at cost of \$25,000, would allow U. S. to permit new U. S. product into the country, shortly will be sought.

U. S. distributors made a pact late in 1938 with Japan whereby 3,000,000 Japanese pictures were transferred to the San Francisco branch of the Yokohama Specie bank, to be held in escrow for three years, covering rental money over an 18-month period ending last December. The picture of this pact was that 200 features were allowed to enter Japan (exchange is at the current rate, considerably lower than when 1938 pact was made).

Report Griffith Muled As Rose's Foreign Aid

London, Nov. 28. Possible selection of David Griffith as first National Film Board chief in Great Britain before Warner Bros. combined FN with Warner Bros. and David Griffith is reported under consideration here. Rose is managing director for Paramount in Great Britain.

David E. Rose is due in N. Y. from London on the next day. No announcement of any addition to his staff will be made until he arrives in N. Y.

Soldiers' Cabaret

Paris, Nov. 14. New cabaret to do biz on Champs Elysees as the first National Film Board announced for early opening. It will be directed by war-wounded film actors.

Feature is that certain percentage of the tables will be set for the wounded and soldiers on duty, to whom drinks will be served gratis.

NEW MEX, 7,000-SEATER

Mexico City, Nov. 28. Mexico City will soon have one of the biggest cinemas in the Americas. The new Colonial, under construction by Oscar and Samuel Grand, is expected to open in December.

House is to seat 7,000 and is being readied for opening in February.

Ruling of the British government, announced last Wednesday (22) in London, forbidding 65% of the gross over 50% of the net income of American distributing companies in Great Britain, was in line with expectations. Because it represents a maximum of \$17,500,000, which the seven companies can take out of the British Isles annually (Universal has a separate deal because of its British interests), little 50% of net release of coin was not rated as disappointing as many feared. Especially in view of the threat to freeze assets.

However, the decision to allow the quota law in England to operate as its usual end of next March, was not greeted so enthusiastically. For major companies who have fulfilled all quota requirements for the six-month period from Oct. 1 to Jan. 1, 1940, there is no worry about such production in England for the next spring. But others are confronted with taking a "ramble on expensive production or trying to rush through minimum cost features which would have little chance in the market."

The monetary policy of the British government which is to run until 1940, as announced by Oliver Lytton, British Minister of Trade, puts a maximum ceiling of \$17,500,000 on the amount of coin that can be taken from Great Britain during the next 12 months. This applies to seven majors, excluding Universal, meaning that each company would average about \$2,500,000 per company. Of course, the sum will be divided up according to the earnings of each individual company in the market.

How It Figures

This total is arrived at by figuring the seven U. S. distributors as having 200,000,000 in Great Britain for 100,000 over the last three years (government edict specifies the maximum for each company for the 3-year average). Operating expenses are figured at 30%, according to foreign picture business in London. New York, which would leave \$35,000,000 net income to be divided, with 50% of this net remaining in Great Britain.

The \$17,500,000 allowed to leave British shores represents 35% of the maximum gross. If the net income in the forthcoming 12-month period is \$50,000,000, the seven majors would receive only \$15,000,000. In any case, the amount of money that can be taken from the \$5,000,000. Separate deals patterned along the same lines are being worked out by American independent distributors while Universal's arrangement is more complicated because of the active participation of General Films Distributors in U. M. management.

The average amount—\$2,500,000 per company—which is left frozen in Great Britain doubtlessly will be put to use in carrying out quota reduction. American claims that all quota credit films out of the way of the British. The British claim, in part, 1. Understood that Warner Bros. also is fairly well set and that 20th-Fox is probably the only one in the world to do further quota production work. Victor Saville, who made "Goodbye Mr. Chips," probably will be in any additional producing to be done by Metro.

With three triple-circuit quota features figuring to cost \$1,000,000 to \$1,500,000, most of the frozen coin remaining in Great Britain would not be put to active use, but only quality films are regarded as having a fair chance of showing a profit in the world market. This would enable American companies to un-rectrate part of the RKO.

Reisman on RKO O.O.

Phil Reisman, head of RKO's foreign department, is leaving New York this week for Mexico City, and will inspect tour of Cuba and Mexico.

Reisman has been planning the trip for the last 10 days, but the press in London and Europe forced several postponements.

"GERONIMO!"

...IS ON THE WARPATH!



PHOENIX

Ballyhoo Means Business!

Wherever fans eat up outdoor action thrills—the "Union Pacific," "Wells Fargo," "The Plainsman" brand . . . and that's everywhere! . . . they'll go for "GERONIMO!", the year's biggest thrill show. Especially when it's backed up by one of those famous Paramount exploitation campaigns. Phoenix, Safford, Tucson hold triple World Premiere with personal appearance of full roster of Paramount stars...coast-to-coast broadcast over 118 stations...parade hailed by over 100,000 people . . . barbecue for 2,000 guests!

Tucson

...and he means BUSINESS!

Business in Phoenix:

"GERONIMO!" does a smashing week's business in only two days!

Business in Tucson:

"GERONIMO!" does a smashing week's business in only two days!

"GERONIMO!" with Preston Foster • Ellen Drew • Andy Devine and a cast of thousands! • A Paramount Picture • Directed by Paul H. Sloane • Screen Play by Paul H. Sloane



THAT'S RIGHT... YOU'RE RIGHT!

**ALL AMERICA
WANTS KAY KYSER...
AND RECORD
OPENINGS,
TERRIFIC BUSINESS,
HAPPY HOLDOVERS
PROVE IT!**

Ask DENVER, READING, BUFFALO,
HARRISBURG, BALTIMORE, RICH-
MOND, WASHINGTON, CHICAGO,
INDIANAPOLIS, SAN FRANCISCO,
KANSAS CITY, CINCINNATI,
NEW ORLEANS, DAVENPORT,
COLUMBUS, TRENTON, DAYTON

... and the scores more
opening this week ...



**KAY
KYSER**
★
**ADOLPHE
MENJOU**

IN "THAT'S RIGHT
YOU'RE WRONG"

With all these popular screen favorites:

MAY ROBSON • LUCILLE BALL
DENNIS O'KEEFE • EDWARD
EVERETT HORTON • ROSCOE
KARNS • MORONI OLSEN

and these hottest of names from radio:

KAY KYSER'S BAND featuring
GINNY SIMMS HARRY BABBITT
SULLY MASON ISH KABIBBLE
and "The College of Musical Knowledge"

Screen Play by William
Cottelmann and James V. Kern. PRODUCED AND DIRECTED BY DAVID BUTLER

Look what you get for the Holidays!

SONJA HENIE
in
**Everything Happens
at Night**

with **RAY MILLAND**
ROBERT CUMMINGS

Released Dec. 22



Darryl F. Zanuck
in Charge of Production

**SWANEE
RIVER**

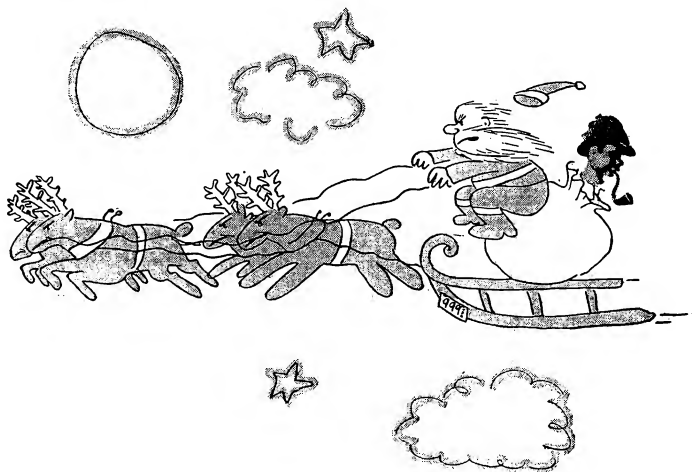
The Story of Stephen C. Foster—
the Great American Troubadour

in **TECHNICOLOR** with

DON AMECHE **ANDREA LEEDS** **AL JOLSON**

Released Jan. 5

CHRISTMAS COMES THREE DAYS EARLIER



**THIS YEAR . . . For those who open
DECEMBER 22nd** (National release date)

with
Universal's
Edgar BERGEN and Charlie McCARTHY
in
"CHARLIE McCARTHY, Detective"

(Tentative Title)

with
Mortimer Snerd · Robert Cummings
Constance Moore John Sutton
Louis Calhern Edgar Kennedy
Samuel S. Hinds Harold Huber
Original story by Robertson White and Darrell Ware
DIRECTED BY FRANK TUTTLE
ASSOCIATE PRODUCER, JERRY SACKHEIM

Pepperson's Dental Endorsement Copy Brings Angry Beef From Kolynos, and NBC's in Middle

NBC fans itself caught in the middle of a bitter fight between Blackett-Sample-Hummett and Lord & Thorne over a sign-off incorporated in the plug on Pepperson. B-S-H has already reacted drastically to the situation by cancelling the series "Orphans of Divorce" serial on the blue ink, while L & T refuses to pull all the air from the station that the disputed statement is justified by facts of the case. L & T threatens to pull all the air from the business of NBC if the network continues with the plug as phrased, whereas it is confident that some compromise can still be worked out.

The statement in the Pepperson commercial that stirred Blackett-Sample-Hummett to protest was as follows: "All three Pepperson dentists have been given the highest acceptance of the American Dental Association, and Pepperson is the only dentist among visiting dentists that won this approval." B-S-H, as agency for Kolynos, charged that this statement was not in accordance with the facts since the ADA has also given the seal to Kolynos, and that the latter toothpaste is ranked among the leaders. NBC sought in several lengthy conferences last week to induce L & T to modify the statement, but the agency stood pat, claiming that it had the support of the ADA. The statement as worded. "All three Pepperson dentists" was not published in the official since the announcement has not been published in the dental association's journal.

Trade Issue

As for the mathematics of the claim, L & T is right to Kolynos "among the leaders" in the "best of what Dr. Lyons toothpaste, among B-S-H account, tallied for the ending year. The Pepperson figures were compiled exclusively by among drug stores. Total sales to Kolynos in 1938 were \$1,250,000, whereas the turnover for the first four brands were Ipana, \$2,024,000; Colgate, \$1,515,000; Pepsodent, \$1,425,000; and Dr. Lyons', \$1,236,000. Squibb, which is fifth with \$885,000, also holds the ADA seal.

Hersholt to Switch

To N. Y. for 6 Weeks

Jean Hersholt will originate his Cheanbourg Vaseline program (from Decca) from New York, from Dec. 6 to Jan. 10 inclusive. Playlets will be cast and recorded in New York as only the wife is accompanying him in Hollywood.

Hersholt tries to spend Christmas year with Lauritz Melchior, of the Metropolitan opera, as they are fellow Danes.

KDYL's s. nas Campaign

Salt Lake City, Nov. 28. KDYL, in conjunction with the Junior Chamber Commerce, started the Christmas shopping season with a mammoth children's parade the day after Thanksgiving which will be closely followed by street lighting broadcasts and home decoration contest. Co-operating with the Salt Lake Tribune-Telegraph, KDYL will broadcast a band to the Children's Hospital.

Other Christmas promotions on the station include a "Spent Christmas Card" which is broadcast three times weekly, in the interests of distributing food to the needy. KDYL tops it off with a huge Christmas party for the underprivileged children in the co-operation of the Visiting Nurse's Association.

By Woodbury's 'First'

Salt Lake City, Nov. 28. Famous Music, publishers of musical score for 'Gulliver's Travels,' says Woodbury, KCMO's new director, right to be first to give entire musical score to the nation over the radio. Program led by Jimmie F. Farnsworth has recently published Woodbury's own 'By the By.'

KSD-AFRA SET

St. Louis Daily Wins Its Claim Parity With KMOX Under

St. Louis, Nov. 28. After huddles extending over 10 weeks, KSD (St. Louis Post-Dispatch) last week jacked a pact with the American Federation of Radio Artists whereby a new minimum salary was established and salaries of 10% and 15% were granted to those employees receiving more than the new minimum. Two employees, Sterling Harkins, who doubles as announcer and producer, and Clair Callahan, a combo gabber, continually raised and production assistants, were paid 15% in the dough line. They received more than the new minimum, \$45, which was raised from \$35. The scale for free lance warblers and actors will be the same as in KMOX where soloists receive \$8 for a 15-min. program and actors \$6 for a 15-min. stint.

When the contract opened Vice Connors from San Francisco, acting as national representative of AFRA and Nellie Booth, exec. of the St. Louis Chapter, huddled with George M. Burbach, Ed Hamlin and George Chambers, executives of the newspaper. AFRA wanted the station placed on the same parity with KMOX where a minimum of \$50 per hour was established. When a new wage contract was signed, KSD refused to grant such a parity with the grounds that share time with KFUP, doesn't originate its own network programs and doesn't realize the revenue of a 100,000 CBS water drops. This was the point that delayed the final pact.

The contract was signed when Connors was called out of town and two weeks ago Emily Holt, national exec. of AFRA, planned to go to New York to continue the huddles with Nellie Booth, aiding and abetting the contract runs to \$1,284.

Miss Booth said that new wage pact will not be sought with WUL and KXOX, the letter owned and operated by the St. Louis Star-Times.

Lanny Ross to Remote

From Miami Dec. 18

Lanny Ross will originate one of his three-a-week 11 a.m. programs from Franco Spaghetti from Miami, Florida. This occurs Dec. 18 in conjunction with the hallyu mount's feature-length cartoon, 'Gulliver's Travels,' in which Ross' voice is heard.

Sponsor will send Ross, producer John Gordin and speller Gene King to Florida by plane. While in Florida, he will handle the pick-up, which is to include Jessica Dragonette.

Ben Pratt Off NBC;

Publicist for Dewey

Ben Pratt is leaving the NBC prep desk. In New York this week to be made publicity chief for the presidential campaign of Governor Arthur H. Thomas Dewey. First chore is to trip to Minneapolis where Dewey will make an important speech.

Bill Kotko filed Pratt's niche at NBC with Art Donegan.

Penn, New York, Colonial

Regions in Line For

Key Kysar Programs

Lucky Strike is considering the extension of its Thursday night representative of the Key Kysar series to three regional links. These are the Penn State, New York State and Colonial networks. Source of the broadcast in the regional cases would be the same as prevails for WOR, which is currently, namely, Miller tape versions of the programs as cleared over an NBC hookup.

WOR has been airing the recorded version since last summer. Arrangements for the new regional cases where the transcribing would be done at the program's origin point.

60 Seconds of Silence

St. Louis, Nov. 28. St. Louis stations which have joined in Mayor Bernard F. Dickmann's safety campaign that was inaugurated last week, announced a number of automobile fatalities observed 60 seconds of silence. Thanks to the Florida memorial to victims of traffic accidents.

Promptly at 2:45 p.m. every station on the three-a-week 11 a.m. interrupting football broadcasts.

Why Wouldn't They?

Martin Block and WNEW, New York, on which he conducts his "Gulliver's Travels" program three hours daily, renewed his Monday (27).

"Florida is currently supported by 19 sponsors. Contract assures a guarantee and share of profits."

Further Revision of FCC Procedure

Might End Present Secret Memoranda

Washington, Nov. 28. More sweeping administrative changes within the Federal Communications Commission, which were reported in the office this week, following another ruling that further amend the individual who is to protect their interests. Apparently secret by moves to gain judicial review on the ground of possible economic damage various agencies are FCC and key department heads are talking seriously about a new procedure that would cut down the volume of litigation by returning in part of the Commission's rule also is probable, although nothing has come to a head yet.

It is, far, nothing more than very suggestive hints have indicated that the Commission is in a mood to reconsider its rule also is probable, although nothing has come to a head yet. But the signs are encouraging agency has operated in the past. There have been growing more and more irate over the way the 'stream-lined' industry has operated in the past.

Talk has been heard of setting up a staff of referees or umpires to preside over hearings and to enforce the practice by which FCC lawyers, accountants and engineers secretly influence the FCC in its decisions. A complete return to the system of having examiners make

reports with proposed decisions is not likely, but end seems certain for the existing custom of having a subject matter be presented on the side at public sessions and then submit a sub rosa report that becomes the basis of the FCC's ruling.

Under the examining system was uprooted by former Chairman Frank R. McInchey a year ago, the FCC has been subject to a course with quasi-judicial agency. Parties are being required to make proposed findings of fact, which are then taken into consideration by the Commission which enforces the rule. "Proposed findings of fact," any applicant or respondent dissatisfied with the tentative decision has the right to file an argument before the final action is taken.

Idea now being discussed is to have only the public part of the various Commission branches—engineering, legal and accounting departments—submit a sub rosa report that becomes the basis of the FCC's ruling.

Another potential reform under discussion is to have the Commission set up a committee of public policy cases. While it is improbable the Commission will do this, the "division," which formerly handled broadcast, telephone and tele-

Benny Goodman Off Canteens Dec. 30

Cigarette Company Keeps 'Blondie'—Drops 'Casey,' Retains 'Opry' Local Shows

Benny Goodman washes up for canteen cigarettes Dec. 30 after a run of three and a half years. His current spot on the NBC record Saturday nights will be taken over the following week (Jan. 6) by Bob Crosby. The revised Crosby program will be used in New York and Chicago, while branches are being arranged for in St. Louis, Detroit and on the west coast.

Ferguson & Walker,

New Sales Rep Firm

Gene Ferguson & Co. and Wythe Walker & Co. have merged their station rep lists and the new setup will operate as Ferguson & Walker, Inc.

Offices previously occupied by Ferguson & Walker will be used in New York and Chicago, while branches are being arranged for in St. Louis, Detroit and on the west coast.

R. L. Ferguson, who was with Walker, and Arch Kerr, who was with Ferguson, stay with new firm.

Ameche Returns to C&S;

Bergen Retires Second

Dummy, Too Tough

Don Ameche returns to the Chase & Sanborn Coffee hour Dec. 17, with the result that Rudy Vallee holds another one week from his original four-week booking. Ameche withdrew in October because of a troublesome stomach.

Mortimer Snerd character has been put back into the trunk by Edgar Bergen as far as Bergen is concerned. Bergen's explanation is that he can't conveniently work two dummy roles in a script, which that Bergen did find out after he had the Snerd character on the air a couple weeks without the listener interest in Charlie McCarthy figure hasn't yet reached the warning point.

Buhrman Quits KCMO

After Kansas City, Nov. 28

Bert Buhrman, musical director, pulls out of KCMO Dec. 5. Kenneth Heavely became assistant to Jimmy Coy, program director. Heavely also carries the tag of production manager, and continues same work on the announcing staff. Lida M. Coy moves out of program department to take charge of transcription program and the new department.

Station is buying a Collins five-kilowatt transmitter. Recently was killed upstage by the FCC for daytime.

Clara Booth Lee has accepted bid from Ralph della Selva, celebrity-interview on 'Connecticut Hall of Fame' at WOR, Hartford, to take the stand next Sunday (3). Mrs. Lee lives in Stamford, a 75-mile jump.

While some reforms are believed to be in the air, the industry front remains indignant over the prospect of hearing virtually to the applicant. Barristers looking for another reason for bailing out of the FCC, however, are looking back a protest against more competition for the station. The request of a potential broadcaster already issued a construction permit to build a station in the Shaw Cross order serving Kentucky Broadcast Corp, which has been handed papers covering a low-power outlet at Louisville, using 1210 kc.

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Benny Goodman washes up

for canteen cigarettes Dec. 30 after a run of three and a half years. His current spot on the NBC record Saturday nights will be taken over the following week (Jan. 6) by Bob Crosby. The revised Crosby program will be used in New York and Chicago, while branches are being arranged for in St. Louis, Detroit and on the west coast.

R. L. Ferguson, who was with Walker, and Arch Kerr, who was with Ferguson, stay with new firm.

Clara Booth Lee has accepted bid from Ralph della Selva, celebrity-interview on 'Connecticut Hall of Fame' at WOR, Hartford, to take the stand next Sunday (3). Mrs. Lee lives in Stamford, a 75-mile jump.

While some reforms are believed to be in the air, the industry front remains indignant over the prospect of hearing virtually to the applicant. Barristers looking for another reason for bailing out of the FCC, however, are looking back a protest against more competition for the station. The request of a potential broadcaster already issued a construction permit to build a station in the Shaw Cross order serving Kentucky Broadcast Corp, which has been handed papers covering a low-power outlet at Louisville, using 1210 kc.

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Muzak Licensee Is

About Ready in Det.;

23 Installations Set

With retail outlets comprising about half the total, Michigan Music Co. has 23 licensees for installation of wired music in 23 establishments here. Station WJBK officially will have 66% of the Michigan corporation, in the past month have signed up Fort Shelby hotel, the Detroit Club, the Detroit Club, Miller's Jewelry Store, and numerous other stores and liquor dispensaries.

Efforts are being centered on outlets in Detroit's loop and General Motors area, and in the suburbs, according to James F. Hopkins, general manager of WJBK and one of the nation's largest music companies. Station has installed triple turntables and pipes sweet music into the building, running into 11 miles to 2 a.m. By concentrating on downtown areas, it's figured line charges can be kept down, and it can keep out opposition which would have to sign up outlets in outlying districts, thereby running into 11 miles.

While musicians' union here has been a serious contender since 1918, Hopkins doesn't believe he'll run into trouble with union inasmuch as KMOX is not a union station, and that wired music must "not supplant live musicians." Thus far no Muzak outlet has been a band performer. WJBK is plugging Muzak constantly during its regular broadcasting.

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Revamp WSB-WAGA Music

Atlanta, Nov. 28

Revamping of WSB's 11-piece band, which has been a serious contender since 1918, Hopkins doesn't believe he'll run into trouble with union inasmuch as KMOX is not a union station, and that wired music must "not supplant live musicians." Thus far no Muzak outlet has been a band performer. WJBK is plugging Muzak constantly during its regular broadcasting.

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WAGA, little brother of WSB,

has also taken on new group of musicians. Staff, formerly consisted of string trio, but new band is made up of Joan Norman, violinist and director, Don Lee, pianist and vibraphonist, J. V. Johnson, sax and clarinet, and Louise Bassett, guitarist.

Program is directed by Earle Paduany helps out at the piano.

Spellers, Writer Join KYDL

Salt Lake City, Nov. 28. KYDL has two new staff grabbers, Nelson McInchey and Tom Catterly. McInchey is a copywriter and Catterly is a copywriter.

TOUCHY MATERIAL

PUBLIC HOWEVER SEEMS SATISFIED

By BOB LANDRY

"It must have been something I felt."
—Old proverb.

Station managers around the country are inclined to suspect that they have been over-fcd, on daytime serials. But they hesitate to be too specific in naming names. Their self-confidence as diagnosticians is undermined by the failure of the Co-operation Analysis of Broadcasting to file a clinical report bearing out the hunch. So far C.A.B. remains inscrutable with merely a hint that the patient is in the verge of breaking out with dramatic colic.

Probably brought up never to render private judgment as having any standing or importance unless accompanied by a research project confirming it, the broadcasters are slow to condemn daytime serials merely because they're too numerous, too silly or too anything. If the C.A.B. doesn't quiver the broadcasters don't discreetly hold their peace and their noses.

The remarks of Variety's Ed Grunwald (see additional column) coincide with a letter John Patt of W.G.R. Cleveland, has recently sent to fellow-broadcasters. The comment of some of the latter is also offered to the present discussion of a subject which seemed to have rather abruptly gathered a certain amount of momentum. Grunwald, who has just returned from a tour of the radio industry as part of a two months' trip from New York to the Pacific coast and now returning, sums up some of the reasons given for the attitude expressed by many stations with regard to the growing load of network strips. He further reports that the matter is much in the table talk of broadcasters this fall. Patt's letter bears that out.

Patt's letter to stations last week read, in part, as follows:

"For some time I have been concerned, as I imagine, perhaps you have been, that daytime commercial radio has become a matter of one continued serial story program after the other. This year this is more true than ever before with Columbia and NBC having more than 15 daytime hours of these programs, most of them continuous."

"I am delighted that at least one or two daytime advertisers have seen fit to put on a program of musical entertainment. The only one that we happen to be broadcasting from our station is the weekly Ros for the Big Apple. But other CBS stations are also broadcasting smiling Ed Grunwald for Paris Babes."

"We believe it would be to the interest of the radio industry and to our stations if a larger percentage of daytime advertisers would use vocal and instrumental musical programs, variety and comedy entertainment. That these need not be expensive is shown by the fact that the two programs I have mentioned have only one 'name' artist and a small accompanying group."

"I should like to suggest to you that you call attention to any such musical programs a little more frequently than you do to the other programs. I have heard a number of some advertisers using serial stories that they get better results from these programs than from musical programs. Surely, it is to our advantage to help in any way we can to keep musical programs on during the daytime and to encourage, if possible, more daytime advertisers to use the facilities of Columbia and our stations locally. We are, accordingly, calling attention to the musical programs with more than the usual number of program announcements and getting behind them with little local merchandising and publicity efforts."

"Pass this suggestion on to you

because if you feel the same way we do about it, our joint efforts might bring about a new and desirable trend."

KOIN Content

C. W. Meyer of KOIN, Portland, Ore., is not a critic of daytime serials. To the contrary he feels they are affectionately regarded by the public. He wires Variety: "Audience surveys tell the story and we have no complaints from listeners although KOIN has more serials than any other local station."

Jim Shouse of WLW, Cincinnati, is of the school that holds the opinions of station managers, including myself, should count for absolutely nothing in evaluating the acceptance of daytime serials on the part of the public. Shouse thought there was no need for the industry to be unduly concerned and referred to 175,000 telephone calls made throughout the WLW area in support of this feeling. He believes, moreover, that daytime radio is much better than it was, say, six years ago.

Barron Howard of WRVA, Richmond reports his station's 'confused' experience. "We still feel that so many serials is bad programming but can't seem to prove it," Howard explains.

"We have long been cognizant of the unbalancing effect of so many serials and last year adopted a firm policy of allowing only two continuous serials. We required non-dramatic entertainment every third quarter hour. This policy was adopted pursuant to surveys which seemed to indicate a listener desire. It was enforced for nine or ten months and then surveys did not indicate any rush of listeners to tune our station for the non-serial programs. In fact our audience peaked during serials and dropped during other entertainment, with competition peaking if competition carried serials. We accordingly abandoned the policy."

"At any rate," sums up this executive, "we do speak from experience even if we don't know what to say. I. R. Lounsbury of Buffalo has a slant based on his own particular relationship to it. He writes:

"As we divide the network programs on Stations WGR and WKWB, this problem is not so serious to us. The programs undoubtedly have very high audience rating. However, in spite of this, if all of these programs were placed on one station as is done in many other cities, I personally, would consider the situation alarming and would recommend as a remedy, that the scheduled be split so as to provide for good musical programs between some of the serial stories."

Newscaster's Un-Cut 'Hamlet'

Newscaster with a national hookup has developed into one of the prize prima donnas of the industry. People associated with him on the program find him particularly tough to get along with because of his insistence that they listen intently to every word he pours into the mike. It's uncut 'Hamlet' so far as the ex-announcer is concerned. Recently he noticed that a panelman let his interest stray elsewhere and the engineer had to be taken off the program. The commentator commented that he'd sooner be interested in everything the broadcaster had to say he didn't belong.

The same commentator also has an observation about meticulous rhetoric and unimpassioned and the impression gathered by those around him is that the right phrasing and pronunciation is more important than the sense or news value of what he says.

WSAI OKAYED FOR 5 KW NITES

Cincinnati, Nov. 28.

Permission for WSAI to boost its night signal from 1,000 to 5,000 watts, the same as its day power, was granted Monday (27) by the FCC. Station is owned by the Crotley Corp., which also operates 50,000-watt WLW.

In line with the increased signal strength, it is understood that WSAI's transmitter will be relocated and something like \$25,000 will be invested in new equipment.

Texaco Show As Is; Frances Langford Can Double, So Takes Cut

Texaco has renewed its Wednesday night program on CBS for another 13 weeks, effective Jan. 3. There will be no change in the set-up of either the eastern or the western half of the hour. Only content changes concern Francis Langford. The account figured that there wasn't enough for her to do on the show to justify a \$1,000 a week, and in return for being permitted to take another network commercial she has accepted a salary cut.

Others continuing with the Hollywood half-hour are Ken Murray, Kenny Baker, David Brookman, Jimmy Wallington and Ed Gardiner, director. Transamerican Broadcasting & Television Corp. retains the production assignment on the show's second half hour.

Fred Waring Advertises For a Bull to Lead Into a China Shop

Rated as one of the wackiest stunts pulled on a network commercial in some time is the bet in which Fred Waring and Paul Douglas, announcer, have involved themselves on the Chesterfield program (NBC). Waring eventuated from some kidding Waring handed Douglas over what he had talent as a picket of winning football teams. Waring said that he could do better blindfold and the upshot was a bet that whoever lost would have to take a bull through a china shop and pay for the resulting damage. The payoff is due when Douglas returns next week from a short vacation in Florida.

Meanwhile Waring inserted a series of ads in the N. Y. Times, reading "Wanted—Rent one china plate for day's work in china shop." Write Waring, 1687 Broadway, N. Y. The ads were originally marked for the "help wanted" male column but the Times relegated them to the business opportunities section on the ground that it couldn't be factious with the unemployed.

Stanco Continues Serials Via McCann-Erickson

Stanco business, which consists of the recorded "Meet Miss Julia" and "Alice Blair" series, will be renewed to another year. Present contracts expire until January.

Products involved are Daggett & Ramsdell, camera, Mistol, Maryland Film. McCann-Erickson is the agency.

Gilbert Ralston, who used to be with NBC's transcription department is a program manager in the Compton agency.

UNBALANCED SKEW CAN'T BE RIGHT

By EDGAR A. GRUNWALD

Fond du Lac, Wis., Nov. 28.

There is considerable talk among managers of basic network stations that, unless the networks in the future can devise some system of keeping down the load of daytime programs (such as is being issued this fall), a revolt is in store for them. The managers' attitude is based on numerous factors, but the principal one is simply this: The load of network daytime business is causing big stations a tremendous loss in revenue, and—this really hurts—that revenue is going into the coffers of lesser stations.

When the new radio season started this fall, the spot business took a swing upward and the advertising high. But simultaneously the networks let go a huge barrage of serials and the result was that the prevented key stations from accepting all of the spot or local business they would have picked up. Since network business generally pays far less money than local or national spot business, the result was that the big stations are operating on a "paper loss" of revenue.

Added to this money-matter are several other points which are increasingly becoming the subject of discussion:

a. There are too many daytime serials. P. G. and G. Sterling Products may be smart to buy to many, say the managers, but P. G. and G. Sterling will double them overnight if they can't get a better deal. What's the point? What's the point?

b. The load of daytime business is causing the stations' production departments to grow rusty. As things move toward the new year, and many instances is playing cards and the house band is shooting cards to the wall, the stations' own production killed 33 daytime local shows this fall to accommodate the network load.

c. The stations are finding that expensive investments are rusting, while—quite the opposite—the network's stations are making big production—programming departments as never before.

Speaking In

NBC stations additionally report that the NBC system of blocking off certain portions of the day under option at the stations is completely out of the window. The disposal is this year failing to function. The stations have caught on to the gimmick that if they demand time outside the option period (in other words, the stations' own time) they will be playing to less web competition. Therefore an increasing number of sponsors do not want to buy those periods reserved for web broadcasting, but want to blow into station time. Since stations can't say no to big customers, many have given up all their free time in this manner—at less revenue, of course, than if they had local shows in those spots.

WB stations, all of whose time is under no option to CBS, are also squawking.

What the upshot will be, or when it will come, is problematical. But most managers agree that either one of two alternatives must be employed. Either the stations must get radically more money for their daytime. Or else the networks must limit daytime broadcasting to certain periods at very high rates, and let the rest go free to the stations. Against nighttime radio there are no squawks whatsoever. Stations are sure that the evening broadcasts are real prestige-getters and that without them radio would be a dud. But the daytime shows are the trouble, such trivial fare that not one program director queried in any basic network city could resist the temptation to give three serials. Many state that they never listen to them—they just can't take it.

The Show Window of Show Business

34th Anniversary Number

of VARIETY

To be published late in December

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NEW YORK HOLLYWOOD CHICAGO LONDON
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Michael Blair Seeks U.S. Passport To Make News Discs in Europe

Michael Blair, former Hollywood announcer, wants to take a recording unit, over to Europe to get transcriptions which would be shipped back to this country for distribution among the stations subscribing to his International Radio Newsreel. His equipment would consist of a mobile unit with a couple turntables, a portable short-wave sending set and a portable turntable. Also a small plane.

Blair has been in New York for the past several months covering special or spot events and interviewing celebs for his disc "newsreels." Blair expects to get the necessary crossing papers despite the rule of the U. S. Department of State that passports may be issued only to accredited newspapermen, network employees and staff for established newsroom companies.

Wilfred Thomas' Experience
Wilfred Thomas, a radio entertainer from London, recently endeavored to interest Canadian or American broadcasters in discs of "Life in England" as made overseas by the production agents of Radio Luxembourg. Those on this side reacted adversely fearing the stigma of "foreign propaganda." Thomas is now in New York.

American Radio Newsreel

Albany, Nov. 28.
American Radio Newsreel, a recorded series of 15-minute feature there.

news programs on the general outline of newsreels, is being produced and sold by Ayers-Prescott. No New York outlet has been obtained, but the agency claims nearly 150 stations throughout the country are carrying the series.

Shows use feature names rather than spot news and always have the people involved appear in person. Names who have guested so far include Dorothy Thompson, Jack Dempsey, Martha Raye, etc. Erich Don Pan is producer of the series. Joseph Johnston, continuity writer for Pathe newsreels, is scripter, while James Rend, formerly with Paramount newsreels, is assignment editor.

Ed. Arnold AFRA Prez

Hollywood, Nov. 28.

Presidency of L. A. chapter of American Federation of Radio Artists passed to Edward Arnold last week when Frederick Shields withdrew from the elective office due to pressure of other business.

Arnold also is third vice-prez of Screen Actors Guild.

LaVell Waltham, formerly with WSAU, Wausau, Wis., has been named program director of KROC, Rochester, Minn. Dwight Merriam has been placed in charge of the station's new continuity department in both performances.

Money (Noisy Kind) Drowns Out Discord At Hillbilly Rodeo

St. Louis, Nov. 28.

Larry Sunbrook, president of the so-called National Fiddlers Assn., is \$3,000 in the clear on his National Hillbilly Jambores, which was held here. It was raining, and KMOX was not cooperating, but nevertheless 18,400 customers plunked down 55 cents each to hear the guitar and blow-jug gentry get hot.

WEW copped four of the five firsts. Roy Schaffer's string band took the warbling contest; Al Boulicault, billed as "Al, the Accordion King," was head of the squeeze box division; Charles Smith, tagged as "Smoky," outdid all; "Tex Waterburg (who is under Sunbrook's management) copped the so-called 'Singing' contest. Excise Commissioner Lawrence McDaniel was the contest umpire, and the applause of the customers decided the winners.

KMOX refused to permit Pappy Cheshire's hillbilly group, winners of most of last year's contests, to participate because of a financial impus last year. Rather than wreck last year's show KMOX permitted Cheshire's band to participate, but forbade them accepting any dough.

Sunbrook attempted to obtain Sixeet Yancy for the yodeling contest last week, but the deal fell through. KMOX called every local station carrying spot announcements for the show, and told them not to broadcast the announcements. Lum and Abner, on a p. a. tour, were delayed by fog, but participated in both performances.

N.A.B. Bulletins Its Membership On Victor Disc Royalty Fees

Song Made Famous By CBS Show Published

Earl Robinson, former Federal Music Commission member, in his new book, "Ballad for Americans" got unusual attention on the "Pursuit for Music" (NBC) program a fortnight ago, is having his work published by Robbins Music, John LaTouche, the poet, did the lyrics.

Paul Robeson introduced the oratorio.

Washington, Nov. 28.
Subtle wingers not to yield to RCA-Victor demands for royalty payments on recordings were to N.A.B. members last week in the form of a long semi-legalese discussion of the "Pursuit for Music" program. The trade body indicated it will employ every legal device (N.B.C. program a fortnight ago, is having his work published by Robbins Music, John LaTouche, the poet, did the lyrics.) to settle the N.A.B. case and said it will continue its efforts to protect the interests of broadcasters.

Indirectness, the N.A.B. failed to advise members to follow any particular course but the advice contained in their suggestion that the payments should not be made and stations should avoid the final determination of the various controversies.

VICTOR WARNS; DECCA LESS SPECIFIC

Unlike RCA Victor, Decca Records doesn't propose, at least for the immediate future, to set a deadline as to when radio users of its records must obtain licenses, or else. Decca has taken the position that stations have been properly notified of the company's attitude and that the responsibility is theirs should they continue to broadcast Decca platters.

In a circular letter sent out last weekend Victor advised broadcasters that the immunity it has permitted them expires Friday (1) and that any airing of Victor records after that date without the license which the RCA's right to collect royalties on behalf of its members and still insists on its claim for direct compensation.

Association has disowned the record company's demand for royalties.

Station owners must keep in mind also the dispute with the AFM, which may affect the use of records, particularly in case the industry rebuffs the musicians and the unions go on strike, the memo continued.

Furthermore, there is a possibility that when present agreements between the AFM and record cutters expire, the union may be able to exact certain terms regarding the ownership of property rights, if that, exist in the records, the NAB warned.

"It is apparent that the rights claimed by RCA are challenged at every turn," trade was advised.

"It is understood that NAPA and the music publishers each wish half of any royalties collected from broadcasters by the record manufacturers, so that no revenue would remain for the individual members of the orchestra and vests all rights in band leaders through NAPA.

AFM therefore wants to control these rights.

"The music publishers contend that RCA does not have the right to license phonograph records for broadcasting. NAPA through Whiteman's appeal contests the injunction obtained by RCA against Whiteman and the station. The station contests the injunction obtained by Whiteman against the station and objects to the Court failing to find a property right in the records by virtue of its manufacturing skill.

"In other words, no one is satisfied."

SEATTLE EXPECTS PACT THIS WEEK WITH IBEW

Seattle, Nov. 28.

With only the wording of the contracts now holding up settlement between local radio stations and the International Brotherhood of Electrical Workers, Local 77, indications are that further talk of strike will not be heard. W. A. Kelly, rep. of the union on the coast, is now huddling with the radio ownership committee and the station boys willing to meet him halfway on a settlement.

Scales and working conditions are the sticking point. It is understood that new scale will be above present rate of pay and there is no split in the committee on salient parts of the contract. It is expected the matter will be closed by Wednesday or Thursday (29-30) of this week.

Union Bans Ray Noble

Date on CBS Band Show

Attempt to pick up Ray Noble's orchestra from Hollywood for Columbia Records radio program, "Young Man with a Band," on CBS was nixed by the Los Angeles musician's union.

Location job at Beverly Wilshire hotel and weekly bit on the Burns and Allen radio show was sufficient work for one band in that territory, decreed the local.

LASKY'S 'GATEWAY' OFF

Wrigley Will Substitute Another
Hollywood Show

Hollywood, Nov. 28.
Jesse Lasky's "Gateway to Hollywood" winds up 39 weeks for Wrigley Dec. 31 and gives way to a new show being filmed.

Leslie Atlas, CBS Chicago boss, came here with the chief maker's decision and announced the replacement would likely originate here.

Wrigleys is reported near closing on successor show. A western idea, cellahoid cowhand, Gene Autry, is under consideration, among others.

Jesse Lasky, who was tied up with the "Gateway" show, is en route to Detroit and Chicago on new sponsorship deals.

FTC Retards 'Retardo'

Washington, Nov. 28.

Barrage of objections was fired by the Federal Trade Commission Saturday (25) at the record industry's published copy of American Clinical Laboratories, Official Research Bureau of New York, Radio City Music Corporation, and Shelley Braverman, promoters of a reducing campaign.

Sease and desist order called for numerous changes in claims for "Retardo" (25) at the record industry has been certified by the research outfits, owned, according to the Commission, by Braverman, the owner of American Clinical Laboratories, Inc.

The Seventh Annual Radio SHOWMANSHIP SURVEY



WILL BE PUBLISHED IN THE NEXT (DEC. 6TH) ISSUE OF

VARIETY

At which time announcement will be made of the stations receiving special recognition for showmanly activities during 1939.

Stations will be awarded special plaques similar to the reproduction above, which is less than one-fifth actual size. The plaques are engraved by a special process on solid copper and mounted on walnut.

ANALYSIS OF PREMIERE PUBLICITY

Columbia Broadcasting System's sales promotion department, in conjunction with the Phil Lord office, New York, has recently conducted an experiment in national-local coordination of a exploitation campaign in connection with a new afternoon program. The show was the series called "By Kathleen Morris" sponsored by General Mills. (5 p.m., EST.)

Freeding the program's debut on the CBS network a press book a la fims was preparing setting forth a variety of tie-ups and other steps which local stations were asked to carry through. All stations got a copy.

Most important part is the detailed check-up made by CBS of just what was done. These represented a clinical study of how home town press and

promotional departments tie-in. It tends to suggest, superficially perhaps, some of the things stations will readily do and the opposite.

A separate transcription mentioning each station call letters in the body of the tie-up was shipped out. They got a big playing with the station apparently liking the local mention touch. It is notable that 'tie-ups with book stores' was pretty much of a stumper although the series was sold on a basis of the foregoing of a best-selling novelist.

On the whole it appears that this is a very useful preliminary venture in a field of cooperative showmanship not much developed, especially as regards afternoon programs. The data that follows is CBS' own. It is from an actual worksheet.

City and Station	Played		News- paper Feature Box Publicity	An- nounce- ment Cards	News- paper Ads	Book Dealer Store Tie-Ups	House Organ Windows	Show Stage Trainers	Movie Trailers	Extras
	Sent Telegram	Trans- scrip- tion								
WOKO, Albany.....	X	X			X					
WCAO, Baltimore.....	X	X			X					
WEEI, Boston.....	X	X			X					
WBEM, Chicago.....	X	X	X	X	X					
WGAR, Cleveland.....	X	X	X	X	X					
KRNT, Des Moines.....	X	X	X	X	X					
WJR, Detroit.....	X	X	X	X	X					
KMBC, Kansas City.....	X	X	X	X	X					
KOL, Omaha.....	X	X	X	X	X					
WCAU, Philadelphia.....	X	X	X	X	X					
WJAS, Pittsburgh.....	X	X	X	X	X					
WPBO, Providence.....	X	X	X	X	X					
KMOX, St. Louis.....	X	X	X	X	X					
WJVS, Washington.....	X	X	X	X	X					
WCCO, Minneapolis.....	X	X	X	X	X					
KLZ, Denver.....	X	X	X	X	X					
KSL, Salt Lake City.....	X	X	X	X	X					
KARM, Fresno.....	X	X	X	X	X					
KXN, Los Angeles.....	X	X	X	X	X					
KOB, Portland, Ore.....	X	X	X	X	X					
KFSO, San Francisco.....	X	X	X	X	X					
KIRO, Seattle.....	X	X	X	X	X					
KFPX, Spokane.....	X	X	X	X	X					
KVI, Tacoma.....	X	X	X	X	X					

* Special interviews with prominent Civic Club leaders, and letters to secretaries of local Civic clubs.

† Interviewed public librarians, contacted church groups, and sent notices to Headquarter Bulletins of Grocery Chains.

MILLER STARTS HIS MUSIC TOUR

Neville Miller, pres of N.A.B. began his series of regional rallies on behalf of Broadcast Music, Inc., with yesterday's (Tuesday) meeting at the Ritz Tower, N. Y. An intensive sled takes him to Dayton, South Bend, Omaha, Denver, Tulsa, Minneapolis, Richmond, Nashville, Dallas, and thence to the Pacific slope.

About 30 broadcasters from some 20 stations were at the N. Y. meeting, which mulled various problems now before radio, but dealt mainly with the ASCAP issue. Meeting endorsed the new music pool, and several said they would subscribe. As rules required a check for 10% and a pledge of 50% of the 1937 ASCAP payments, none of the promises are binding until signatures and checks come in.

Among those present were Bill Fay, Robert Soule, Clarence Wheeler, Edgar Twamley, Cecil Martin, Julius Seebach, John Hogan, Colin Hager, Richard O'Dea, Don Flamm, Sid Kaye, Harry Wilder, E. K. Johnson, Sam Geller, Ike Lounsbury, E. M. Storrer, Bill Hedges and Harold Smith. John Kennedy was present also, although not belonging to this N.A.B. district.

Washington Buzz

Whether another 'unethical practice' case will plague the legal fraternity and the FCC is latest topic of speculation following the Commission's steps to crack down on applicants who do not tell the whole truth. One barrier to a substantial practice is said to have engaged in conduct that borders on deception in its tender through an application for a 'client' who recently has been discovered only an employee, not owner, of his station.

Transcontinental as of This Week

Small agencies reported last week that Blackett-Sample-Hummert was raising their accounts in behalf of the proposed new network, the Transcontinental Broadcasting System. One of the accounts cited was Fred Flier & Co., maker of Double Bubble Gum. Blackett-Sample-Hummert is quoted as telling advertisers solicited that it is giving Transcontinental 22 hours a week.

Elliott Roosevelt, it is said, hopes to get the broadcast rights to the Cotton Bowl game New Year's Day for his inaugural schedule.

Ralph Atlas Signs

Chicago, Nov. 28. Ralph Atlas last week signed for his two local stations to the Elliott Roosevelt-Transcontinental web and both the Atlas WIND and WJXD stations will serve as Chicago outlets and origination points for the network. Likely that WJXD will be used for the daytime hours while WIND will carry the evening show.

Plans still are to start the Transcontinental pumping on Jan. 1, with an exclusive broadcast of the foot-

Hillbilly Epidemic

Louisville, Nov. 28. Louisville's entertainment spots have suddenly broken out into a hillbilly rash. The Nationals has an over from WHAS, Louisville, Saturday night, the Savoy is playing the Golden West Cowboy program from WSM, Nashville, along with Roy Acuff and the Smoky Mountain Boys, while the Jefferson Armory holds a Sunday evening hillbilly jamboree of its own.

Clayton McMichen's Georgia Wildcats and other WAVE, Louisville, talent, compose the army's bill.

St. Paul Breaks Out

St. Paul, Nov. 28. KSTP has gone hillbilly for its daily 6 to 7 a.m. stretch, except Sundays. Program is titled "Sunrise Serenade," with Cal Karnstedt doubling as m.c.-producer. It's fed to the Minnesota Network.

Performers include Eva Greenwood, the Rodie Twins, Pete Angell and his Mountaineers, John Maxedon, Herb Wilson and Boris Ratoff.

NIGHTY oaks from WBT's acorns grow

You'd have thought those acorns were nuggets. The rush came not only from the Carolinas, but from as far away as Wisconsin and Iowa. The Mayor of Darlington, S. C., speaking on a WBT farm broadcast, casually mentioned that he had some thousand acorns lying in his orchards and if anybody cared to nurse a live Carolina oak, WBT would be glad to send the means wherefore. Unaware he had started an avalanche, he went on to the main subject of his talk, the delightful town of Darlington.

WBT's live oaks grow all over the country now. And in Canada, too. A week after the broadcast, came a letter postmarked Saskatchewan (1,830 miles from WBT). Its writer said that where she lived there wasn't an oak tree for miles around. She owed her radio much, she wrote, but she never dreamed it would be the means of bringing real Carolina live-oaks to her door—for nothing! By the time WBT rushed off her trees-to-be, the Mayor's supply of acorns was completely exhausted.

In such broadcasts WBT serves its listeners. It serves its clients, too, by planting the seed of their sales messages in minds made willing by just such brilliant radio as WBT creates each day. Sales grow, on WBT. Any Radio Sales office will help your sales too.

WBT
CBS

CHARLOTTE, N.C. • 50,000 WATTS

Owned and operated by the Columbia Broadcasting System. Represented by Radio Sales: New York, Chicago, Detroit, St. Louis, Charlotte, N. C., Los Angeles, San Francisco

50,000
WATTS

820 ON
THE DIAL

POWER plus RECEPTIVITY

WHAS reaches one of the largest audiences in the Middle West because it broadcasts with the maximum power (50,000 watts) on a wavelength (820 kilocycles) which insures clear reception. Within the primary area served by WHAS there are 5,539,828 people, who spent, last year, a total of \$1,296,831,000 in retail outlets. Sell YOUR product to the buyers of this territory through the station whose signal permeates the market with the greatest power and clarity...

WHAS
BASIC CBS OUTLET

Represented Nationally By Edward Petry & Company
Owned and Operated By The Courier-Journal
and The Louisville Times

RADIO MUSICIANS UNION FIGHT

THURMAN ARNOLD INSPIRES HOPE

New Strategy by Broad-
casters Hits 'Unnecessary
Men' Angle—Meantime
N.A.B. Has a Brainful of
Worries

SOCIAL ASPECTS

With negotiations for a renewal of employment agreement between the American Federation of Musicians and the Independent Radio Network Affiliates having come to an abrupt halt, intimations are being made in employer circles that there is a good chance of the whole controversy being tossed into the laps of the U.S. Department of Justice. Such action would be based on a statement recently made by Assistant Attorney-General Thurman Arnold in which he held that unions which make a practice of forcing the employment of unnecessary help could be held liable under the antitrust act. Counsel for some organizations within the industry have already drawn up briefs on the subject for submission to their clients.

These lawyers contend that the intent and practice of the agreement now prevailing between the industry and the AFM comes within the purview of Arnold's statement. They argue that the union has every right to increase wages and designate under what conditions members will work but that it cannot, as pointed out by Arnold, try to impede technological progress by declaring that in order to get the services of its members the employer must hire so many extra men.

The situation is back where it was Nov. 1, the day before IRNA's executive committee received the AFM's plan of contract renewal. The IRNA committee has advised the affiliated stations that the AFM had withdrawn its plan of Nov. 2 and tossed the onus of submitting a substitute proposal back at the affiliates. The committee had asked that all future negotiations for the employment of

musicians be taken out of the hands of the federation and left to the local unions.

In his letter to the IRNA committee Joseph N. Weber, AFM prez, said, "If IRNA or any other organization of radio affiliates desire the services of members of the union, they must negotiate with the present agreement, it is necessary that they make to the federation proposals as to the conditions under which they will employ its members. If such proposals are satisfactory to the federation, members will continue to render services—otherwise not. In the event no such proposals are made by IRNA or other organizations of broadcasters, the federation will assume that they no longer desire the services of its members."

IRNA Dues Slack

Letter on the AFM situation which the IRNA committee addressed to the affiliates last week declared that it felt that it has now left the matter apparently in the shape in which most affiliates want it. IRNA will therefore do nothing further and withdraw from participation in AFM negotiations. The next move, if any, is up to you. IRNA is at your service if you wish, but its resources are quite limited as, to date, only about 70 stations have paid the modest dues authorized at the Chicago convention.

Before the IRNA committee submitted its counter-demands to the AFM's executive board it was assured by network officials that the affiliates could depend on the vets to stick by them in a showdown, even if the controversy led to a general strike. The networks have already informed the AFM that they won't agree to any increase in musicians payrolls for stations owned and managed by them.

Weber's letter of withdrawal to the IRNA committee charged that the latter's answer to the AFM proposal contained allegations "not based on facts" and that they were "in reality forced misrepresentations and arguments against the said agreement, all for the purpose of preventing a renewal of same under conditions to which the federation will agree."

AFM States Position

AFM position as stated yesterday ("Tuesday") was that it had no intention of dealing with individual employers and that any agreement affecting its members would have to be made with the broadcasting industry. There is no power, it was added, that could make AFM members work if they didn't want to, and the federation can't believe that anything could prevent the AFM's members from acting as a collective unit.

NAB Resolves on Stand

Washington, Nov. 28. Concern about maintaining a solid front and uncertainty whether a showdown now is desirable were the main industry reactions to the sudden blow-up of negotiations between network outlets and the American Federation of Musicians over new contracts beyond Jan. 17. Consider-

able sentiment in favor of forcing the issue has reached N.A.B. headquarters, but the trade association is hesitant about taking a hand at the moment.

A detailed report as to what went on between AFM and Independent Radio Network Affiliates during several meetings was sent out last week through N.A.B., but it was

nothing more than a concise summary of the stand taken by the warring factions and offered no advice to individual station owners.

The N.A.B. is in the middle, secretly hoping that both the chains and IRNA will stand firm and persist in mixing the AFM demands but alarmed that one or the other will weaken, making complete surrender

inevitable. Assurances from both groups that they mean to go through with their negative responses to the Joseph M. Weber unionists have not given complete peace of mind.

Some disagreement about strategy from this point on. There is a considerable feeling that the industry must bring about a decisive test of

(Continued on page 27)



"Music is a brutal business," says

ARTIE SHAW

Why did Artie Shaw quit last week? "Politics, corruption and a system of patronage aren't the only things a musician has to fight," says the King of the Clarinet. "What's worse are one-night stands and long, brutal jumps that wreck a man's health." Here's his fantastic rags-to-riches climb... from 47¢ cash a year ago to \$6,000 an afternoon, and what it did to him!

THE SMOOTHIES BABES-CHARLIE-LITTLE

Recording for Bluebird and Victor
Listen to "Myrtle"
on Bluebird and
"The Little Red Fox"
on Victor with Hal Kemp

**MORE NATIONAL ADVERTISERS
USE
WNEW THAN EVER BEFORE!**

Because goods do move faster when advertised over WNEW, more national advertisers are sponsoring WNEW programs than ever before in our history!

There is a reason: By all independent surveys, WNEW ranks first in number of listeners of any New York non-network station.

on request—

NEW YORK
SERVING NEW YORK AND NEW JERSEY 24 HOURS A DAY
5000 WATTS BY DAY—1000 WATTS BY NIGHT
1250 KILOCYCLES

This week in **5¢**
**THE SATURDAY
EVENING POST**

Local 'Educational' Show Sponsored But Lacks That Showmanship Flair

Albany, Nov. 28. Station WOKO is broadcasting (under clothing store, McManus & Riller) sponsorship) a program which brings in students of public and parochial schools to compete as orators on matters of current interest. A cup goes to the school winning the most points as the series unfolds.

While the programs are at present missing many opportunities from a view of the showmanship point of view it does appear that basically the idea is an excellent and practical formula for unifying sponsorship and the local school system. The audience of relatives, fellow-students, etc. is fairly large to start with. Given more care and spontaneity and with teacher caution partly removed the program might have the necessary inherent appeal to engross wider circles.

The program is called 'Youth Speeches' but its main impression is that youth may be speaking, but adults are telling them what to say. There is obvious voice coaching also.

Boy announcers and the boy and girl speakers would be of more general appeal if it were plausible that they were under their own steam and not parrots for adults. A cheering squad of students to react in youthful partnership would give life to the program.

Jaco.

'NEW VOICES'
With Jean Merrill
15 Mins.; Local
Sustaining
Sunday, 5:45 p.m.
WOR, New York

Similar to station's 'New Tune' program, this stanza is dedicated to bringing singers to attention. Jean Merrill was the first, using up the full 15 minutes with unblatant house band accompaniment. Soprano vocalizing was clear and established the range, but her delivery lacked the mechanical, lacking feeling.

Selections were 'Beautiful Lady', 'Through the Years' and 'A current touch, Day-By-Day'.

James Muefer, program director, and Richard Pattison, announcer, have resigned from WSPA, Spartanburg, S. C.

'NED JORDAN, SECRET AGENT'
Dramas
At 10:30 p.m.
Sustaining
Thursday, 10:30 p.m.
WOL, New York

Ned Jordan's undercover agent activities are the result of a story by the same writer that turns out the 'Green Hornet'. Latter part recently shifted from Mutual to NBC after a long sustaining contract. It is a replacement for the 'Hornet', also emanating from WXYZ, Detroit.

As unfolded this catching, Jordan's activities in behalf of law and order were well written and produced place that told its tale in one episode. There was somewhat along the lines of the 'Gangbusters', being written in flashback form, several characters explaining the action to others, then fading while it was worked out or produced.

Performances were okay and the variations were good. Ned Jordan and his criminal opposition were well handled.

Story concerned unraveling of a plot to steal airplane plans. One of the characters was an innocent man to throw suspicion off himself, while planning to steal the drawings. Jordan's side also impersonated the same guy to round 'em up. For awhile that portion was a bit confusing but it straightened it self out.

Final line was the usual 'you can't win' moral with a twist. Announcer called 'All shout for Leavenworth'.

'NEW TUNES'
With Frances Rhein, Bob Stanley
Orchestra
15 Mins.; Local
Sustaining
Sunday, 7:45 p.m.
WOL, New York

'New Tunes' professes to be directing its efforts toward unearth worthy melodies that somehow have escaped attention. This program is really a case of anything that grooves except the operatic. But especially it must have One More Kiss, Kiss which is being heavily pluggd.

With Bob Stanley's able arrangements and the voice of Patricia Rhein, WOR program takes on the status of a sustaining band pickup.

'KAY'S MARATHON OF MUSIC'
30 Mins.; Local
Sustaining
Monday, 12:30 p.m.
WDAF, Kansas City

Every radio band nowadays wants a production twist for its radio inlay. Now comes Herbie Kay with the idea that 30 tunes in 30 minutes would be something. The old B. A. Rolfe-Geo. Washington Mill gallop.

Vocals, special arrangements and novelties were used as usual, but it was a steady half hour gate for the orchestra. Plugs were cut to their pitch by John Gault, assigned to the station-hour broadcasts. Orchestra actually only scored 25 tunes but probably could reach 30 if choruses only played.

RADIO REVIEWS

Production Note

Boston, Nov. 28.

In setting up the program for WBZ's morning Hamilton-Woods electric organ concerts by Doris Turrell, engineers tried all manner of microphone combinations and placements for the best results.

At the end of long siege they discovered that the best pickup resulted from putting the mike in the line of the chimney above the studio fireplace.

'YESTERDAY'S CHILDREN'

With Dorothy Gordon, James Roberts, Ronald Liss, Jack Manning, Robert Walker, Tom German, Hugh James
15 Mins.; Sustaining
Friday, 7:30 p.m.
WBZ, New York

'Where are yesterday's children?' That's the springboard for this stanza, which then asks what the men and women of today were doing when they were yesterday's children. Each week a prominent American's favorite childhood book will be mentioned, after which the men and women of today were doing when they were yesterday's children. Idea is obviously to draw the audience to the program by pre-bedtime story hour. And just the same, the series will compete with the cliff-hanger band of puppet shows.

Wings, the children remember these as their favorite programs. When the band comes out of tomorrow's. A period of weeks will help give the star, Sherry, the chance to shine. It was impressive (as publicity) to have President Roosevelt's favorite child, Family Robinson, but actually no actual script.

Dorothy Gordon, who's well known for her song and story activities for the youngsters, is WBZ's director of children's programs. She is the one who she knows it. She is the person, no doubt of that.

Wings, the producer and Gordon Nugent wrote the initial drama, which was a real gripper, but retained too much of the goody-goody character.

'Yesterday's Children' will have to pull up its socks to capture the Hobbs.

MOLLY PICON
With Abe Elstein, Seymour Eckstein, Barrett Sisters, Allen Williams
Comedy, Songs, Orchestra
Sundays, 8 p.m.
WMAZ, New York

Molly Picon is back singing the virtues of the Maxwell House brew, which is a good thing. She is a very much more than a Yiddish used to be. She is a very much more than a Yiddish used to be. She is a very much more than a Yiddish used to be.

The comedy, whether in Yiddish or in English, its study into Miss Picon's part mannerism. The guests are neatly turned for the primary trade, while the songs are ingratiatingly listenable regardless of the language on which they are sung. The customary routine on this program is to encourage its dance orchestra to attempt such a feat in radio; but the comedy is so good that the guests get highly pleasant support in the singing department from Seymour Eckstein, the tenor, and the Barrett Sisters, rhythm team.

Five-minute spot has been set aside on the new series for a bit of love and heart, tugger. The dramatic passage is the dial version of a supposedly true anecdote submitted by some listener. It is a free case of Maxwell House coffee. The sample drama is a right up the emotional ally of Miss Picon's following.

When not parrying gas with Miss Picon announcer Allen Williams remarks in English the role of the Cheek, radiant roset and the special and toward the end of the program a Yiddish anecdote expatiates on the same theme at length.

VINCENT CARL'S ORCHESTRA
Saturdays, 8 p.m.
WCY, Schenectady

Carl's band, airing 8-8:30 p.m. Saturdays from Newman's Lake House, Saratoga, is small unit. Emphasis rather than screening this, the unit plays a half hour without a single vocal. Few straight dance orchestras attempt such a feat in radio; but the comedy is so good that the guests get highly pleasant support in the singing department from Seymour Eckstein, the tenor, and the Barrett Sisters, rhythm team.

Fay Bainter and Nan Soderland guested on the Campbell show Sunday night (28). Bainter's original stage roles in 'Dodsworth' and the Sidney Howard adaptation of Sinclair Lewis' novel 'Dance of Shadrach' were created on Broadway by Walter Huson. Although the yarn suffered from the necessary lifeless, it was a success, it held up strongly via the radio. The play was presented successfully from the novel to the stage and then to the screen.

Paul Whiteman's playing of 'The Dance of Shadrach' was a success, it held up strongly via the radio. The play was presented successfully from the novel to the stage and then to the screen.

Welles stroled through the warm but contradictory emotional contrast to the lineup of dance music just after that late hour. Selections were inclined to be melodic and fairly simple, and not too long. The selection show was a pleasant offer to the following night's symphony program.

Hein Mayes and Fredrick Mark teamed Sunday night (28) on the Gulf-Screen Guild show from New York. The program was a 30 minute edition of Piner's 'The Place Where the Heart is'. The love's magic spell makes everything beautiful offered expansive dramatic scope. Even light script didn't succeed in dissolving the old-fashioned sentimentality of the material. Stars turned in smooth performances, heightening the emotional appeal. Miss Hayer's speech about how even a plain woman's dreams of beauty was touching.

Paul Whiteman's program, Chesterfield, joined the maestro last Wednesday (22) in celebrating his 20th year in the band business and the program (CBS) was rich in the musical fare that has over the years become associated with Whiteman. Chesterfield's verbal tribute was delivered through the program's announcer, Paul Douglas. Said the latter: 'A young man 20 years ago started off with a band. During that time he has discovered more careers for people than any other man in the business. Congratulations, Paul, you have always been and will be the top.' Whiteman chose the occasion to plant for the first time in this commercial series a short version 'The Rhapsody in Blue'. Hereafter, he had confined himself to the position's opening strains as a warm-up. Other high spots of the evening's repertoire was the band's mixed arrangement of 'Dark Eyes'. Tom Edwards, uniquely ingratiating treatment of 'My Fantasy' and the band's lively projection of 'The Hot Gavotte'.

George Jessel's program was a solidly entertaining 30 minutes of comedy-variety last Friday night (24) for Vitalis, with Walter Connolly, Joan Edwards, tentacles lya Tolstoy and Teddy Bergman clicking on various guest assignments. With a way of making his name some extemporaneous Jessel managed to make his fun out of his material and whoever writes the stuff connects the match the characters of the various visitors. All deftly done, Bergman contributed another of his goofy single-tail bits. Countess

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AVAILABLE FOR SPONSORSHIP
RAYMOND TOMPKINS
Top Flight Commentator

7:30 P. M. — Mon., Wed. & Fri.
A popular program with an enthusiastic following. Talent cost: \$100 (net) weekly.

WFBZ
BALTIMORE, MD.

THE LONE RANGER
TOWN TALK BROADCAST
KFEI, DENVER
KFEI, DENVER
KFEI, DENVER

Dear Radio Directors:

The chief difference between a "big-time" radio station and a "small-time" station is this — the "big-time" sells radio — sells listeners — sells potential buyers. The little fellow sells billboards, throw-aways, counter cards, direct mail, newspaper space — sells everything EXCEPT RADIO.

Buy WOV and you buy more listeners. Yours very truly,

WOV
OMAHA, NEBRASKA
MANAGER, RADIO STATION WOV
Omaha, Nebraska

SETTING THE RECORD!

WHN
TRANSCRIPTION SERVICE
1540 BROADWAY, N. Y. C.
BYRON 7-9800

Rotary Club Not Innocuous

Sensation in Canada as McGill Prof. Scorches Poland, Chamberlain's Pre-War Policies

Montreal, Nov. 28. Local government station stepped into a heap of trouble last week when a McGill College prof's speech at the Montreal Rotary Club was carried without the usual preliminary investigation as to nature of proposed talk. Expecting the type of innocuous material common to professional addresses, CBC asked no questions. Instead of playing straight man.

Prof. Adolf turned in a belting denunciation of Poland's treatment of minorities combined with a crack at Chamberlain's "stupid" pre-war policy which brought a flood of complaints from the daisies and listeners.

To top it off the regular Berlin short-wave broadcasters hastened to capitalize on Adolf's speech, quoting portions of it in English. The Berlin short-wave broadcast further infuriated local listeners and more criticism of original speech followed.

CBC has passed a law of some kind about it and, in the meantime, is enforcing a regulation that permission for all talks for charitable or cross funds must first be obtained from the Government.

'Dr. Susan' Takes Powder

Lever Bros. 'Life and Loves of Dr. Susan' serial folds on CBS Dec. 19 after 46 consecutive weeks.

Program plugs Lux and is produced by the J. Walter Thompson agency.

WROK, Sp'field, to MBS

WROK, Springfield, Ill., joins Mutual net Dec. 1. Operates on 1,000 watts day, 500 night on 1,410 kilocycles.

Outlet is affiliated with Rockford Morning Star and Register Republic.

Staff Scroll to Bill Fay

Richester, N. Y., Nov. 28. WHAM staff gave surprise party for Manager William Fay on 10th anniversary of his regime. Gave him a parchment scroll.

Guests included E. A. Hanover, v. p. of Stromberg-Carlson which owns the station.

Radio Maps Fight

Continued from page 25

strength with groups demanding a constantly-increasing share of its growing revenues. At the same time, more cautious leaders wonder if radio can win public support by defying the musicians and possibly precipitating a strike. Idea has been expressed that, with careful handling of the public relations angle, radio can win general listener sympathy, but there is nothing like unanimous accord on this point.

Reason for alarm lies in the fact that numerous individuals who have been heaving political rocks at broadcasting for several years would seize upon flat turn-down of the AFM as another opportunity to make capital out of the alleged greed of the 'radio trust'.

What the FCC might do is another conundrum. While the Commission strictly has no concern over labor relations of licensees, there is some apprehension that the hard-boiled element on the regulatory body would raise the question whether the industry is serving 'public interest' by taking a position which may lead to curtailment, if not cessation, of service. This is deemed far-fetched, but, in view of the crack-down proclivities of certain New Deal appointees, not beyond possibility.

Danger in trying to call the AFM

Fraudulent Television Stock Charge To Be Tried In New York Dec. 27

lies in the chance that at the last moment some bloc would lose heart and capitulate. Then the rest would have no alternative but to sign up on Weber's terms.

Doing a Custer

Feeling is obvious that radio must do a Custer pretty soon. With several groups wanting a bigger slice, notably American Society of Composers, Authors & Publishers and the musicians, with American Federation of Radio Artists apparently marking time before using the ultimatum method, and with the transcription writing counting on the courts to assure royalty payments for platters, there must be an end sometime. Particularly if broadcasters are to pay a huge share of the bill for production television and international service besides losing income via the NAB code restrictions.

The important question mark is hitched to strategy. It will be better to surrender and wait for a better time for the tug-of-war, in the minds of several leaders, than to take a gamble and lose in the present dangerous situation.

State of New York versus the Gold Star Radio & Television Corp., Charles Henry Davis, Jr., David E. Forsyth, William L. Shelton, and Arthur E. King, goes to trial Dec. 27, N. Y. supreme court justice Ferdinand Pecora will preside.

Action claims misrepresentation in the sale of stock, and seeks to restrain the sale. The corporation was formed in April, 1937, for the purpose of building one or more radio and television broadcasting stations. Two classes of stock were to be issued, Class A in 100,000 shares at \$5 per share, and 10,000 shares of Class B, no par value voting stock.

It is alleged that shortly thereafter, Davis, the president, was given all the Class B for virtually no consideration, and the public was sold the Class A at \$4.25 a share. Numerous misleading statements are also charged to the defendants.

George T. Case has joined WTMV, East St. Louis, as program director. He comes from WING, Dayton, where he was program director and production manager.

DETROIT STAND OFF RAP

Detroit, Nov. 28. Radio biz here hasn't been materially affected by the long Chrysler-CIO strike as yet, but pinch will be on from here in as stores hold off or trim Christmas advertising budgets. Strike, which has kept 150,000 idle directly or indirectly, is now in its eighth week.

Settlement of the dispute soon is expected to release plenty of pent-up coin for ozone bally but annual holiday season outlay isn't likely to approach previous years for the simple reason that local stores, doing a large share of their cash and installment biz with auto workers, can't hope to rake in anything near normal with millions of dollars in payrolls going by the boards weekly. Moreover, biz in other plants here can't offset the loss to Chrysler workers, corporation's dealer outlets, et al.

National spot biz hasn't shown any appreciable decline since the Chrysler slow-down started first week of October and isn't expected to do so unless the dispute runs longer than expected. Ditto on network sales. Moreover, locally-placed biz has held up much better than anticipated through the first seven weeks of the strike, the small proportion of accounts lost being made up for by time bought by the disputants in a battle of 'who's demanding what of whom.' Bulk of the CIO biz went to WMBC and WBIC, indie stations which in the past few weeks have carried half-hour programs six days a week.

Effort made by local stations to keep sales on even keel during the strike is typified by WLBK promotional activities, which resulted in a record volume during October. Station sent out 1,500 telegrams over period of 13 days to 98 advertising agency account execs and key men in all ad department stores. Telegrams dealt with programs available and general sales talk.

A STATEMENT OF POLICY

We have now completed our first urban analysis.

We believe that the industry will agree that the sample of 25 separate coincidental surveys made in cities with an aggregate trading zone population of 6,765,079* is adequate.

We expect to continue at regular intervals a re-auditing of listening habits in WLW-land using these same cities as a base.

We feel that the degree to which we can improve our service increases with the exactness of the knowledge we are accumulating through these studies.

We do not think of WLW only in terms of its huge number of strictly-urban listeners, but, in these test cities alone, we definitely know what we are doing among 6,765,079* people.

*ABC Trading Zone Areas as listed in Standard Rate and Data.

WLW average weekly listening audience in 25 urban markets—

Cincinnati, Ohio.....	51.8%
Charleston, W. Va.....	36.8%
Columbus, Ohio.....	39.6%
Dayton, Ohio.....	49.9%
Fort Wayne, Ind.....	34.7%
Indianapolis, Ind., t.....	33.8%
Kokomo, Ind.....	53.3%
Lexington, Ky.....	47.3%
Lima, Ohio.....	53.0%
Louisville, Ky.....	11.3%
Muncie, Ind.....	66.4%
Newark, Ohio.....	69.3%
Springfield, Ohio.....	63.9%
Anderson, Ind.....	70.8%
Huntington, W. Va.....	50.3%
Ironton, O., & Ashland, Ky.....	34.1%
Marion, Ind.....	55.0%
Maion, Ohio.....	48.8%
Porthmouth, Ohio.....	47.6%
Zanesville, Ohio.....	45.3%
Terre Haute, Ind.....	31.7%
Richmond, Ind.....	72.4%
Bloomington, Ind.....	51.1%
Mansfield, Ohio.....	54.3%
Lancaster, Ohio.....	54.4%

AVERAGE FOR 25 MARKETS.....41.9%

WLBK
AND COMPANY
NEW YORK
DETROIT
CHICAGO
SAN FRANCISCO
★
RADIO STATION
REPRESENTATIVES

WLW THE NATION'S
most "Merchandise-Able"
STATION

Several Different Ways to Win Cash

Hudson Coal Show Loaded With Money Appeal to Audience

Schenectady, N. Y., Nov. 28. "Musical Memories," half-hour with Louis Trio & Mahr, sponsored by Hudson Coal Co., on hitting the air via WGY Dec. 5, carry biggest cash giveaways of any program yet staged in this zone. All phases of contest are based on skill or memory. Any fan submitting a popular song, past 30 years which Landt Trio fails, to complete satisfaction of judges and studio audience, to sing, hum, whistle or play, will be paid \$10.

Another portion of program, on which a hitch is reported by NBC's doubt whether it can be done without the possibility of running into some music rights violations, calls for spontaneous submission by visuals of song titles. If the experts can't do the number, they suggest it to receive \$5, with the fan having a chance to earn an additional five spot by going to the show to sing, hum or whistle selection. A third section of broadcasts will bring the Landt trio in action for a cash prize. stumped audience. Volunteers must be able to name approximate year a

song was published, author's name, theme and radio station. Winners there will receive \$5. Dialers also may shoot at prizes for remembering brief advertising slogans of sponsor, this to be done on coming to studio the following week. The contest will be able to win \$16, calling three, \$10 for two and \$5 for one. Coal company is not to be Scotch nor miserly in awarding the questions easy enough to produce winners gift mine.

WGRC's Agency

Louisville, Nov. 28. WGRC is preoccupied presently with giveaways including almost everything short of a grand piano. For example, one 30-minute morning show (participation) called "Turkey a Day," in addition to the national bird, sponsors reward lucky listeners with silverware, jewelry, clothing and many other items of merchandise. On the Treasure Chest program, prizes are hams, choice of dress shoes, watches, electric toasters, percolators, etc.

Half hour stanzas, twice weekly, for Pepsi-Cola, averaged 200 winners each of whom received two cartons of the beverage. Program requires 10 phones to receive the calls, and phone company reported that around 800 calls were lost, due to inability to handle.

P&G Cash for Boxtops

Procter & Gamble is now directing its cash appeal through the churches. The manufacturer is offering 1/2¢ each for boxtops turned in to churches to receive the calls, and phone company reported that around 800 calls were lost, due to inability to handle.

Ever-Reliable Radio

Dallas, Nov. 28. Radio helped a college get a student last week. Situation came about when WFAA broadcast a story appearing in the Dallas News about North Texas State Teachers' College had 2,399 students enrolled, who had another year's tuition. Geraldine Camp's father wired her tuition, sent her off to school.

Chamber of Comm. Bids For Gainesville Station

Gainesville, Ga., Nov. 28. This north Georgia burg (pop. 6,524) has filed application before FCC for permit to operate station. Chamber of Commerce is behind move. Henry H. Estes, prez of chamber, signed application in behalf of group seeking permit.

Action followed questionnaire sent out civic body asking for opinion if they would be interested in investing in a local station, locally owned and operated. Replies through such a station. There were 22 replies indicating interest in having station, and 37 in not having.

A current bulletin issued by C. of S. states: "It is felt that with the co-operation of Brenau, Riverside (colleges in Gainesville), the high school, the mills, and other organizations, programs of outstanding importance will be rendered."

Sumner Granby, from WCOP, Boston, was added to announcing staff at WCAE, Pittsburgh, replacing Bob McKee.

DEPT. STORE CHARMED

NBC Wins a Smile From Aloof Establishment

San Francisco, Nov. 28. Although San Francisco department stores have never been cordial to the radio, Emporium, town's biggest, has installed in a store window a miniature broadcast, with animated caricatures of NBC personalities presenting a ten-minute "program." Something of a technical masterpiece that took three months to build at the O'Dee Studios here the display shows KGO-KPPO personalities in 1600 kilowatt miniature suits that speak, sing, stand and sit, mouth and gesticulate according to their respective parts in the show. The action and lip movement of the costumed performers is coordinated by sound stimulus as well as mechanical devices. From a record, previously cut by the performers represented in the display, the program is heard and the action controlled.

Those who saw the mechanical marvel before it went into the store window for five-week run voted it a cinch breaker-downer of almost any department store unless dead to all enterprise.

Drawing tens of thousands to the doorway and effectively pulling in the NBC radio audience may also serve to bring Frisco department stores and radio closer together. Broadcasters' doubts have been attempting to establish sound stimulus as a radio medium for stores, but without success.

The miniature broadcast, seen in every store, is the brainchild of Milt Samuel, KGO-KPPO publicity manager. Al Dinsdale was director, Cyril Miller, animation and sound engineer, and Laurie Hollings production manager.

MORE SELF-REG BY STATIONS BEGINS

Kansas City, Nov. 28.

Following the FCC's recognition of stations KFTU, WIRE and KLO in this zone, the latter station's allotment, Jack Stewart of KCMO, Kansas City, stated that several stations in 1600 kilowatt zone are in similar cooperative agreements to the Federal board in a request for power increases.

KCMO was recently granted permission to increase to 5,000 watts daytime and with other stations on its wavelength will ask for the extension to night time. WGAR, Cleveland, and WHOM, Jersey City, are already in agreement on the plan. WAGA, Atlanta, Ga., and KTBS, Shreveport, La., are considering, but are faced with technical difficulties.

Step would involve installation of directional antennae, KCMO now having only one in the city. Associated stations are agreed upon this step and L. C. Sigmon, KCMO chief engineer, is already working with engineers of the other stations in furnishing the necessary information.

Step has been under way for several weeks and application is to be filed promptly. KGCK, Wolf Point, Mont., and WSAR, Fall River, Mass., have indicated no desires in the matter.

Just off the Press! Business In BALTIMORE

thereafter issue now being mailed to 2,000 retailers in the Baltimore area.

IN THIS ISSUE—

EUGENE G. GRACE—president of Bethlehem Steel Corp. reports employment of more than 25,000 men in Baltimore and average wages \$34.75 above 1929.

HARTLEY R. JENKINS—analyzes prospects of rural income for 1940.

BALTIMORE RETAILERS—predict this will be greatest Christmas buying season in 10 years.

CAMPAIGNS—of precinct and announcement advertisements are published in this issue. Local and national spot advertisers place more programs on WBAL than on the two other major Baltimore stations combined—

BECAUSE THEY KNOW—

WBAL means business in Baltimore

NEW COVERAGE MAPS BY NBC

NBC is furnishing its affiliated station with new sets of maps showing what the network considers as the individual outlet's coverage. Copies of these maps are also being distributed among the network's salesmen, who are being urged to use them. They will not be left with advertisers or agencies. NBC wants to avoid being placed in the ticklish position of having to take sides in any coverage dispute between two of its affiliates in the same town. The issuance of these local maps usually precedes the release by NBC to agencies and advertisers of composite coverage maps for the red and blue networks.

Vox Pop on Choo-Choo

Wally Butterworth and Parks Johnson will get out of town Dec. One-time for Vox Pop will be from the Union station in Washington, D. C., as a stunt aboard the Silver Meteor. It's for Penn Tobacco and over CBS.

From the Production Centres

IN NEW YORK . . .

Katharine Seymour and Laurence Hammond collaborating on scripting assignments for Transamerica. . . Ronald R. MacDougal scripting 60-minute dramatic show, tentatively titled "The Man Who Was Christmas," for sustainer airing Dec. 24, over NBC blue.

Dick Porter, v.p. of Stacks-O-New York office, is traveling with the Horace Heidt band for its "Pot of Gold" broadcasts from St. Louis. . . White on the Coast Porter will also give the o.o. to the "Sherlock Holmes" series which his agency has on the air for Bronno-Quinn. . . Benson Inge, who did feature writing for "Y. World-Telegram and the Herald Trib," has joined Benton & Bowles' publicity staff.

Elwyn J. Rowell, of the U. S. Agricultural Marketing Service, in New York to arrange a phase of the "Farm Home" program. . . Natals, Mac Benhof, Sid Zalinka now supplementing Gene Conrad and Jerry Devine as writers for Tommy Riggs-Quaker Oats program. . .

Lucy Monroe made the hurdles for the Chicago Civic Opera in an audition of less than five minutes. . . Jason Whitley listened. . . Phil Lord's Bernard L. Schubert marries next week and goes to Florida. . . Budd Hays (Sloppage and Budd) plays the "Mr. District Attorney" last Sunday (Dec. 3), his dramatic debut. . . William Lewis, CBS program director, to Coast for about two weeks viz. . .

Charley Kemper option picked up for "Tommy Riggs" show. . . Earl Glade, of KSL, Salt Lake City, in N. Y. . . Gus Haenschel, radio pioneer, ticks off 15th year in this week. . . Now on Pet Melk, which has 54 CBS stations, but not WABC. . . Frank Rucinski, health improved.

Nelson Case succeeded Kelvin Keen as spieler in "Hilda Hope, M. D." . . U. S. Marine band back on the NBC blue Thursday with Taylor Branson still on podium, cancels a Norman Clouser show.

Dave Edman trained west to guest at hobby exhibits in Des Moines to (Wednesday) and Milwaukee tomorrow. . . George White guests on Benny Venola's first program on WOR Friday (Dec. 29) and on Sundays. . . Ted Steele's Novachord started weekly sponsored bill for agents Cigar on WOR Friday (24) 10-15 p.m. . . Zeke Mannert on Wednesday (24) for visit home. . . Jerry Bangs of WOR, San Francisco, Coast. . . Kate Smith reveals her annual all-collegiate football team selected with the help of the nation's coaches on her program Dec. 8.

IN CHICAGO

Roy Shield, NBC central music director, off on an Arkansas duck hunt . . . Elmer Yorke, either performer, has turned poet, and some of her rhymes will be used by Tony Wons on his Hall Printing show. . . Bertha Curran of the NBC educational department on WOR Friday (Dec. 29) as producer for the Radio Council of the Chicago Board of Education for wedding late in Dec. . . Sid Strotz, NBC central chieftain, arranged to give Women's Advertising Club Christmas luncheon demonstration how a radio show is sold. . . Otto Ward, of the Hoosier Hot Shots, recouping after appendectomy. . . John Travis has joined the cast of "Arnold Grimm's Daughter."

Cadets quartet replace Morin Sisters on Breakfast Club for NBC Mondays. . . Dining Sisters replace Vagabonds on same stanzas' Saturday from. . . That's David Dole doing the "Bill Murray" comedy romp for Red Heart. . . "Home Town, Uncorporated" has Virginia Merrill, Wayne Vandyne, George Barnes, Bob Ballentine, Martin Hurst and conductor Bob Trembler. . . Charles Guerin's authoring "Li Abnau" on NBC . . . players include John Hodiak, Hazel Dopelie, Clarence Hartzell, Laurette Filbrandt, Allen Franklin. . . Betty Arnold into "Guiding Light."

IN HOLLYWOOD

It was option lifting time last week for C. B. DeKille and Lou Sivers (Lumex) and John Scott Trotter (Kraft). . . National Lead Co. bought Tom Breneman's quilter, Answer Answer, for airing on KNX. . . Rush Hughes doing week of broadcasting for Langendorf Pictorial in Frisco. . . Charlie Vanda back at KNX after three weeks' cruise down Panama way. . . Orson Welles tackling "Hot Horizons" Dec. 3 with Sigrid Gudek femming . . . head Lewis Allen Weiss general chairman of this year's Institute of Radio at University of Southern California. . . Bill Morrow receiving end of a divorce action. . . Knox Manning got a fan letter from Mark Hollinger. . . Don Gilman looking Loring Thurston of KGU, Honolulu, sailing back home after four months' tour of the mainland.



By JANE WEST

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

Presented by Ivory Soap • 99¢ 100% pure

LISTEN TWEED DAILY

NBC Red Network, 12:15 to 12:30 P. M. EST

IN . . . COAST TO COAST

DR. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG., NEW YORK CITY

Entertainment . . . Program . . . news and sporting event . . . the one who can't miss why CFCF is the MOST AWARD-WINNING radio station in CANADA's metropolitan. This is why, year after year, National advertisers are quick to choose CFCF.

CFCF and Short Wave CFCF

Owned and Operated by

CANADIAN MARCONI COMPANY

NBC affiliate

Representatives:

CANADA U.S.A.

All Canada Radio Facilities West & Canada

FCF dominates a BI-LINGUAL AUDIENCE of over 1,000,000

John Shepard Fights for Privacy Of Payroll at Boston Investigation

Boston, Nov. 28.

Biggest development last week in Boston's so-called "radio vend" was John Shepard and the Maurice Flynn camp, was tax commissioner William X. Long's warning of his intention of the incorporation of the Mayflower Broadcasting Co. which is battling Shepard's suit for \$100,000. The FCC examiner for allotment of the Colonial network station's wave band.

Long stated that he had withdrawn his approval of the new company name, "I find they didn't have any money. They didn't have any property." They had cashed in on "radio vend" and were sent to execs of Mayflower Co. as well as to secretary of state Frederick C. Ives.

Long decision came at the end of the week during which John Shepard, 3d, head of the Yankee and Colonial regional webs, had been subjected to lengthy cross-examination. It was followed on Saturday by attorney General Paul A. Dever, moving in State Supreme Court to have the revocation of the Mayflower certificate ordered.

FCC hearings at federal court were adjourned over weekend after examiner George P. Porter, of the FCC, denied a WAAB motion that proceedings be ended altogether. Porter had also refused to allow the Mayflower company to call former mayor Richard M. Russell, of Cambridge, as a witness in regard to the attorney general's supreme court procedure.

Earlier in the week, it was revealed that tax abatements which were denied under the administrations of mayors James M. Curley and Frederick W. Mansfield were obtained by the Shepard stores under the administration of Mayor Maurice J. Tobin. So testified former president of the now closed department store.

Total amount of the abatements was placed at \$100,000 by attorney James Gum, counsel for the Mayflower Broadcasting Co. Then yesterday (Monday) attorney Paul D. P. Spearman, counsel for WAAB, called Mayor Tobin to the stand in rebuttal. When questioned, Tobin testified that he had never talked over these tax abatements with Shepard and that the whole matter had rested in the hands of the Board of Assessors. He said that there were many such cases pending, one since 1932, and the city had decided to get rid of them. The city tried (Continued on page 33)

Flashes From Boston

Boston, Nov. 28.

Having read in VARIETY examples of the rhymed jingles WBZ traffic manager Gordon Swan used to showman his weathercasts, commercial manager Kingsley Horton of WEEI wrote Swan a letter of congratulations for making a prosaic subject interesting.

Bob Freeman, ex-WEEI announcer who resigned to give full time to his band, returns to the air with the band playing over that station Saturday nights from the Brown Derby.

WBZ sportscenter Bob Evans gets no Florida vacation this year because he will broadcast all Bruins hockey games.

John McNamara received a huge carton of throat lozenges, together with an unsigned letter suggesting that he pass them on to WBZ announcers.

Muriel Daniels, lyric soprano, joins the staff of the Yankee Network and makes her debut on "Tone Tapes" Tuesday.

Harold E. Fellows, WEEI manager, spoke before the Junior Advertising Club Thursday.

Henry W. Lundquist joins WEEI staff this week as script writer, under Lloyd G. Del Castillo.

RCA-NBC Television

Wednesday, Nov. 29

2:30-4:45—Louise Irwin, body building exercises.

2:45—Film, "SKI Trails of New France."

2:55—Film, "Russian Symphony."

3:30—Film, "The West Indies."

3:45-4:30—Fashion Preview of the Television Hall by Milgrim;

McClelland Barclay, artist, and Betty Goodwin, Rodde Hamblers, Terry Harris.

Thursday, Nov. 30

2:30—Film, "A New Adventure."

3:15-3:30—Film, "Atlantic Holiday."

8:30-10—Film, "Mayerling," with Charles Boyer, Danielle Darrieux.

Friday, Dec. 1

2:30-2:50—Film, "Harlem Rides the Range," with Herbert Jeffrey, Artie Young and Clarence Brooks.

8:30-10:30—"Roxley," by Martin Berkeley, with Russell Hardie, Andy Donnelly, Anthony Ross, Kate Warriner and Helen Ray.

Inside Staff—Radio

WOR's latest work of promotional art, "Hand to Mouth," deals with the findings of a survey it angled among grocers and supermarkets in New York City and the outer New York trading area last March. It covered 322 grocers. The book states that over 50% of the grocers questioned had sets in their stores and that their first and second choice of media gave radio 60% and newspapers 14% on an established product and 61% for radio and 25% newspapers for the introduction of a new product. On the point of station preferences for a food plug the grocers' choices were as follows: WABC, 17%; WOR, 15%; WVEA, 6%, and WJZ, 4%. The Grocery Laboratory, sales checking organization, did the job.

Young & Rubicam currently has three men handling its spot broadcasting accounts, namely, Ralph Starr Butler, Jr., Joe Holmes and Russell Young, with the trio coming under the supervision of Carlos Franco, head of station relations for the agency. Under the new arrangement Holmes spends most of his time out in the field contacting stations on local programs and other matters. If he hears something worth while Holmes shoots a transcription of it into the agency and if it's okayed he's on the spot to close the deal.

C. E. Hooper survey of the week of Nov. 8-15 shows Jack Benny running ahead of the Chase & Sanborn coffee hour for the first time. Rating this checkout put Benny was 34.4%, whereas the C & S stanza drew 34.2%. Same checkout shows the NBC-red responsible for the fight out of the first 10 leading programs, with Columbia and the Blue splitting the other two between them. Lux Theatre (No. 3) is the lone CBS stanza and Walter Winchell (No. 6) is the blue representative.

Final barrier in the way of Broadcast Music Inc., stock salemen was knocked down Wednesday (22) when the Securities & Exchange Commission ruled against the registration statement filed by the N. A. B. publishing enterprise. Final consent to seeking funds for the venture came within 48 hours after the N. A. B. submitted minor amendments to the original papers.

WGYN, Schenectady, which has been winner or runnerup for several years among NBC-operated stations with the lowest lost-time mark, was silenced for 13 minutes and 40 seconds at supper hour Nov. 28. "Dead" period was caused by short circuiting of a high-voltage rectifier transmitter.

KVOR does MORE than "cover"

...it PENETRATES its market!

● Coverage, says Webster, is the portion of a group or of a community reached by a particular advertising medium. KVOR offers more than coverage for KVOR does more than reach or extend out to the cities in its listening area. A better word is penetration, for surely KVOR enjoys the faculty for entering or piercing its market area.

Reduced to people and dollars KVOR's market is 219,007 people who spend nearly \$54,000,000 a year in its retail stores. People in Castle Rock, in Canon City, in Pueblo, in Pueblo, enjoy KVOR's entertainment, respond to KVOR's product exploitation with an enthusiasm equal to that in KVOR's home town, Colorado Springs.

Giddings, Inc., Colorado Springs department store, for instance, after three years on KVOR, writes: "It is not uncommon for us to completely many orders from Cripple Creek, Canon City, Pueblo and many other cities as a direct result of our KVOR advertising." And Waymire Clothing Company testifies: "We have used daily advertisements over KVOR the past two and a half years and have been advised of its far-reaching effects by customers who come from outlying territories and nearby towns as well as from customers in our own city who have heard our advertisements."

Evidence is abundant on all sides that KVOR is the home station of Southern Colorado. The way into the homes of this Fikes Peak region is through its home station.



Pillsbury Uses Polish

Detroit, Nov. 28.

Pillsbury Flour is reaching Detroit's Polish market through series of 15-minute daily skits over WJBK. Seventy-eight episodes are being written and presented in Polish by dramatic group at station, while window streamers in 84 Detroit groceries are ballying shops. Deal set by Hutchinson, Minneapolis.

Ebel Berman, formerly of WTOL, Toledo, has joined WJBK's staff as continuity writer and publicity director.

Peterson Kurzer's Job

Chicago, Nov. 28.

Peterson Kurzer joins the International Radio Sales office here on special selling assignments under Ralph Well.

Kurzer was previously with the Blackett-Sample-Hummert and Kasar agencies.

MAKE NOTE TO USE

WJBL
COLUMBUS OHIO

ALL-TIME LOW
CENTRAL OHIO

500 WATTS DAY
1000 WATTS NIGHT

JOHN BLAIR & CO. BIRMINGHAM



I am depending on KVOR as one of the most effective mediums of reaching the public. It is gratifying to see our machinery working full time and KVOR is due much credit as it had the responsibility of most of our advertising program—Johna Foust, Dr. Pepper Bottling Company.

We bought KVOR program to convince the public of our superior service—and it has worked. In the face of price cuts, which we did not meet, nothing has fortified us so well; nothing has carried the letter and spirit of our message so completely as KVOR—Orville Potts, Ideal Cleaners.

KVOR Colorado Springs

THE OREGONIAN PUBLISHING CO. • THE OREGONIAN & TIMES • THE FARMER-STOCKMAN • MULTISTAR EXPRESS
WEY, OREGON CITY • KLE, DENVER (Affiliated Management) • REPRESENTED BY THE KATH Agency, Inc.

CBS Affiliates
Full Time

Inside Stuff—Music

What Abe Olman, now general manager for Robbins Music Corp., calls a "bedroom rendition" of his 1917 song hit "Oh Johnny, Oh Johnny, How You Can Love," is an unexpected windfall for Fred Forster, the Chicago music publisher, himself and for the estate of Ed Rose, his late collaborator on the tune. Bonnie Baker, vocalist with Grinn Tucker's band, now in San Francisco, is credited solely for the unexpected revenue which may hit 250,000 copy sales. Their Vocalion waxing is already a best seller in the same surprise category as "Old Man Mose." Sales to date have hit 100,000.

Another Forster song hit of yesteryear, "Missouri Waltz," is likewise enjoying a revival, and there are many others. Olman cites his own 17-year-old daughter with the new generation, these ballads were both brand new (Feist) and "I Cried for You" (Miller), both companies affiliated with Robbins, and both of which songs have been recently reissued. To the Olman has, representing a new generation, these ballads were both brand new. That's the explanation for "Oh Johnny," according to Olman, plus the fact that the rendition is rather unique.

Incidentally it was 1917 that Olman and his present boss, Jack Robbins, but then an apprentice plugger under Olman, traveled from coast to coast exploiting "Johnny into a 1,000,000-copy hit (a Woolworth special at a time in those days, however).

Accurate Reporting Service has returned to its system of not including a tune in its plug resume unless a full chorus of the number had been broadcast. Checking out recently departed from this strict line of demarcation and allowed numbers that had all but a line or two played to get into the count unless professional agents started to clamor about being omitted even though the number in question had but half a chorus, tacked on to the end of a sustaining band pick-up. It was decided to resume the old counting method rather than encounter any more arguments of the type.

The Italian Book Co., Inc., and Edward B. Marks Music Corp. have settled their differences out of the N.Y. federal court, and the Italian company's action for an injunction and an accounting was dropped yesterday (Times). Action for the unauthorized publication of a song of the plaintiffs entitled, "Tango delle Rose." The plaintiff claimed to have published the song in a book entitled, "Collection of Italian and Spanish Songs for Mandolin" in 1928. The disputed publication was done in 1932, in French, Italian, Spanish and English.

"Boy Meets Horn," novelty trumpet number featured by the Duke Ellington band's Rex Brown was written by the young, over-year ago Benny Goodman recently recorded it for Columbia, the only recording outside of Ellington's. Stewart has been in it stage shows with the Ellington band continually since the unusual notes he plays via a half-closed valve." Chris Griffin trumpeted for Goodman's version.

The coming "Young Man With a Horn" play, saga of Bix Beiderbecke, is causing Mills Music to give the Ellington-Stewart, a club cent piece.

It was in the choir lot of a little college chapel that in 1911, F. Dudleigh Vernor, Detroit organist, composed the still popular "Sweetheart of Sigma Chi." Sentimental tune of a sentimental tune this week. A new organ console went into Michigan's Albion College remodeled chapel. The old organ on which tune was written was moved down the street into house of Albion chapel of Sigma Chi Fraternity.

"The Silver Jubilee of the Blues" has been set for celebration next March 24. Edward Laska, who is a singer, is planning the statue to honor the 25th anniversary of W. C. Handy's "St. Louis Blues" and tie it in with a memorial tribute to George Gerwin.

George M. Cohen is the chairman of the event, and a host of show biz and music men head sundry committees.

A couple of Memphis boys have beaten Tin Pan Alley to the punch with a war song in verse called "Stay Home," martial tempo but natural in lyrics. Written by Hugh Mooney, one-time Broadwayite, now expediting on income tax matters here, and Jack Morgan, of local radio here. Earn't been played yet; Mooney and Morgan angling for a local radio introduction first.

Abrer Silver's new book on "How to Write and Sell a Popular Song" has quite a few inside leads for the trade. He's grouped them under the captions of "How amateurs drive professionals crazy," "How publishers drive writers crazy," and "How bandleaders drive publishers crazy."

TUNES OF THE TIMES

TOP SONGS ENDORSED BY TOP LEADERS

Radio's Biggest Song Success

LILACS IN THE RAIN

Lyric by Mitchell Parish

Music by Peter De Rose

A New, Powerful Ballad!

THIS CHANGING WORLD

Lyric by Harold Adamson

Music by Dana Sussie

A Fast-Moving Rhythm Hit!

SMARTY PANTS

Lyric by Johnny Mercer

Music by Walter Donaldson

This Year's Gayest Party Song!

DOWN IN THE ALLEY AND OVER THE FENCE

by the writers of "The Man With The Mandolin"

Rapidly Rising To Hitdom Height!

A TABLE IN A CORNER

Lyric by Sam Coslow

Music by Dana Sussie

ROBBINS MUSIC CORPORATION, 799 Seventh Ave., New York

MURRAY BAKER, Gen. Prof. Mgr.

LEO TAUBENT, Prof. Mgr.

Band Reviews

VINCENT BURNS ORCHESTRA (12)

Quintessence, Westside, N. Y.
Booked into this spot after a half year of theatre dates, this outfit of the pleasant mixture of music and entertainment. Occasionally there are some "blatant" disc periods, but their well-developed stage style combined with the propelling action of the quarter-shell in which they work here.

Four of four axes, four brass and three rhythm, with Burns at bat, the orchestra is a well-balanced and has good intonation. The two trumpets and two trombones have a solid attack. Most vocals are taken by trumpet rider Mike Dickinson, who plays trombones (a saxial doubling) blending well for some effective shading. Their Poor Butterfly arrangement features four clarinets in colorful effect.

Alton Dean (Al) Landers II delivers plenty of virtuosity on the sax and in scat song choruses, demarcating both talents on "Basil St. It's Wonderful," "The Good Evening," the entire ensemble are "Girl of My Dreams" and "Arabia," the latter featuring some precise brass pyramids.

Most of the band are by pianist Don Starr, who writes in frequent solo spots. Victor Foster, pianist, and trombonist Phil Kuller, drummer George Maronell, and sax-clarinettist Bernard Wolff.

Toned down a little, Vincent Burns and his boys should be in for a long stay.

Gilb.

DON O'BRIEN ORCHESTRA (8)

Colony Club, Chicago

One of the newer musical aggregations and one that looks to have possibilities. Orlando Orsini has played to gether with the band in the vicinity, Chicago scene. Poor Air and his band in a Colony in one place. Has found a place for itself among discriminating patrons.

Good smooth and sweet aggregation, and with only eight pieces prominent in the band. The orchestra room and makes for dancing as well as listening. Topping the arrangements is the accordion as played by Orlando himself. Gives the entire orchestra a novelty flavor that is rich and a cinch for popular appeal.

Cool, easy to be built in standard 100-piece pieces for the bulkier rooms, especially for ballrooms where volume is an important requisite.

Gold.

Bands In, Out of Ft. Worth

Ft. Worth, Nov. 28.

Al Kavelin played Assembly Ball, annual debutante affair, in Crystal Ballroom of Hotel Texas, last Friday. He began a two-week engagement at Hotel Texas. The next night, after Gene Beecher left Den for Washington, Kavelin held at Shreveport will be back at Den for Christmas holiday season, beginning Dec. 11.

Lake Worth Casino, its dance pavilion warmed by new heating system, has brought in Chan Chandler from New York. Chandler is scheduled to play at the Casino through Dec. 15 for Christmas season (Enc. Bands to Jan. 2) not yet set.

Music Notes

Walter Kuick and Fred Alaire clefted "There's No Time For Love" (the Present), to be sung in Metro's "Broadway Melody of 1940."

Jimmy McHugh and Frank Loesser turned in four songs for Paramount's "Buck Benny Rides Again." Ditties are "Dum in the Night," "Say It Over Again," "My Kind of Country" and "My, My."

Max Terr took over direction of chorus 110 voices to sing the musical background of "Gulliver's Travels" at Paramount.

Kate Smith's Request Song Folio being published by Robbins, who also has issued a Teddy Wilson piano solo folio.

BAND BOOKERS INCORPORATE

Albany, Nov. 28.
International Attractions, Inc., has been chartered to conduct a band and orchestra business in New York. Directors, who have equal allotments of stock in the 100 shares authorized, are: Walter Reade, Jr., Leonard Oliver, John N. Gresham of New York City.

Harry Berman was filing a journey. Greenhut was formerly a band leader with Consolidated Radio Artists. Reade, Jr., is son of the showman.

Network Plugs, 8 A.M. to 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 Sunday through Sunday. Total of recorded and recombinant performances out of the two major networks from 8 a.m. to 1 a.m. Sunday+Monday film song, 1 legit, all others are pop.

STATION	PUBLISHER	GRAND TOTAL
Atlantic	Phlegm	42
Capitol	Shapiro-Bernstein	38
Columbia	Robbins	36
Decca	Shapiro	33
Mercury	Crawford	31
Parade	Shapiro	29
Real Gone	Crawford	29
Sam	Shapiro	28
Sealing of Heaven	Miller	28
What's New	Olman	24
Blue Orchids	Famous	22
13. Rando Grande	Shapiro	22
Last Night	Pist	22
Monday Night	Shapiro	22
All the Things You Are	Very Warm for May	21
Faithful Forever	Gulliver's Travels	21
Stop! It's Wonderful	Spier	21
Melancholy Lullabye	Famous	19
Honolulu	Shapiro	19
Moonlight Serenade	Robbins	17
Good Morning	Merrell	16
Make with the Kisses	Shapiro	16
Oh Johnny, Oh Johnny, Oh	Forster	16
Soave and Sweet	Shapiro	16
I'm a Careful	Kid Nicker	15
It's a Hip-Hop Happy Day	Gulliver's Travels	15
Honolulu	Shapiro	15
Biceps You	Words	14
Clint Biri Bin	Parliament	14
Indian Summer	Shapiro	14
I Must Have One More Kiss	Santly	13
Make with the Kisses	Shapiro	13
All in Favor Say Aye	Harms	12
Day-In-Day-Out	Bregman	12
Work on the Greatest Discovery	Shapiro	11
After All	Sun	11
13th Street in Singapore	Shapiro	11
Cherokee	Shapiro	10
I Thought About You	Shapiro	10
I'm an Eighteenth Century Drawing Room	Circle	10
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Artie Shaw's Comeback

Continued from page 1

highbrows go) where he will hibernate for a spell. He's supposedly working on a book dealing with the contemporary music scene if not too thinly disguised form which, like his other iconoclastic actions since hitting the public eye, is said to be quite frank.

Basic inside on Shaw, apart from the theory about the "New Music" industry, is that he seems best attuned to a situation while he's on the move, and as soon as he clicks he gets bored.

Shaw has a piece out today (Wednesday) in the "Saturday Evening Post," the "Saturday Evening Post," in collaboration with Bob Maxwell, which also is plenty lively on the trade.

Shaw's scam-out from the Penny is perhaps the biggest band maestro story in years. It made the nation's front pages on the elementary aspect alone that there was a public vice favorite who deserted his band at the peak of his career, just as he was in the bc. position to really cash in.

The suddenness of his departure is

perhaps best joined by the fact on the very Wednesday night (22) that Shaw scammed the Penny he had a back-page advertisement in Variety of the same date ballyhooing himself and his show biz achievements.

More Good SEP Timing

In the Satvepost story Shaw cracks, "I'll be out of the band business before it gets another chance to become the musician in America hasn't only a financial and artistic problem with which to contend, but must fight politics, corruption and a system of patronage."

Interview is somewhat along the lines of his recently paid party interview but is not quite as scathing antipater. Says the latter are the "spectacles of royalty."

Shaw wouldn't advise anyone emulating him "because I learned during my illness on the Coast that while a quarter of a million will buy a lot of things, it won't buy the energy you blew making it. Irregular hours, no recreation, food on the run, and nervous tension will get you sooner or later."

BERLIN-BULLETIN

The First Dynamite Song Hit of 1940

CARELESS

The Most Talked of Song This Is

TOMORROW NIGHT

Announcing FOR EARLY RELEASE the greatest songs of a decade in the greatest motion picture of all time

WALT DISNEY'S "PINOCCHIO"

- * WHEN YOU WISH UPON A STAR
- * TURN ON THE OLD MUSIC BOX
- * GIVE A LITTLE WHISTLE
- * I'VE GOT NO STRINGS
- * LITTLE WOODEN HEAD
- * THREE CHEERS FOR ANYTHING
- * HI-DOODLE-DEE-DEE (An Actor's Life For Me)

IRVING BERLIN, INC., 799 Seventh Ave. N. Y.

N.Y. Agent Group Calls Mass Meeting To Discuss Union Bargaining Front

A mass meeting of all New York agents has been called for tomorrow (Thursday) afternoon by those talented representatives behind the formation of an agents' organization, to present a united front in bargaining with the talent union. Meeting is scheduled for the Edison hotel hall at four o'clock.

A steering committee of the agents' organization was held Friday (28) in the offices of attorney J. Robert Broder. Decision on the mass meeting was made then, with the agents present also deciding on tentative list of Artists Representatives Assn.

Until an election of officers is held, Broder will act as president. At a second mass meeting to be called for next week, the steering committee is temporarily holding the new association's reins and will preside at Thursday's gathering, with Broder as chairman.

Agents and agency reps who'll be on the dis will include Nat Lefkowitz, William Morris office, Charles Freeman, Consolidated Radio Artists; Warren Pearl, General Amus Corp.; Tommy Rocco, General Amus; Fanchon & Marco; Mark Leddy, Joe Florman, Herman Citron, Bernie and Bill Offin.

Steering committee has left the question of supporting the ARA as an open matter pending the election and formation of an executive committee which will decide on dues. It is agreed that the first officers of official business will be an attempt to get together with the American Guild of Variety Artists to work out an equitable license or franchise agreement.

All-Embracing

There is also complete agreement that the ARA be an open agents organization encompassing all the fields in show business, rather than being limited to vaudeville (and niteries). It is pointed out that many agents are now also concerned with radio and picture business, and there are very few agents or agencies who specialize in strictly one field. In substance, the feeling is expressed that the agents are faced with problems from other talents besides AGVA. Licensees of agents by the American Federation of Radio Actors, also the Screen Actors' Guild, intend to spread their licensing to the east, have been brought up as cases in point. This is the first attempt at a 100% agents organization since N. Y. License Commissioner Paul Moss' attempt to ticket the talent rep around five years ago. The agents then united and won out in a test case that disbanded Moss' illegally managed to license many of the agents at that time. Didn't feel an organization necessary though warned that future trouble might arise, and some of the opinion that an association of such sort would only work in favor of the larger offices.

Steering committee of the new association will attempt to circumvent the latter opinion. Idea is to have reps of every type agency on the executive committee in order to give each agent a voice in the organization.

WESTCHESTER CENTER'S \$4,803 IN TWO SHOWS

First week of both matinee and evening vaude and matinee bands at Westchester Center, White Plains, N. Y., drew 2,837 to the afternoon session and 4,803 to the evening showing Sunday (28). Mat. at 40c-55c, garnered \$1,442 and evening, 55c to \$1.10, brought \$3,361, for a total of \$4,803. Bands were Hal Kermel and Charlie Barnet. Show, hall cost between \$2,500-42,800.

This week's will be an evening showing only, as was the opener week ago Sunday (19). It will be Bob Crosby and George Hall bands (Saturday (2)), due to previous commitment for hall on Sunday.

\$20,000 NITERIE FIRE

Iron River, Mich. Nov. 28. Fire, apparently caused by overheated pipes, leveled the Club Monte Carlo, niterie, nine miles south of here Wednesday (22). Cesare, a local operator, estimated the loss at \$20,000. Lack of water prevented local firemen from saving the building.

AGVA's 1st Meeting

American Guild of Variety Artists will hold its first general assembly get-together Jan. 7 with a rally at a midtown New York hotel. Following week (Jan. 10) the union's New York local will hold its first membership meeting and election of committees, also at a hotel to be selected.

First of the two gatherings will be open to all those interested. Second will be closed to non-members.

Philly to Look Like Philly on New Yr.'s Eve

Philadelphia, Nov. 28. Loss of more than \$100,000 in night club business due to New Year's Eve. Some night is being kept by merry proprietors. Unless the powers that be show some leniency, the night spot nabobs will keep their places shuttered night of Dec. 31, lest they lose their licenses permanently. An order signed by members of the State Liquor Control Board was sent to all night club operators last week reminding them that the Sunday Blue Laws will be strictly enforced.

A group of the leading case owners sounded out the board officials in the hope they would allow them to open the bars after midnight, but they were firmly informed nothing doing. Officials of the Lord's Day Alliance have announced they will be on the lookout for any violation of the Sabbath laws. A wholesale flouting of the law will undoubtedly bring a crackdown on the part of Governor Arthur H. James, who is close to the church element in the State. With a Presidential bid in his bonnet, he is making certain that he has the church vote solidly behind him.

Officials of the musicians, waiters, bartenders and cooks unions estimate that the following of New Year's Eve biz means a loss of more than \$100,000 in wages to their members.

St. Louis, Tex.

St. Louis, Nov. 28. If police enforce the state and city laws New Year's Eve, natives will have just 90 minutes to do their illegal celebration in public places. Chief of Police John Glasco and Excise Commissioner Lawrence McDaniel pointed out that New Year's Eve is the only time when all public sale of liquor is banned. However, the law permits liquor dispensaries to remain open at midnight Sunday and shutter at 1:30 a.m. Monday.

AGVA Mulls Taking Over Outdoor Workers, Four A's May Okay It; Exec Sec Denies Agency Squawks

American Guild of Variety Artists, currently working out its program for improving conditions in the vaude-niterie-circus fields, is also considering taking over representation of all circus and carnival workers, as well as performers. Question will be decided today (Wednesday) by the board of the Associated Actors and Artists of America, the parent union.

There are two distinct sides to the problem. One is that the Four A's originally objected to Ralph Whitehead's action in bringing the circus roustabouts into the American Federation of Actors, on the ground that he was exceeding his jurisdiction. On the other hand, it is argued that when the recent Four A's-IAATSE-AFA squabble was settled it was understood that the Four A's had the American Federation of Labor's approval in extending its jurisdiction to cover circus and carnival labor. It's also claimed by

those in favor of taking in the non-performer group that if the field is taken over, the union could make take over the laborers and assume the performers, who would be greatly outnumbered.

In case the Workers are taken in, the idea would be to keep them in a separate classification from the performers, with each outfit given authority to deal with matters in its own domain. In that way, neither group would be permitted to dominate the other. In the Ringling-Barnum-Circus-AFA squabble, Whitehead permitted the roustabouts majority vote over the performers to sell the move.

Whole question is still in the air, with both sides being forcefully pushed. However, those opposed both in the AGVA board and among the members of the Four A's board are figured to have the edge. Nothing is certain, however, until the couple of weeks, at least, and the decision is expected to be ultimately against the move.

Denies Threat to Agents

Cleve. Niteries Hit B.O. Skids; Silent Pix as Come-On

Cleveland, Nov. 28. Niteries are already feeling the pre-Christmas slump and, not expecting it to improve much, majority are slicing payrolls as far as possible. Even the hotels have chopped floorshows down to two or three acts at the most, substituting house-promoted stunt nights in the first week of the year.

Fenway Hall, first here to give dance band one night off, has put in a series of old-time silent film bits as a Monday builder-upper. Screen and projection machines set up on bandstand during supper seshes for entertainers Chaplin and Mack Sennett, along with Denny Thomson gagging them up with a nickelodeon piano accompaniment. Statler's Terrace Room is also trying to needle its dead Wednesday nights with Cuban dance exhibitions, staged by Arthur Murray dancers and local debutante, Frances Ernst. Niterie boys blame two deluxe gambling clubs, just across the county line, for stealing their trade. Built have bingo as a come-on.

In the matter of the agency license question, after the certain agents against the AGVA action is minimized by Dorothy Bryn, the publicity secretary of the union. According to her, no agency has farmed any complaint, criticism or suggestion to the union. She knows, to any other officials or members of the board. She adds that the matter is being handled by the union is up to the agency committee, which is receiving all suggestions from members and is also receiving complaints or suggestions from agents.

Report that discussion of the license question took up considerable time at the AGVA board meeting are denied by Mrs. Bryant, executive secretary of the union. She says the matter actually was merely referred to the license committee without discussion. She estimates in any years that AGVA contemplates any action against the agents are groundless. No claim is made that anything is to be done. She adds, adding that it is naturally the union's aim to make possible for all elements in the vaude-niterie field.

Some concerns that the union will make new regulations affecting the agency business, but points out that no conditions were such that no changes were necessary there would be no need for a union in the field.

AGVA's request to all licensed agencies to submit to the union examination by the union is merely to see that the license regulations are being observed. Two records, she explains. One is that all performers' handled are members of AGVA, as stipulated in the license agreement. The other is that the union's rules are being obeyed.

In any case, Mrs. Bryant states, the agents are protected by the clause in the license of agreement which requires that all disputes be submitted to arbitration before the American Arbitration Assn.

Negotiations with the major vaudeville circuits will be started late this week in New York by the American Guild of Variety Artists. Unions have drawn up a series of "basic requirements" in the way of pay and working conditions which will be presented to establish in the huddles with the Paramount, RKO, Loew, Warner and Brandt management. View is that the new New York agreement will serve more or less as a model for all out-of-town houses in later discussions.

Kelly's Denial

Philadelphia, Nov. 28. Thomas J. Kelly, big agent for the United Entertainers' Assn., once ill-affiliated with the defunct American Federation of Actors, strongly denies reports from New York that he demanded that he be kept as agent as the price for joining the American Guild of Variety Artists.

"That is a — — — lie," Kelly said. "We sent in our application as AGVA requested. With it was a petition signed by 150 members asking that the present officers be kept for a period of 90 days. At the end of that time we asked that the membership be allowed to vote on the question of who should constitute their leaders. That is all we asked."

Cantor Resuming Tour Of Vauders in Cincy

Eddie Cantor is resuming his tour of the picture houses Friday (1) at the RKO Albee, Cincinnati, with his original troupe. Cantor's stage show policy in his new tour is to play at the Shubert, but is being switched for the week to the much larger capacity Albee.

Cincy date is on the same 50-50 split arrangement under which Cantor has been playing all picture theatres. A tour of one-nighters is being lined up to follow this booking. Suddenness of Cantor's return is evident by the fact that Bert (Mad Russian) Gordon was all set to do an act on his own with Mitt Dineen as straightman. A booking for the Hipp. Baltimore, had been set, but cancelled to let Gordon to work again with Cantor.

Agent Licensing Drive Renewed By Moss in N. Y.

New York License Commissioner Paul Moss is again on the warpath and "ordering" unlicensed talent agents to appear before him and "show cause" why they shouldn't be licensed. In the past few years, Moss has managed to license a pretty high percentage of the talent reps.

Moss' tactics' now are similar to those of former years, when his "subpoenas" usually resulted in the agents getting court summonses if they failed to comply with his wishes. However, Moss was defeated in virtually every case that went to court.

First case of any consequence involved Charles H. Allen, then in partnership with Jack Curtis. The late Maurice Goodman, formerly chief counsel for Keith-Albee and Attorney Harold Goldblatt, defended Allen in Special Sessions court and won. Several other cases, with J. Robert Broder, acting as counsel for the agents in most of them, also resulted in the License Department coming out on the short end.

L. A. Palomar Rebuilds

Los Angeles, Nov. 28. Plans are being drawn for reconstruction of Palomar on site of niterie destroyed by fire.

Insurance companies paid off \$39,000 last week.

The Show Window of Show Business

34th Anniversary Number of VARIETY

To be published late in December

USUAL ADVERTISING RATES PREVAIL

ADVERTISING COPY MAY BE SENT TO ANY VARIETY OFFICE

NEW YORK HOLLYWOOD CHICAGO LONDON
154 West 46th St. 1708 No. Vine St. 54 W. Randolph St. 8 St. Martin's Pl.

Night Club Reviews

VERSAILLES, N. Y.

Kika Janis, Adelaide Moffett, Panchito and Maximilian Bergerre orchestra.

Somewhat the Versailles, one of the latest night spots in New York, has never quite made the grade as a truly class room—at least as interpreted from the Stock, St. Moroc, Monte Carlo and St. d'Orleans. It's that "x" quantity among topnight niteries which puts certain rooms into certain categories. The Versailles seems to have everything to make for that distinction, and yet, after a number of seasons, it is still starting to assume it. Perhaps it's new exploitation; perhaps it's final recognition that Nick Norcross and Arnold Rosshoff are giving the customers a pretty sharp kick all around.

Certainly, from a talent standpoint, this spot is most intensive about what it has to offer. Perhaps the hosts don't buy as many free drinks, or don't send an occasional case of wine home to their star customers, but the club goes to extremes in seeing to it that the amusement scene is kept refreshingly shifting. Changes are noticeably, unless the attraction warrants a longer stay, and the budgets are pretty elastic.

Perhaps with the Janis' New York comeback—and into a niterie—the Versailles may finally go over the top. Maybe the presence of socialite songstress Adelaide Moffett, who has played the Persian Room and Waldorf-Astoria circuit (so that puts the claim after her 100%) has had something to do with it. Anyway, the room, which is so artistically a replica of Marie Antoinette's favorite summer palace (in its paneling decor, anyway), is getting a socialite draw. After all, if you get Betty Frazier into any joint, that kinda makes it doesn't it?

Miss Janis is further under New Acts. Miss Moffett holds over from the Abbott and Costello (doubling from 'Streets of Paris') bowed out. When Miss Moffett closes here, she joins the DeLaRosa in the Serf Room of the Waldorf.

As a songstress, with or without a Park avenue background (her father was Federal Housing Commissioner), she is

she has improved vocally, but retroacted scorchingly. Her costume now doesn't do her justice, but her false idea aren't a presumed standard of so.

Vocals: she has a good repertoire of not-too-familiar ballads, deftly arranged. "Gone With the Wind" medleys "I'm Yours" with "Time on My Mind," "Syracuse Blues" and "Penhouse" and "Glad to Be Unhappy" are all smart songs, smartly chosen for her style.

As for the rest, Panchito is still a killer-diller with his Latin trend. He's in his second year here; did the straight band, Maximilian's distinguished turnout at the preem, Al and his usually effusive maitre d' at the door, and Roberto ade-de-come.

Incidentally, now that El Morocro has abandoned its long familiar zebra stripes, the Versailles' wait tables have the most distinguished background for photographic function, along with the leopard-skin background at Armando's niterie. All right, the Versailles' wait tables, now about present-day nite life—you used to build a joint for the customers, now you gotta worry if it'll also sell wine. Abe.

RAINBOW ROOM, N. Y.

Mary Raye and Naldi, Lois January, Senator Ford, Anne Gerard, Betty Frazier, and the orchestra of Bettie Randall, Eddie LeBaron orch, Dr. Sydney Ross.

Good show at this class sky-high niterie, the Rainbow Room. The lineup in recent months. It's a nice blend of s.a., variety and class. Save for Lois January (New Acts), making her New York case debut, the three stars are repeaters.

Mary Raye and Naldi have some new and unusual trap routines although they are by access to the enthusiasm, doing too much. Opening night they dished forth some things of a size, routines which they're extraordinary in their style and presentation, and seemingly no content to rest on their past performances. They have interjected their own novelty with a few songs, and that "Sylvia" lyrical discourse—some music—dancing to the cadence of the poetry, which is certainly a new wrinkle.

Senator Ford is a holdover from bigtime vaudeville. Which gives him an idea of his showmanship and stability but, as previously noted, when Ford marked his first Rainbow Room engagement, he needs punchier material. His present routine is more effective than first time out, and the topical chatter productive of a few snickers, but it's the type of smalltalk that Jule Fannin, Doc Rockwell, Senator Murphy and the rest of the crowd would love to hear with a prop heater. Knows how to time his lines, and in general is a woe as an after-dinner speaker, or before a more relaxed theatre crowd. He's got a sense of humor when they're drinking, etc., the effect, while good, isn't too socko.

Anne Gerard opens with her pianistic medley on the Steinway which makes a circus of the room on the revolving dance floor. Strictly a class personality, she gets by on her charm first and the ivory work second. Latter is proficient enough but since pop-meddlers are

no novelty, on or off a revolving dance floor, it's palpably a case of Miss Gerard regressing primarily on her appearance.

For the rest, Ben Cutler has improved in poise and ease of movement, but he's still a little far from the fire; forerunner: dinto the band. Cutler reminds of Al Donahue's vocal style, but he's more of a singer, and his same room, gaining assurance with the months in properly pacing his enunciation. The actuality of his special talents with songs, rumbas, and the "Syracuse Blues" and "Penhouse" is another holdover, and an amazing close-up worker with the cards, coin tricks, etc. Abe.

GAUY NINETIES

(BEVERLY HILLS, CAL.)

Beverly Hills, Cal., Nov. 24. Jack Pepper, Pat and Patsy Moran, Marguerite Padula, Catts Bros.

A bit of the old Bowery in Beverly Hills, shaping up more as a noble experiment than sound business enterprise, this spot was formerly a straight eatery and the transformation was seemingly without regard for the customer's welfare. The booths are where they were, the former, which had some of the patrons must sit with backs to the stage.

Carl Loeb, who operates Wilshire Bowl down the street, is also an entrepreneur here. That Jack and his two taverns compete against each other, the club has advanced that the clientele are of different cuts. If he can get the Beverly Hills swank set to come, he may start something. For a start, the changes are not so rosy.

Entertainers are the same mob that held forth a few years ago at the Barn, Hollywood. It proved a show business, but it's not a show. Jack Pepper bootstrapped waving a cane and running on the acts, occasionally taking the mikes and singing, vocalizing of the old faves. Marguerite Padula is a comedienne who can still wotch a good low-downer. Pat Moran is on deck with a couple of songs, and she's the best of being a one-man rassing act. Patsy Moran gives a good Irish ditty and the Catts Bros. foot the preliminary act.

An old chaplin film on the screen contributes what laughs it can, but the movie is a little weak. On the walls are the words of old songs. No dancing, org or orchestra. Two chaps take turns at pounding the keys. The Beverly Hills is overrun with this type of niterie. A winning formula doesn't lay around long here; the town's not averse to imitators. Not likely, however, they'll tail after this one. Heim.

HI-HAT, CHICAGO

Chicago, Nov. 22. Willie Shore, Gus Van, Mary Lane, Alphonse, Jerry, Marie, Fred (8), Sid Lang Orch.

Near northside niterie lines up a list of standard names headed by a "boy" who has built himself real following among Chicago sun-dodgers. Willie Shore has played practically every nite in Chicago and has acquired a vast personal acquaintance among the mob.

He's an all-around m.c. and entertainer, giving ten dancing, monolog, impersonations and general clowning with a couple of songs, and a plenty of special material.

About Gus Van little need be said. He's still an established performer through years in show business, has splendid material and a delivery that's salesmanship itself. Handles several dialects in his songs, and with a sure hand. Guaranteed entertainment wherever caught.

Doc Rockwell is a good one. Berg with his quick dress-making routine. A standard novel act. Berg fits into this niterie show neatly.

Stripped is Mary Lane doing a dance with flowers in strategic positions. For the finale, the house lights are dimmed while lights in the flowers burst forth. Gal has nice dimensions and holds attention.

Reaction dancers are the typical niterie line. Orchestra satisfactory. Gold.

TULANE ROOM

JUNG HOTEL (N. O.)

New Orleans, Nov. 25. Pinky Tomlin orch, Woody Wilson, Susan Lange, Helaine and Donaldson, Joan Brandon, Patsy Oden.

This is the only night spot in town offering the Hawaiian Blue Room any kind of competition, and capercows have been the rule since its recent unshattering.

The Tomlin band is a versatile crew, doing live and sweet tunes with equal ease. Tomlin's home-

spua type of humor is contagious and clicks in big way. He's liberal with his contributions, but his "The Object of My Affections" Love Bug, "I Did It and I'm Glad" and "The Object of My Affections" are his best. He's got a blond lad Tomlin is said to have made a Las Vegas record. The songs biggest hit of the acts with his tenoring.

Wood's band is attractive in a bunet Susan Lange, who sings in a sweet, clear, other, Woody Wilson, plenty of palm-pounding. Helaine and Donaldson, dance duo, click, their numbers being as smart as their appearance. Helaine, a slender, other, Joan Brandon, buxom and blond, does useful sleight-of-hand tricks, and then pulls bar trick, similar to Dr. Frank Hoffman's, that's a nifty. Asks audience to do a few things, and then proceeds to make the drinks seemingly out of thin air and serves them to ingriders free. Gets fair response. Patsy Oden, tap dancer with a nifty chess, handles herself capably for okay hand. Luiza.

HAWAIIAN ROOM

(HOTEL ROOSEVELT, N. O.)

New Orleans, Nov. 25. Johnny Hanco, Patsy Whitney, Gill and Bernice Mason, The Trio, The Divans, Jean Mona.

Town's top nocturnal rendezvous, the Hawaiian Blue Room continues to attract a crowd, and has regularly since opening of racing and convention season.

Noticeable is shortness of show, but it moves at good tempo and in numbers makes up for it. Only next to closer, The Titans, balancing act, hold spot longer than other acts.

On strength of previous visit here and an entirely pleasing Patsy Whitley, Bernice Mason is drawing them to spot in large numbers. She gives a good vocal and handles m.c. play. Band also provides excellent background music. Jean Whitney, band vocalist. Asks, really, looks like a sell, sells a song well. Members of band assist with choruses and novelty tunes.

Gill and Bernice Mason have a clever novelty act using three dogs, one, a dumb bull that does tricks in reverse, and the other two, acrobats, act as a team.

The Titans who perform balancing stunts, and the other two, acrobats, act as a team. The Divans are a dance team that specializes in modern and swing. The Trio, who perform Russian dances and rumbas. Pair make attractive appearance in the finale. Patsy Whitley, band vocalist. Asks, really, looks like a sell, sells a song well. Members of band assist with choruses and novelty tunes.

Tap routines. Let customers asking for more at this show. The Divans orch dishes out sweet and swing. His music is a nice blending of wind and string, although the brasses were slightly heavy opening night, and some maitre d' mistakes. He's plenty every leader who comes to the Blue Room, has difficulty at first in touting it down to the Blue Room. Luiza.

Al Donahue plays a private New Year's Eve party at Glen Sport Casino, Westchester, N. Y. Spot is normally closed during winter but will unwater for one night.

N.T.G.G. T.O.P.S OWN AMAZING RECORD OF SUCCESS IN CHICAGO

AFTER PLAYING THE STATE LAKE, ORIENTAL AND PALACE IN CHICAGO, N.T.G.G. T.O.P.S. ARE NOW BREAKING BUSINESS IN THE SWANKY CONGRESS CASINO FOR THE SECOND YEAR IN A ROW. N.T.G.G. T.O.P.S. HAVE BEEN IN AMERICA SINCE THE BEGINNING OF SHOW BUSINESS. N.T.G.G. T.O.P.S. HAVE BEEN IN AMERICA SINCE THE BEGINNING OF SHOW BUSINESS. N.T.G.G. T.O.P.S. HAVE BEEN IN AMERICA SINCE THE BEGINNING OF SHOW BUSINESS.

N.T.G.G. T.O.P.S. WISHES TO THANK PERSONALLY AL LICHTMAN, BILL ROSS, FOR CONSIDERABLE SUPPORT AND ENCOURAGEMENT. N.T.G.G. T.O.P.S. WISHES TO THANK PERSONALLY AL LICHTMAN, BILL ROSS, FOR CONSIDERABLE SUPPORT AND ENCOURAGEMENT. N.T.G.G. T.O.P.S. WISHES TO THANK PERSONALLY AL LICHTMAN, BILL ROSS, FOR CONSIDERABLE SUPPORT AND ENCOURAGEMENT.

ORIENTAL, AKRON (FOURTH TIME), DEC. 8, 9, 10, 11. FLATBUSH, BROOKLYN, NEW YORK CITY, DEC. 14. WINDSOR, NEW YORK CITY, DEC. 21. JAMAICA, NEW YORK, DEC. 28.

OTHERS TO FOLLOW

Personal Manager: HARRY ROMM

RKO BUILDING, NEW YORK, N. Y.

Brandt's Carlton, Jamaica, Quits Full for Split Week

The Brandt's Carlton, Jamaica, goes from a full-week to split-week show, the latter stage, (Thursday and Friday) to the latter stage, (Saturday and Sunday) to the latter stage, (Monday and Tuesday) to the latter stage, (Wednesday and Thursday) to the latter stage, (Friday and Saturday) to the latter stage, (Sunday and Monday) to the latter stage, (Tuesday and Wednesday) to the latter stage, (Thursday and Friday) to the latter stage, (Saturday and Sunday) to the latter stage, (Monday and Tuesday) to the latter stage, (Wednesday and Thursday) to the latter stage, (Friday and Saturday) to the latter stage, (Sunday and Monday) to the latter stage, (Tuesday and Wednesday) to the latter stage, (Thursday and Friday) to the latter stage, (Saturday and Sunday) to the latter stage, (Monday and Tuesday) to the latter stage, (Wednesday and Thursday) to the latter stage, (Friday and Saturday) to the latter stage, (Sunday and Monday) to the latter stage, (Tuesday and Wednesday) to the latter stage, 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WB Coming From An Amphy Spots As Result of Union Stalemate

Sally Rand to H wood

Hollywood, Nov. 28.

Sally Rand and her troupe of 26 dancers will appear in the new spot Gardens here Christmas week. If his bids hold, she'll be optioned for additional time.

Also booked by Paul Savoy was Jack LaRue for the Roky, Salt Lake, and Gene Austin with company of 12 for tour of Fox-West Coast theatres.

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Robert M. Mulford, acting head of the Society for Prevention of Children appearing as entertainers.

Robert M. Mulford, acting head of the Society for Prevention of Children, announced he had the names of some 200 entertainers under 18 years old who were performing around town, though fewer than 20 permits had been issued. He warned the law forbids any person under 18 from appearing as an entertainer or employee in a place that sells beer or liquor.

Warning on Kids

Rochester, N. Y., Nov. 28.

Rochester child and liquor board officials joined in warning niteries to halt the practice of children appearing as entertainers.

Robert M. Mulford, acting head of the Society for Prevention of Children, announced he had the names of some 200 entertainers under 18 years old who were performing around town, though fewer than 20 permits had been issued. He warned the law forbids any person under 18 from appearing as an entertainer or employee in a place that sells beer or liquor.

BERT LEVY GETTING WINNIEP VAUDE SPOT

Seattle, Nov. 28.

Len Manelli, northern manager for Pat Healy, in the Fox theatre, where a 20-piece orchestra has been maintained despite the fact that only one show is shown there, is a hanger-on from the days when Warner had stage shows both at the theatre and the Fox.

Union spokesmen claim that Warner's declaration that it will not renew its contract under the same conditions constitutes "a lockout" of its members.

At the present time Warner's employees at the Fox and Earle, full time; and at the Alhambra, part time, are working at the Fox and Earle on weekends. Four weeks ago vaude was dropped at the Fox, and the Alhambra, with the other two houses operating stage shows only on Fridays and Saturdays.

Officials of the Musicians Union estimated that its members will lose about \$175,000 a year if the strike continues. If WB goes through with its threat to discontinue with music altogether, the top 100 vaude acts will be a terrific strain on the union's treasury, now near the breaking point supporting unemployed musicians.

Folding of the Earle and the Warner nables will leave Pay's, in West Valley and the Carleton, in the City, both indie houses, as the only vaude spots in town.

Saranac Lake

By Happy Bennett

Saranac, N. Y., Nov. 28.

A real message to this column: "Dear Happy, if you're any singing artist that might miss his Thanksgiving dinner, see that he gets it and charge same to me." Signed, B. (Tony) Anderson.

George Nelson, who does weightlifting at, stopped at the hotel and the owners how easy it is to lift 500 pounds.

Ben Headley, ex-theatre manager of Rimmingsburg, Pa., left after a checkup that landed him a 100% O.K. stadium, with the manager, and the rib, now up for mild exercise, while Max Smalens shot back to the top from the general hospital and taking bones from a bronchitis.

Ben Schaeffer passed another mile-

A medal for fighting spirit and cheerfulness should go to Grace Caldwell, who has endured five stages of the rib and is now allowed downstairs to witness the talk after one year and a half in bed.

Charley (Jugling) Barrett is being wheel-chair-downtown, but he's cheerful, although he has totally lost use of both his legs.

Betty Huntington's name was on the local bank night going away of \$220, but she left the old N.Y.A. on five years ago to resume her life in N.Y.

Milton Levy, the little comic who left here in 1929, is now driving a car for a film exchange in Cleveland, Ohio.

Slipfoot Clifton, blackface comic of Van Arman days, is reported on the way to the Nassau County, N.Y., sanatorium.

Ann Comerford, Dorothy Meschen, Carole Ann, Marie Brown, etc., are now up for meals two days a week after a stage of bed routine.

Write to those you know who are ill.

AFA Ready for Official Dissolution;

Paid-Up Members to Share \$8-0,000

Self-Opposit

Syracuse, Nov. 28.

Constant shifts of talent in local niteries has reached a point of a climax with the installation of Irving Jacobs as manager of the local niteries for two years was not only m.c., but one of the owners of Club Irving.

Club Irving is still operating full blast, but Irving is now working hard on the city's principal opposition.

FLO BERNARD QUITTING AS PHILLY EMA'S PREZ

Philadelphia, Nov. 28.

Florence Bernard, president of the Entertainment Managers' Assn., org. of 10-centers here, will resign that position next week because of 'pressing business.'

She has been president of the group since its formation.

A meeting will be held tomorrow (Wed.) to nominate new officers.

Boston Fight

Continued from page 29

To make the best adjustments possible, he said, especially for the stores that had, or were going out of business, and other departments that had received a 20% abatement and so it was agreed that the Shepard firm should get about the same.

At the same time Tobin was questioned about his election campaign. He admitted that he knew Leland Bickford, managing editor of the Yankee Network News Service, and that the latter had given two radio interviews in connection with the election.

He said that cash had been paid in advance for those speeches, and that he had nothing to do with selecting Bickford to give them, since that had been handled by a speaker-bureau. He did not tell Bickford what to say, nor had he any relations with Shepard at last three years.

In explaining his reasons for hiring Merritt Thompson as city collector, Tobin said that he had met Shepard at a luncheon and they had discussed the difficulty of finding a suitable man to fill city posts. Thereupon, Shepard told of Thompson, formerly a Shepard store manager, who was out of work. After investigation, according to Tobin, he hired Thompson and named one of the best collectors of the city ever had in that difficult job.

On Wednesday the day the abatement story was revealed, Shepard was forced to tell his salary and other facts to the press. He said he had been forced to accept the terms. After several verbal clashes between rival attorneys and city officials, Shepard's attorney stated that he received an annual salary of \$40,000 plus 10% of the net profits, or \$55,000.

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15 YEARS AGO

(From VARIETY)

WBXJ Shifts Schedule

Detroit, Nov. 28.

WBXJ, which has signed up for a season of the cause of the big slump. There was no apparent reason for the lag.

The Empire, former ace London vaudeur, was figured likely to end its revival. After the big slump, there was no apparent reason for the lag.

Recent success of Mee. Gadski at the Hipp, N. Y., resulted in the booking of other Met singers. Carmela Bonardy was one of those set.

Alice Brandy was foregoing her proposed return to legit for vaude. She was shortly to begin rehearsals in new playlet by Minnie Madern.

Charlie Chaplin's new leading lady, Lily Grey, became his new leading lady maritally also.

J. Harold Murray and Ben Bernie goaled 'em at the Palace, N. Y. Murray's team was a set-back in the following his experience in legit musicals.

Double feature film system was said by exhibs to be flopping out. Theaters are 'B' didn't warrant added rental expense.

Cold spell clipped New York theatres while Chicago and Los Angeles were doing fairly hefty box.

James Cagney's chances of directing his recent cruise, Betty Compson, in a pic for Paramount, was said to be a long shot.

Lois Wilson film was occupying Cagney's time for his next feature, while Miss Wilson was busy with her other directors for her next two.

Chi Congress Relighting

Chicago, Nov. 28.

Congress hotel is reopening its doors after a year's darkening. Relights Dec. 21 with the Ted Florio orch.

The American Federation of Actors, now without a labor union since last July, is ready to hold a meeting of the paid-up membership as of July 14 last has been called for November 15, 15 at Union Church, New York.

Prior to the meeting, the membership is voting on dissolution of the AFA's Death Benefit Fund via written ballots mailed to them on Saturday (25). This moves the coin now in the AFA's relief and death benefit funds will be divided among those members who were paid up when the Associated Actors and Artists of America revoked the AFA's charter.

There are no definite figures on AFA's paid-up membership of last July, but it is estimated to be down to 2,000. Later is deemed much likely to be around 3,000.

With all of the AFA's bills and expenses paid out of the Death Benefit Fund, the organization's constitution permits, it isn't likely that more than \$8-10,000 will remain, indicating that the members will receive about \$5 top each.

There's no line on the plans of Ralph Whitehead, following his resignation of the AFA. As executive secretary, the charges against him of mismanagement resulted in revocation of the AFA's charter, although Whitehead claims to be innocent of any wrongdoing.

As he explained it, the Four A's was sitting in the role of prosecutor, the charges against him of mismanagement resulted in revocation of the AFA's charter, although Whitehead claims to be innocent of any wrongdoing.

Sophie Tucker's loyalty in sticking by his side, and an affiliation with Whitehead, following his later abrogated, almost precipitated one of the worst strikes in show history. This was followed by the Four A's and the International Alliance of Theatrical Stage Employees, the last-minute agreement on the Coast.

Mpls. Flyers Closing After N. G. Season

Minneapolis, Nov. 28.

As per regular schedule, Harry Gacy's here closes first half of its season Thursday (30).

Used to be closing in April, but Harry Hirsch may take a flyer and resume operations New Year's week, although current season's box office results have been considerably under those of recent years.

'French Follies' Giving Lincoln a Stage Show

Lincoln, Nov. 28.

First vaude in Lincoln in more than a year comes (4-6) with Howard Pedersen's spotting of Solie and his troupe of 10, at the Lincoln Liberty. Will do three-days, with single show matinee and then close on Thursday (30).

House seats only 1,000 and 'Follies' is a 40-piece show. Deal was negotiated by Kroger Babb.

Geo. Foster's Book

London, Nov. 28.

What amounts to a history of English variety stage, written by Geo. Foster's 'The Spice of Life' or '93 Years in the Glamour World' of variety stage, is now on the shelves on all phases of flesh entertainment in his new book published here. It ran widely in the British press originally.

Freedman's Ams

Newark, N. J., Nov. 28.

Newest amuse-broadway here is Zee Freedman's 'You Protege,' 30-minute show presented each Monday night by executive of Zee Freedman's, who is offering and aired through WNEW hook-up direct from stage. The show is owned, the show appears in same hour starting following Friday. Broadcast is sponsored over WNEW radio.

During the rest of last week's session most of the proceedings were simply a sparring back and forth between the two sides in an attempt by Spearman to prevent further information being revealed.

New Thanksgiving No Help to B'way, Which Tries Again Tomorrow (Thurs.)

Dual Thanksgiving occasioned by President Roosevelt moving up the date one week, and a number of state governors desiring to change the custom of celebrating on the first Thursday of November, did not benefit legit business. Several plays essayed an extra matinee Thursday (25), but in total business was not up to expectations. It is believed, however, that this week, when nearby states observe the holiday, will approximate the usual upbeat.

Only one show ('Skylark', Morosco) scheduled three matinees last and this week, the other new hits playing the usual eight performances. Broadway was puzzled on what to do about the two holidays, but on the hunch that there will be a visitor influx tomorrow (Thursday) no less than 17 attractions have scheduled matinees.

Indicated, too, that a goodly percentage of New Yorkers will participate in a second turkey day. Influx means that any number of residents will host the visitors and will have to celebrate, whether they figured that way or not. Business, however, is expected to show as usual, since the Christmas shopping rush is already taking form.

It seemed that a plenty of youngsters on Broadway for the first Thanksgiving and for the balance of the week. Such state residents as New York and Massachusetts are on the old schedule, with turkey day this week, and there were no shows as usual, therefore. It is from these points that the amusements anticipate more average patronage this week.

'Kiss' Misses

A peculiar result when an attempt was made to book 'Kiss the Boys Goodbye' in stands so that it could get the benefit of the two Thanksgivings, but it was stumt when it was scheduled for last week in Hartford, which celebrates this week, and last week 'Kiss' was in Hartford, D. C., where turkey day was last Thursday (23).

Showmen are still trying to explain the setback was much better for show business than this month they have figured out and pointed out that several big football games such as Army-Notre Dame, which invariably brings an influx, were moved up, and the same event for the auto show. Latter event was hailed as a sure thing for better business, but in recent years it has not seemed to be of much benefit. Exhibits have come so elaborated that visitors' time is taken up thereby, and special exhibitions were spotted away from the main show.

Despite the variance in grosses of some attractions, highly attended in the past, the new clicks are drawing great attendance and last week saw one or two of the moderate successes climbing. Occupancy in the major hotels is still considerably under normal for this period and this is believed to be a reasonable explanation why some successes have declined.

Massey Says He'll Quit 'Abe Lincoln' in Spring

Pittsburgh, Nov. 28. If Playwright Co. expects to keep 'Abe Lincoln in Illinois' on road for two seasons, it'll have to tour next year without Raymond Massey. Star of Pulitzer Prize winner said here last week he expected to remain with show only until spring, and had no intention of continuing for another season.

Massey has been optioned by Max Gordon and Harry Goetz for another RKO picture, but so far neither he nor producers have found suitable material. Expectations to return to Hollywood early next summer, when 'Lincoln' tour ends, and will stay here for several months, by which time he hopes Playwright will have found a new play for him.

Ruth Gordon East For Max Gordon's 'Nov. 28'

Hollywood, Nov. 28. Ruth Gordon, currently under contract to play Queen Victoria in Fox's 'The Sign of the Cross', was signed by Max Gordon to star in the Broadway legend play, 'Here Today'. Stage drama is slated for late winter.

How?

Now it's auditions by telephone.

Walter Grezza, legit player, told about being called re-televised a radio assignment. He was told the part was that of an older man and was asked if he could handle it. Somewhat daunted by the approach but still game, Grezza answered that he had read numerous older parts on the stage.

Thereupon the agency executive came back with the payoff. 'Well, what we have in mind,' he explained, 'is an army officer, Colonel, say. How would you play that?'

Philip Barry, Rice Give 'Rock' Unexpected Help; Equity Grants Wage Cut

Unusual support from unsolicited sources is being given 'Thunder Rock', Mansfield, N. Y., which is the first presentation this season. Drama by Robert Ardrey and Elmer Rice, understood that neither press and it was planned to close at the end of the first week. It was then announced that the play would continue and the group sought a concession from Equity, which was granted.

Sunday (26), in the N. Y. Times, two letters from prominent playwrights lauded 'Rock'. The unprecedented encouragement to a young author came from Philip Barry and Elmer Rice. Understood that neither of the latter are acquainted with Ardrey, but the impression the play registered on both is undoubted. Judging from the tenor of their comments. Both were brief and both were pointed in declaring 'Rock' (first known as 'Tower of Light') to be unusual drama. In addition, Rice expressed satisfaction that such new authors as Ardrey have entered the theatre. Previously his 'Casey Jones', also produced by the group, was regarded as just having missed some going for another of Ardrey's plays. Excellent judges of plays, not in the newspaper field, have also lauded 'Rock'.

Cast worked on a minimum of \$40 weekly last week, doing the same currently, and by the end of next week it is expected that the show's chances will be more clearly indicated. Equity council conceded a change in salary arrangements. It is being stipulated that the players receive a percentage if the gross exceeds operating expenses.

Charles Allen Producing Musical on Broadway

Charles H. Allen, New York agent, has acquired William Dugan's 'Frenchy', a musical play, and will present it on Broadway, possibly in the early spring. He's engaged Lavinia, French actress who starred in 'By Candlelight' in London, to head the show. Dugan is a Coast writer.

This will be Allen's first legit production. He was formerly in partnership with Jack Curtis, who, now again an agent, presented two or three plays and was interested in several others.

TWO OF 4 LTC SHOWS WILL LAY OFF

Two of the four attractions being toured by the Legitimate Theatre Corp. are coming in from the road and will lay off temporarily, at least. One of it is expected they will tour again after the first of the year. 'What a Life' comes in from Syracuse after Saturday (Dec. 2), while 'Borrowed Time' will stop after playing Syracuse Dec. 16. 'Golden Boy' is on the Coast, doing fairly well. Eva Lee Galvin, who is touring in this territory, is easily the most successful of the LTC quartet.

The road shows encountered considerable difficulty in being opposed by the film versions, which appeared to have affected 'Time' and 'Life' especially. Pictures were released day and date with the stage shows, and were exhibited just previously. Not only was attendance off, but some of the organizations, which were in the guise of guarantors, went in cancellations. Around 20 such dates out of 150 were cancelled.

Fortune Gallo, who, with Arthur Oberfelder, is operating LTC, applied to Equity for concessions in an effort to keep the shows. Ordinarily the rules allow a four-week tour, but the financial situation of the shows which are routed to Los Angeles to equalize time lost in travel. Gallo explained the situation resulting from the cancelled time, also the difficulty in booking fill-in dates between the guaranteed appearances. Concession was not granted, however. Showman did win a point in that the presentation of the Armitage revetta reviews at Miami this winter. He may engage local girls from the show, but agreed to use Equity members as principals, they to be transported to and from New York. Fact that the LTC shows average five performances weekly, and none play more than six, failed to influence the council.

'Boy' was slated for three per-

Revised Ticket Code Will Start Working Soon; Brokers to Abide, But Suggest Old 'Control System'

Doubling Cousin

Ross Bagdasarian, the newsboy in 'Time of Your Life', Booth, N. Y., is the 17-year-old cousin of William Saroyan, who wrote the play. Kid badgered the author into giving him a stage chance and the part was written into the script. Job, however, is contingent that the boy drive Saroyan's big car.

Saroyan is leaving for California for vacation and the youth is out of 'Time' to handle the wheel.

Pinocchio Revival Plans Still Underway; Equity Nixes 2-a-Day

Efforts have been made for some time to place 'Pinocchio' on Broadway boards again. Show was one of the Federal Theatre Project which were forced off when Congress ruled out the WPA relief theatre. While the attraction was designed for juveniles, it drew considerable critical commendation.

Yascha Frank, who staged 'Pinocchio', has been active in reviving the show. He proposed presenting it as a regular legit, but wanted to play twice daily, but also most players at minimum salary, it is understood. That figure, however, is virtually double that paid by ETE. Equity nixed the twice-daily idea on the ground that it might be an inroad on its eight-performance weekly rule. All additional performances require pro-rata extra pay.

Understood that Martin Gable and (Mrs.) Charly Wharton are interested in the revival financing of 'Pinocchio'. That duo is reputed to represent Joe 'Whitney in making sense.

performances at the Philharmonic auditorium, Los Angeles, Friday and Saturday (24-25). Reports from there stated that the Armitage, who manages the spot, cancelled both Saturday performances, also that \$250, which was the company share for Friday's performance, had been withheld. Claimed on this end that Armitage had sold \$4,000 in subscriptions for the four LTC attractions, but contended that most of the money had been devoted to exploitation.

After an all-day session Monday (27) between managers, an Equity delegation and ticket brokers in the offices of the latter, at the York Theatres, it was virtually assured that the strengthened code designed by the ticket regulations committees start functioning. Accredited agency people gave indications that they would abide by the regulations. Conferences went over the code thoroughly from 10 a. m. until 5 in the afternoon, stopping only for coffee and sandwiches.

Yesterday Equity's council okayed the changed code, provided certain final revisions are written in. Friday (1) is expected to see the regulations in final form.

It was the most peaceable session since the code meetings started. Brokers made a use of suggestions which probably will be written into regulations, but their criticism of certain restrictions was considered. Ticket men sought information on results of the code. It might have been put up to the enforcement board of four. One of the knottiest problems of the code, efficiency is a solution of how to keep a reasonable percentage of tickets held for free boxes and aisle seats, out of the hands of gyps. That puzzle applies principally to the big hits.

'Control System' Idea

Among the suggestions being made is the use of a 'control system', such as formerly used by leading agencies, for the sale of not only tickets sold at a premium, but also those offered by the boxoffice. Instead of the actual tickets, patrons would be held for a certain number until performance time. Believed that this method would clutter up booths, but might require additional boxoffice facilities, but would apply only to attractions in highest public favor. It is a question whether playing would not be better.

Some showmen often express themselves as opposed to agencies, but they are not so in favor of accredited brokers as necessary to obtain the best possible prices for distribution. Some brokers admittedly they can stimulate.

(Continued on page 44)

LAWGUARD VETOES

THE SPELLMAN BILL

Mayor La Guardia of New York yesterday (Tuesday) vetoed the Howard Spellman bill, which would set maximum premiums on tickets purchased outside the boxoffices.

La Guardia declared: 'I do not believe that the bill as drawn will produce the desired results. It surely will not correct the vicious practices now in existence. I have repeatedly stated a great deal of the undesirable methods and vicious practices in connection with the resale of theatre tickets could be eliminated by the theatre themselves.'

This law limits resale premiums, at least when printed on tickets, and possibly in all cases to 15 per cent maximum. I believe it is invalid due to the Tyson decision of the supreme court.

The bill may be brought up again by its sponsor any time in the next few days, and if the council passes it, with a two-thirds vote over the mayor's veto, it becomes a law.

'Heliz' New Edition

New edition of 'Hellzapoppin' is due to the stage in New York, N. Y., late this week. Olsen and Johnson have been rehearsing new skills and dance routines, and Olsen claimed that the revue will be 80% changed from the original version. Original title will be retained, but will be billed the '1940' version.

'Heliz' topped Broadway for most of last season and this season, no musical since 'Leave It to Me' getting bigger grosses until the arrival of 'Too Many Girls'. It was Broadway legend, 'Heliz', however, is still drawing excellent money and is slated to go through a second season.

The Show Window of Show Business

34th Anniversary Number

of VARIETY

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Plays Out of Town

THREE AFTER THREE

THREE AFTER THREE

Whether this new Selwyn-Shubert musical becomes a job for the undertaker or just the doctor is entirely up to its producers. The foundation is there, but it's going to require skill and plugging to build a hit show on it. A wise move would be to hold the show out of New York for several weeks of folding. Musical has someationally bright highlights and also plenty of dud moments. The trick will be to close the numerous ennuj gaps. Debut here was spotty and drew nixed audience and press comment.

Show is done in the intimate, rather than the extravagant manner, but with a certain production on several numbers and makes the songs and dances somewhat splendid. The score is not outstanding, but fits the adequately, while the couplets of the lyrics are at a disadvantage due to inferior rendition. Tendency of the lyrics is toward a mere rhyming of lines and a certain wordage. On the other hand, the lyrics are not all they might have been. Best tune possibilities look to be "Ooh, What You Said," by Back in 1939, A. D., and "The Rumba Jumps" is a hot click and "Darn Clever These Chinese" is fair enough for comedy. Numbers that register better instrumentally than the lyrics are "I'll Be There for Me in the Morning" and "How Nice for Me." The Martins, as mixed quartet, aid materially in selling sev-

Show uses only eight girls for ensembles, best routine being the rumba number. In an earlier straight tap, line is too long, with little variation in steps. Mary Brian and four boys give second act a pleasing sendoff with some light stepping, and Ted Gary is in for a couple of good tap bits, one of them with Mitzi Green to good results. Dance specialties that click are two routines by Dudley and Bostock, who travesty Chinese and Cuban dances in a manner similar to that of the Hartmans.

Opening performance—belonged to Miss Green and Frances Williams, primarily the former, with a third person's share being copied by Stepin Fetchak. The plot of the original version, was written in for the scenic drawer and he went to town on every appearance. It's his first crack at this type of work and raised a few eyebrows. Miss Green has been given the choicest lines and tunes and she certainly knows what to do with them. She goes over in every department and handles the material with ease. On Carbo, Hepburn and Fanny Brice, Miss Williams scores with repartee as a four-time grass widow and puts over two highly satisfactory ditties.

Ton-billed is Simon's second show, but the French missus is largely unimpressed. Aside from a pleasing personality, Miss Simon offered little to the singing show, both her speaking and singing being mediocre at best. An attempt to bolster her vocal of a torch song by use of a hidden mike and amplifiers flopped so badly that she was in the number being subsequently cut. The only thing that went right was the mistake giving Miss Simon so much prominence in billing and advance publicity, her appearance being completely overshadowed by the anticipation. She has charm, but present role requires more than that.

Miss Brian pleases as the demure, home-loving member of the triumvirate, bringing an assured performance and a thorough knowledge of her roles as Art Jarrett, who clicks his fingers and as well vocally; Marty Mav, who puts pep in punch lines as

[illegible]

Herself, Mrs. Patrick

Crowley
Wilmington, N.C. 28401

Canada-drama in three acts (10 scenes)
by Doran Hurley. Adapted from his novel

Aunt Loo	Frances Smith
Delivery Boy	Arthur Collins
Dr. Denton	William Collins
Martha Wood Haugh	Blairney Swain
Roland Harris	John Crow
Mr. Hays	William Stoddard
Clinty Gray Blough	Frederick Hays
Grace Prince	George Cartlett
Sammy	Edmund Harris
Triphagan	Robert Harris
Maxine	Kevin Harris
Denise	Arvane Allen
Nick Master	Charles L. Taylor
Shirley Easter	Carminas Toubert
Reporter	Charles Toubert
Photographer	Howard Toubert
Another photographer	John Toubert
Walter	Sam Toubert
Jack Walker	Paul Hodges
	Chiff Dunlop

Just shrug this off as one of Broadway's embarrassing moments. Piece is a little something about a southern gal who cashes in on a sensational newspaper story and, with the help of an astrologer and a reporter, gets to Hollywood. There she abandons a career to marry the reporter, while her mother is all set to be "another Billie Burke." It's a strictly featherweight.

Only thing that dignifies the episode is the presence of Constance Collins and Blanche Sweet in leading parts. But like the rest of the cast, they're helpless. Understood co-producer Michael Dolan is actually a fictitious person—apparently on the plausible theory that no one individual should have to take all the blame.

As one of the characters said in the third act, 'I feel like runnin' away and hidin' somewhere.' This sentiment seemed to be pretty general on both sides of the footlight opening night. Hobbs

represented by Hall Shelton; staged by Robert Milton; settings, Eugene Dinkle; at the Playhouse, Wilmington, opening Nov. 25, 1933; \$2.25 top.

Maria Kilborn.....	Molly Pearson
Mary Ellen Shay.....	Georgina Harvey
Mrs. Patrick Crowley.....	Luith Amos
Aggie Kelly.....	Fay Courtney
Mr. Cone.....	Mortimer Weldon
Mike Rabinowitz.....	Joe Kolmar

John Kiloran	John Adams
John Woman	Oliver Reeves-Smith
Charles Portress	Dorothy Kennedy
Marjorie O'Brien	Wyn Cahoon
Collier St. Bridget of Ireland	Henrietta Cragman
Sammy Klotz	Michael Williams
Paul Adams	Jennie Maxwell
Harry Fowler	Philip Huston
William Barron	Howard Hughes
William	David Land
William	Albert McCarthy
William	Charles McCarthy
William	Gilbert Fates

Doran Hurley's laudable intentions in promoting tolerance and lancing racial prejudice have not served to transmute his pleasant novel into theatrical material of any particular effectiveness. Confused and tedious narrative, which often lapses into laughably corny theatre, reaches occasional points of warm humor, but the effect is never more than artificial. It's difficult to see any chance for it.

Most regrettable, at this time particularly, is that a play which so earnestly underscores the blighting effect of religious intolerance must be so clumsily handled from every aspect. An evening with Hurley's effort serves only to point up how woefully the theatre currently needs a play to express his ideas.

Thematic element of religious tolerance is presented through the central character, Mrs. Crowley, a devoted Catholic widow, played by Ruth Ames. Her friend of long standing, Jake Rabinowitz, a Jewish tailor, is portrayed well by Lee Kolmar, helping her outwit a New York syndicate by bargaining in her behalf when she sells a ticket she has drawn on the favorite in the Irish sweepstakes. Kolmar, in the bargaining scene, provokes nearly all of the play's laughs, but unfortunately fails to appear after the first act.

A trip to N. Y., during which Mrs. Crowley persuades a young wealthy woman not to mortgage her son's future to scandal by deceiving her husband, subsequently develops into the revelation that the woman is the daughter of the magnate responsible for the spoiled beef which killed Mrs. Crowley's husband in the Spanish-American war. Thus, the first of several opportunities is offered for a testimonial to tolerance by Mrs. Crowley.

Henrietta Crossman has a role that's not commensurate with her ability. As the Mother Superior, she gives a quiet, charming performance that's utterly wasted.

Jennie Moscovitz, ably supported by Michael Willens, gives a satisfactory performance. Dorothy Emory, as

...n nun whose only English is a cutesy
"pokay," is ingratiating. Fay Courte-
may brings a wealth of experience to
a miserable role, as a friend of Mrs.
Crowley. Others in the cast are not
given much opportunity, except for
Miss Amos, whose painstaking atten-
tion to the character of Mrs. Crow-
ley endows it with some life.

Plain and cheap settings, except for
a well-built jackknife, the convent
reception room. Robert Milton can-
not be proud of his direction this
time, but the script is actually what
checked his hand.

Cur-

Season's most serious play to date drew a turnout of notables, who witnessed a splendid performance, and the impression is that "Key Largo" will be among the season's successes. It took the unusual step of having Muni back from Hollywood after a 14-year absence, and the meter of Maxwell Anderson's lines turned the trick. Muni dominates the performance and, while there is perhaps too much declamatory philosophy during the play's later stretches, it is the strength of his acting that should make it click, even in times when the average playgoer gives preference to comedy, rather than dramatics.

Essentially, 'Key Largo' is tragedy. It has a strong content of melodramatics, yet there is something of a message gleaned from the comments on the evil in the world, particularly the creatures who have turned Europe into a nightmare. There, too, is considerable about the conduct of men and women who think deeply. The author indicating that life is empty in the world of today. Anderson also gives a fairly clear insight on what happened in Spain, and his characters say that, if the country suffered before Franco, it could be nothing but worse under his rule.

Rather lengthy, but gripping prolog, is a hilltop in Spain, 1939. There a band of five American lads, led by King McCloud, have been defenders on the loyalist side. ...ing returns from a food foray with the information that the war is virtually over and that the lines are falling back. That means they are to be wiped out having had no orders to retreat. King wants to lead his comrades to safety but they refuse, when Victor D'Alcala, whose people had been proud wealthy Spaniards before going to America, resolves to remain on post.

Kling goes alone, and the others are killed. Returning to America, he is a tortured soul, wondering whether he, too, should not have remained to face the insurgents. He finally reaches the poor home of Victor's father, who had been blinded over there during Rivera's regime. The house is near a wharf on Key Largo, Florida. D'Alcala having only his fine, sensitive daughter, Alegre, to take care of him.

Though he had hoped to get some measure of assurance that his actions in leaving Victor and the others was not a bitter wrong, father and daughter have him stay, for the girl has loved him from afar. Their later discussions and declarations on life, womanhood and courage constitute not a few very quiet scenes, but first matters remained patient until then.

Melodramatic threat of the storm has to do with sure-thing hoodlums who rent a cabin and use the wharf for fixed gambling. Murillo, the head thug, has designs on the girl but the old man knows the fellow had killed a road foreman the night before and sunk the body. Having already two companions, he gets them to float the corpse, and a situation arises.

Sherrill, who has been greased by Murillo, seeks an arrest, and the Indians are brought in. King upset that plan by declaring that he was the assassin. With gun in the belt, backward towards the door, figuratively that one of the other thugs would shoot, and both are so killed. Romance can have little part in so dim a story, but the love of the girl for King is definite. She had decided that for him life would be but a living hell.

of magic about it, so finished is his playing. Onstage nearly all the way he commands attention every time he speaks. There are a number of other excellent performances also, with Uta Hagen, a young actress who has come along rapidly, turning in fine showings as Alegre, only femmle lead in the large cast. Harold Johnrud as the blind father, Frederic Tozere as Murillo, Ralph Theodore as the Sheriff, Jose Ferrer and Charles Ellis as soldiers, and Richard Cow-

'Pins and Needles' has been making revisions here and there for the past year, and now for the second time it has officially adopted the 'new edition' billing. Actually, only nine of the 17 scenes, sketches and musical bits are brand new, and how much bigger and better it is than the original version is naturally open to debate, but it remains the finest show of its type since the first 'Little Show' and the original 'Americana.' It has biting satire and broad comedy, good music and, above all, astonishingly fine performances all rolled in one.

That it's a smash can't be questioned now, but it can be prognosticated that it will be around for more editions. Especially if the \$1.65 top price scale is maintained and Harold J. Rome (songs and lyrics) and Joseph Schrank (sketches) continue to feed the ILGWU workers the kind of material that this 'new' edition unfolds.

[illegible]

Besides having more playing parts than most actors on Broadway, earth. There's more than double entendre in Rome's song, "Dear Beatrice Fairfax," sung by Miss Weitzel; it's also got a little bit of innuendo also go to town, and "Bertha" about an old-fashioned girl fighting off the boss' roué son.

Al Eben, who plays and looks like Kuhn, is stand-out as future Broadway music man. He has a sterling comic close-up behind him as the first of the new Hecy Clark, who's the Lord High Executioner in the older, but still funny, musical comedy. The second edit Miss Harrison does a bang up job with "Menc, Menc, Tekel," and "The New York Class." She also sings the new patriotic "Stay Out, Sammy." Miss Weitzel is another swell deliverer in a first-class performance of the new classic comic tune "Beatrice Fairfax."

There's no better entertainment buy on Broadway than this group of new songs and dances from the Schrank material with the Scho-

• SENIOR WILLARD • 215

I KNOW WHAT LIKES

Comedy in three acts, presented at the Hudson, N. Y., Nov. 21, '31, by T. Edwin Hamblenton and Richard Skinner; written by Burns; setting by H. L. Hunt; songs by Burns; played by Aurore Lee. \$3.20 top.

Thurslon.....Doe Doe Doe
Miss Steel.....Virginia Chauver
Mr. Holden.....Gazo Gazo
Sir Arthur Kewwick.....Reynolds Evans
Karl Heddstrom.....John B.
Sandra Page.....Helen C.
Heming.....Frank Brock
Farner.....William Hanes
Mita.....Hatha Sidds
Harvey Van Inghel.....Edmund Goss
Chutley.....Edward Broad

The Westchester and Connecticut set turned out for this premiere, and the producers are known up in the region for their summer theatre activities. First-nighters were polite, responsive, but that won't help the newcast in-betweeners.

There are some pretty good actors and some very nice scenery on the credit side, but the show is for getting now, not getting later. The romance is a little bit off.

Comedy in three acts by Gladys H. Hull; presented by George Althor; at 11:30 by Abbott; setting, John Ford; at 12:30 by Henry Miller, N. Y., opening Nov. 22, at \$3.30 top.

Blagie Brown.....	Edith Van Cl
(Grand.....	William Scott
Nellie.....	Maxine S
Mary Carr.....	June Wal

Michael Carr	Paul Moore
David Carr	Tom Moore
Durward Seabolt	Tom Moore
John Seabolt	Tom Moore
White	Richard
Emma	Morrell
Doner	William
Julian	William
Two Charles Drow	William Staple
	William Staple

Story is located in Mary Cassatt's home in the Connecticut hills, she having retired from the stage. With her colored couple, who are engaged to be visited by their son and pickaninnies, the result is certainly not as funny as anticipated.

(Continued on page 44)

CENSORS OUT ROADSHOW

Nashville, Nov. 28.

The show goes on—the Board of Censors goes out.

That was the effect of a Tobacco Trust ruling by State Censor John Hooker that allowed censor Jester Lester to tour Nashville's Auditorium for the second season (23) for the second successive year. Hooker ruled that the 25-year-old Tennessee Censorance Commission, which is the Board of Censors is invalid, and that although its invalid had never been questioned, it is the only never had legally possessed such a board. The special chancellor's ruling was based on an ordinance passed by the board was empowered by an ordinance passed April 21, 1914, but amended by a later ordinance passed during the same year.

"Tobacco Road," regarded by many as the worst of the road shows in the south, was declared banned from Nashville more than three weeks ago by the Board of Censors. Mrs. L. C. Naff, manager of the Auditorium, who had no trouble with the board when the play staged a one night stand here last year, instituted proceedings against the board, resulting in the ruling that the board does not legally exist.

The special chancellor explained that his ruling had no bearing on the immorality, immorality, or obscenity of "Tobacco Road," but on the discretion of members of the Board of Censors, but only on validity of the board's creation.

'FATHER' VS. 'DINNER' FOR B'WAY B.O. GRAVY

Bit of rivalry has developed between the Music Box and English New York, which respectively house "The Man Who Came to Dinner" and "Father," and the result is a toss-up, some brokers having a better call for one, while others nominate the other show as the better rated. Staffs of both theatres claim they are willing to bet they are right.

Indicating who is the judge of the "photo finish."

At both theatres the problem of how to keep tickets from the hands of diggers is being considered. Reported that tickets for "Dinner" and "Father" which play at all night performances, are being offered to agencies by a new crop of applicants who are asking a dollar and more premium over the \$3.30 box office price. The theatres are expected to segregate mail orders and reject all that are figured to come from illegitimate purchasers.

B.O. Men Still Huddle With Mgrs. for Raises

Treasurers and Ticket Sellers Union, affiliated with the American Federation of Labor, continues to huddle with the managers for the purpose of securing a basic wage increase in pay. At a recent session, the bargaining committee for the union people refused to agree to the claim that the stagehands regulations, which bars an affiliate from seeking the most during the year of the charter, does not apply to the treasurers. They frankly told the union's committee that they would not in their province to attempt an investigation of the stagehands union laws.

At the same session, the managers put forth a proposal to the effect that there be no change in the present scale, but an increase of 10% becomes effective next season, which would mean a two-year contract. Boxoffice people mulled over the proposal and then agreed to the suggestion that the plan was not satisfactory.

It is stated for decision one way or another this week. If the managers stick to their proposal, according to the b. o. people they follow. Whether that will be in the form of a walkout is up to stagehands' executives.

Treasurers receive \$75 weekly, with assistants getting \$50, and a box office clerk \$45 is the scale for the season. Under the managerial idea, the increase would be \$7.50 and \$5, respectively, or \$52.50 and \$47.50, and \$55 for assistants.

\$60,000—Petty?

Lionel Stander, who appeared in the four-performance run of 'Fiddie Baum and Benjamin Glazer' at \$60,000. Roy 'Summer Night,' at St. James, N. Y., early this month, was interviewed by WBNS last week by Billy Berns. Later remarked the actor, "I hear you stole the show."

"Petty larceny," was Stander's reply.

McCoy-Wee Plan Tour Of 'Boys From Syr.' If Royalties Are Cut

"The Boys From Syracuse," a musical hit at the Alvin, via a musical hit, may go on tour under the management of Frank McCoy and O. E. Wee, deal now pending between McCoy and George Abbott, who produced the show. Understood that McCoy & Wee are seeking a down revision of royalties from Rogers and Hart, who wrote the book and score of "Boys," otherwise they do not figure to take the show over.

"Boys" virtually spanned the season of the Theatre Guild, and it fell victim of the slump that scared Broadway during the first month of the year. The show was abruptly closed after operating heavily in the red during that period. Ledger showed that after the production had been paid off, the black balance was virtually wiped out in the few weeks and Abbott decided not to send the show out this season.

However, on the basis of the road showing of "Boys" to Me' and the scarcity of musicals out of town, McCoy and Wee consider it chances afoot for touring. Some of the original cast are otherwise engaged, although Jimmy Haver Abbott, who leads, is available. Comic returned from a three-month visit to Italy.

ARREST FRED ELLIS ON LARCENY CHARGE

Fred Ellis, who was business manager of the Music Box Theatre, Saratoga Springs, last summer, was arrested in New York Wednesday (22) on a charge of larceny. He was approximately \$2,400. He was taken to the resort and arraigned Saturday (24) before Judge J. LeBlanc after pleading not guilty. Warrant was issued for his arrest by Judge LeBlanc, who is the president of the Saratoga Players, operated the theatre's business with grand larceny in the accounting of the theatre's profits. He is charged with the actual takings and the admission's taxes, said not to have been paid by the Government. Missing money also includes about \$300 collected for the Actor's Fund, during a drive for support during the season.

Spa theatre started the season very late, then ran into difficulties. Before the two weeks had passed, Fred Ellis resigned, but claims to have given Miss Lowder a note for share of the profits. He is charged with responsibility for the tax money and contended that other officers of the project had decided to sue him. Case is called for trial Jan. 9.

Repeat Lecturers To Appease B.O. Squawks

Policy followed by many lecture halls around the country of selling two to seven times more subscription tickets than the actual seating capacity, that the law of average, on any specific night, will work out to the advantage of the lecturer. The Columbia University series it has for Town Hall, N. Y., the past season, was a case in point. The university, which has been having to modify their policy or make special gestures of appeasement to the b. o. people, are getting seats when the lecturer is popular and the boxoffice calculations go accordingly.

To mollify the scallies, Columbia University is trying out having lecture halls twice the seating capacity. A \$30 lecture and an 8:45 repeat will be given by Maurice Maeterlinck, D. H. Lawrence, and Curie, Pierre Van Panssen and H. R. Knickerbocker in beer in next.

Current Road Shows

(Week of Nov. 27)

'A Night at the Moulin Rouge'—Grand Chicago.
'I Married an Angel' (Dennis Massey)—Royal Alexandra, Toronto.
Coulbourne — Jones (reptory)—Walker, Winnipeg (29-2).
'Do-Barry Was a Lady' (Ethel Merman, Bert Lahr)—Forrest, Philadelphia.

Eva Le Gallienne (reptory)—Baylor university, Waco (27); State Theatre College, Denver (28); Music Hall, Houston (28); Memorial Auditorium, Fort Worth (30); Harlow (30); Convention Hall, Tulsa (31); Shrine, Oklahoma City (2).
'Kiss the Boys Goodbye'—National, Baltimore.
'Hot Mikado' (Bill Robinson)—Locust, Philadelphia.

'I Married an Angel' (Dennis Massey)—Municipal Auditorium, Kansas City, Mo. (27-29); Forum, Wichita (30); Convention Hall, Tulsa (31); Shrine, Oklahoma City (2).
'Kiss the Boys Goodbye'—National, Baltimore.
'Leave It to Me' (Victor Moore, William Gaxton, Sophie Tucker)—Auditorium, Chicago.

'Mamma's Daughters' (Ethel Waters)—English, Indianapolis (27-29); Fall, Cincinnati (30-2).
'My Dear Children' (John Barrymore)—University, Chicago.
'No Time for Comedy' (Katharine Cornell)—American, St. Louis.
'The Man Who Came to Dinner' (Robert)—Civic, Portland, Me.
'Outward Bound' (Laureate Taylor)—Florence Reed—Harris, Chicago.

'San Carlo Opera'—Boston Opera House, Boston.
'Springtime for Henry' (Edward Everett Horton)—Bringer, Chicago.

'The Shrike' (Shirley Booth, Lynn Fontanne)—Oakland Auditorium, Oakland (27); Alhambra, Los Angeles (28); White, Reno (30); Savoy, San Diego (1-2).
'After Three' (Simone Signoret)—Theatre, New York.
'The Shrike' (Shirley Booth, Lynn Fontanne)—Oakland Auditorium, Oakland (27); Alhambra, Los Angeles (28); White, Reno (30); Savoy, San Diego (1-2).
'Tobacco Road' (Slim Timblin)—Playhouse, Chicago.

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LARRY SCHWAB TOLD TO REST INDEFINITELY

If and when "Nice Girl," musical version of "Salor Beware," which Laurence Schwab ordered off after its first night at the Lyric theatre, the boards again it will not have the producer in the managerial settlement, but impairment of his health led him to decide otherwise. J. J. Bowman, who went to Florida under orders to take an indefinite rest, is being treated by a cardiologist. Doctors forbid him playing tennis, and he was advised not to get up. Being treated by a young physician, say, that he will be completely restored after a term of six weeks.

Formerly produced in the presentation of smash musicals on Broadway, notably "Good News" and "Follow Through," teamed with Frank Marshall, Schwab was making the Lyric theatre a Broadway star in a Hollywood career with the intention of returning to Broadway stage. His Coast ventures become irksome and he tried out "Nice Girl" at the St. Louis. The musical, which was based on the lives of Gilbert and Sullivan, was a flop. Broadway at Warner's Hollywood, then called the 31st Street, last fall.

"Goin'" was not an expensive production, although Schwab was in the money, but he was in the money for \$30,000. Richard (Dick) Berger, who was in the money for the managing director of the many opera in St. Louis, also has an interest. Shufts were reported taking over, but over intial, but J. J. more recently was said to have declared himself that Mary Martin and other cast have accepted other engagements.

MAKING IT EASIER

Robert Ardrey, author of "Thunder Bolt," is making it easier for the doing a scene treatment of the play for submission to the Hollywood Guild. It is a simplification of the play's theme.

WB Lopping B'way Legit. Has Two Houses, Backing 6 Shows, 2 Coming

'The Man Who,' Etc.

Nov. 28, 1939.
Alexander Woolcott, spoke here C.O.D. last week, was the auspices of the Fort Worth Leconte Foundation. Half way up the hill, the Leconte Foundation turned to the Foundation chairman, Mr. J. W. Mitchell, and asked for the full hearing of his audience: "Do you have my check ready?"

Started, she said, "Do you want it right this minute?" He said, "Yes, before I go on."

The chairman scouted around until she found the treasurer, who had a certified check ready, and took it to Woolcott. He pocketed the check and went on to talk of his favorite subject himself.

Kentucky to Ease Tax On Amusements; Will Especially Help Legit

Louisville, Nov. 28.
Mayor's Legislative Committee approved modification of Kentucky tax on amusements, with suggestions of local newspapers and taxation associations, as well as Kentucky State Federation of Labor, at the session Local 11, and local deckhands union, all of whom expressed themselves in favor of a reduction in the amusement tax, which has kept several road shows from playing in the state.

Support of the committee expressed belief that equalization of the tax would provide more revenue than now provided by confiscatory tax. Suggested was a tax of 1c for each 25c of the basic price of tickets, but 1c on admissions of from 11c to 18c, to 40c on an admission totaling \$3. The tax, however, is estimated at \$12,323 is estimated price, 24c Federal tax, and 43c State tax. William H. Camp, manager of Metropolitan, said it is not possible to cancel their performances last year, passing up Louisville, but playing Cincinnati and Indianapolis.

Joint subcommittee report termed tax confiscatory and said it forced Louisville patrons to go to other cities for cultural entertainment, and deprived local stagehands, electricians, and others of a livelihood.

"Legit season gets under way here tonight," (23) with "Oleander Gallo 'What a Life' at Memorial Auditorium." "On Borrowed Time" is being played at the Lyric. "Golden Boy," March 28, and "Heads Gable," with Eva Le Gallienne to be played at the Lyric. Season tickets are priced at \$3 to \$7.50, including tax.

Local exonerators also held meeting Friday (27) in preparation for this summer opera season at Iniquitous Park.

Jean Rodney to Wed Writer Robert Keidner

Washington, Nov. 28.
Jean Rodney, young New York socialite who is interested in the nomenclature of the stage, met and married Robert Keidner, political writer, whose articles appear chiefly in "The New Yorker." Miss Rodney has an interest in "Swingin' the Blues," which opens in New York tomorrow night (Wed.). She also has a piece of the revival, "Outward Bound," on tour.

Father of the bride-to-be is a Wall Street and is said to have been in the back of the backing of Max Gordon attractions. For the first time she gets billing on the Erik Charrell "Dream" production.

Mrs. O'Leary Dies

Chicago, Nov. 28.
Mrs. Kate O'Leary, who worked for many years backstage at the Lyric Theatre, died Friday (28) in the County hospital here of injuries received from a fall.
She was understood to have been 85 and retired about two years ago.

No longer screening its legit activities, although the revised basic cost coverage of the picture film has not been agreed by the managers, Warners is in front as the season progresses. It is operating two legit theatres, has already backed six shows, and is in the operation of some others.

Legit selections are yet to come, one being in rehearsal, and it is likely that Warners legit department, headed by Mike Wilk and Bernard Klavans, will figure in other legit as the season progresses. The firm took the move to the move to patch up the differences between the authors and Hollywood, and while they are negotiating the agreement that kept the Coast away from Broadway for nearly three seasons, Warners has had operated the Baltimore theatre right along. George Abbott, stage producer, has a quarter interest in the house. WB Hollywood is currently tented by "Scandal."

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Inside Stuff—Legit

2 Quick Flops

Two of last week's new shows on Broadway proved fast casualties. "Ringside" opened Wednesday at the Miller and stopped Saturday (25), playing five times.

OPENED RING TWO
 Appointed Nov. 22, '39, George Abbott's third offering of the season was greeted tepidly. Critics' verdicts said "only the working draft of a comedy still to be written." *Variety* (Nov. 22) declared "it won't last long."

'Aries Is Rising' opened at the Golden Lane Tuesday (21) and similarly dropped off the list Saturday.

'ARIES IS RISING
 Opened Nov. 21, '39. Evidence from critics' reactions that all the reasoning would be saved for Thanksgiving. *Watts* (Tribune) said "most hopeless event of the season." *Mastie* (News) remarked "amateurishly written, ineptly staged." *Anderson* (Journal) commented "a dull and clutter of boredom."

College Show

ANY MOMENT NOW

(Triangle Players)
 (PRINCETON)
 Princeton, N. J., Nov. 24. Princeton Triangle Players, book made by George M. Hughes, Jr., and E. Davis, with additional direction by Henry Lawrence, signed by F. Walter McKee, Jr., and Carl E. Davis, of Princeton, W. Dastorf Company, continues, Nov. 24, 25, 26, 27, 28, 29, 30, 31, 1939, at Princeton, N. J., Nov. 24, 25.

Nassau's collegiate thespians come through with their best undergraduate antics in years in the 31st annual Princeton production, "Any Moment Now." Wealth of intricate ballet work and elaborate costume stand out, along with music of Henry M. Galyen, Jr., and Carl E. Davis. Lyrics are also credited with the book and lyrics.

Innovation this year is record low number of performers for a Princeton musical. Only 10 appear in cast, sort of an intimate atmosphere. On the other hand, co-authors have turned out record number of 13 songs, two making hits for universal prestige, "Tummy But I Feel" and "Maiden Fair." With Lawrence lending an assist in the latter. Both numbers are comparable to the late Brooks Brown's arctic which shook the Triangle Club into emulating him.

T. Berry Brazzler, as the feminine lead, and Tallman Bissell, male lead, are the principal pair. Individual Princeton premiere Friday night (24).

Six choruses routines went off with ease at the opening. In comparison with dancing lines of past years, current show displays better timing and counting.

Chorus for dancers lean heavily toward the dress-parade style. Audiences are not making the universal first-act curtain scene, which filled the stage with girls attired in formal evening dress, wearing elaborate make-up.

Show opens with cast leaving the stage for her. The first scene is to receive \$50,000 in cash if she is not in the show by Nov. 21. Fred Buzell, played by Charles Neumann, has already presented 20 songs for her. He is now on the staff that he will receive a share of the profits. He is on hand with a prospect at the opening curtain.

Matthews, stands to get the fortune if Wendy does not marry on time. "It is a case around the world," Wendy marrying report, played by Bissell, just one hour before deadline. To make the best advantage of the situation, everyone else decides to marry. To make an advance with Bissell.

Brazzler, Bissell and Ben Duffy, latter in role of a sailor for the heroine's hand, are entrusted with the love over the score and they come off very nicely. "Maiden Fair" number. George R. Brown, a singing master, and the individual leads step in the dialogue scenes. Duffy handles show's comedy lines effectively.

Show begins Christmas vacation company situation. New York performances are scheduled for Dec. 15 and 16.

Rakes Stage Unions

Continued from page 2.

stage unions, particularly as applied to last Friday's (24) edition. She took as her theme the contention made by Assistant Secretary of Labor, Thurman Arnold who, in prosecuting motions, places labor unions in that classification.

He defines as an illegitimate practice "unreasonable restraints designed to compel the hiring of union labor." Miss Thompson maintains that the musicians union is a "historic union," averring that producers of shows are being constantly "held up" by that union. She cites several instances of abuse, the sites several attacks on "The Cradle Will Rock," written so that two pianists were to play the score but the production had to support 12 musicians whose contribution to the amusement consisted in reporting at the correct hour and playing cards back stage. Cited too, were "Time of Your Life," which, because of a one minute number—a Salvation Army hymn during which one man plays the organ and another sings the hymn—the union is required to hire four musicians.

"Pious and Heavily" is also mentioned as needing started with two pianists, but is now using 12 musicians. The show is under the management of the International Ladies Garment Workers Union. That end of the complaint is not the union aimed to get employment for its members. ILGWU explained that unions have played a part in the Labor Stage (formerly the Princess) only the pianists were used, but on the other larger Warrenton, where the show is now running, it was deemed necessary to have men in the orchestra.

Stagehands-Musicians' Haven
 Columnist hooks up the stagehands and musicians. One is a working agreement to morally support each other. She claims that the union make it impossible to produce any theatrical performance rationally. She also believes

the Theatrical Managers, Agents and Treasurers Union is a hindrance and remarks: "It costs \$500 to get into this racket," by Assistant Secretary of Labor, Thurman Arnold who, in prosecuting motions, places labor unions in that classification.

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Plays on B'way

Continued from page 42.

RING TWO

be wed. But he turns up with Rosa, a vibrant young thing who's strong for winter sports. One day it is enough to convince him that that sort of making his life with her. At his age, Mary's situation is made more complicated when her husband, Michael, is a very pretty daughter, probably by a previous marriage. Most of the guests are off to the theatre, the fact is, the snow storm. Peggy has an idea that it is still in love with Mary and that she is going to be the one to be lost in the blizzard. Mary goes to the theatre, but Michael is not there, and she is left with the crew of a snow plough.

The author contrived some laugh lines that are capably handled by Edith Van Cleave, Mary's agent and close friend of the family, but there is not enough fun in the play to make it a success. The acting strength seems to be present, but the play is not a success. Mary is played by the crew of a snow plough.

June Walker appears as Mary and stands out, though she has better assignments. Tom Powers, as Michael, is fairly good. He has had more effective parts. Very good. The play is a success. Mary is played by the crew of a snow plough.

(Withdrawn Saturday after five performance; printed for the record.)
 Dec.

Revised Tax Code

Continued from page 41.

ulate and maintain interest in shows, but must have the incentive of co-operation from management, principally in being assured of regular allotments so that patrons or investors can advance with equity.

In the sessions with the latter was suggested that the question is much to be desired. One line of thought advanced was in effect that generally, naturally, continuing thereby placing showman under the domination of brokers and therefore making it would be welcome to consider a rather extreme viewpoint of what has always been a complex situation.

It has been admitted that last season there was no real effort to keep

BUILDING CORNELL UP TO FULL PITCH WEEK

Pittsburgh, Nov. 28.

Katharine Cornell is trying to re-build her "No. 1" Broadway Company in order to play full week here at the Nixon. Original itinerary for the company was to play here here, opening Jan. 24, following Los Angeles.

John W. Fields, for Playwright Co., is now trying to find a few one-nighters along the route to New York. Cornell here in January 29-for-a regular eight-performance stand.

Star previously played two spots weeks here, but choice and other by necessity. First was in "Romeo and Juliet," the other in "The Merchant of Venice." The middle of week and had to cancel remaining performances.

Nixon, incidentally, looks set for its best season in years. At this time in 1938, theatre had already had couple days weeks here. It has been none so far since house reopened late in September and bookings are solid through to middle of February.

Lenita Lane to B'way

Los Angeles, Nov. 28.

Lenita Lane leaves for Broadway shortly to play the femme lead in "A Thousand Times No Overboard."

Currently Miss Lane is playing in "Rain" on the local stage.

tickets out of the hands of gyps. One ticket out of the hands of the brokers Monday was to "freeze" the allotments. Argued that if the number of tickets out of the hands of the brokers for two or three weeks; agencies would have a better chance for proper distribution of tickets. There would be less risk of preferred tickets seeping out of box offices to wrong people and would be more open to suggestions considered to be used.

There was considerable discussion as to the advance by the brokers. There was considerable discussion as to the advance by the brokers. There was considerable discussion as to the advance by the brokers.

Biographical profile of Kealey Allen, reviewer for Woman's Week, New York Trade daily, appeared in the N. Y. Times drama section Sunday (25). Article was written by Jack Gould, who has been writing a series on show business personalities, Allen being the second newspaperman to receive such attention.

Prior to joining the trade paper, Allen was with the Clipper, referred to as "the Vanity of his day." Gould wrote: "For 45 years his broadpawed hand has judged through the theatre district until at 65 he is known by more denizens of the madra midway than any other stalwart of the Drama Critics Circle...."

"It is the essence of the paradoxical: a gourmet and a guy who eats a holiday dinner at a drugstore counter, a liberal and a frugal, a host and a moocher, a gadgeteer from the hinterland and a dilettante and a connoisseur of the unwelcome. Few are more beloved."

With Ruth Chatterton current in "Tonight We Dance" at Nixon, Pittsburgh, Smoky City columnists have been recalling that it was just 15 years ago this week that star last appeared there, at that time making her Broadway debut in "The Magnolia Lady." That was a musical version of one of her biggest successes for Henry Miller, "Come Out of Kitchen," but never surpassed success of the original. "Dance" has been on road now for more than two months, still warming up for Broadway, although no date has been set yet for a New York opening. Understood that Miss Chatterton since has landed off in New John Van Druten play, "True Story," but turned it down to stick with current vehicle.

One of Cole Porter's current assignments is to pen a rock of encore verses for the "Friendship" song of Ethel Merman and Bert Lahr in "Du Barry Was a Lady." During the two-week tryout in Boston, this second act stuck stopped every show.

Although Merman and Lahr sing their last two encores from a sheet of paper, the demand for more was so insistent in Boston that Lahr had to apologize to audiences and singers for more singing. He promised that there might be more in Philly this week, where the musical continues its pre-Broadway running.

Irene Herman, niece of A. H. Woods and the late Martin Herman, was told to Morton Kenner last Thursday (23). Although the couple are not married, the event attracted persons in show business. The wedding was a rate open house reception in the apartment of the bride's parents on Riverside Drive, N. Y.

The daughter of Mr. and Mrs. J. C. Herman, and it is understood her father was a slaughter agent in Woods' attractions. Among the guests was Clara Lipman, who appeared to be in excellent health and reiterated her desire to return to the stage.

John Root, who designed the settings for "Ring Two," which opened and closed last week at the Miller, N. Y., has been asked to design the proper atmosphere of a Connecticut county show, Apparently the job satisfied him too, for after the show closed Root put in an order with producer George Abbott to purchase all the furniture and other miscellaneous fixtures. He's planning to buy just such a place in Connecticut for summer vacations and weekends.

Although "Tony Draws a Horse," which will bring Grace George back to the stage, was reported to rehearsal several weeks ago, it did not reach rehearsal until Tuesday (28). The reason for the postponement was the passing of Alice Brady, Miss George's step-daughter.

Miss George will be in on the managerial end of "Horse" along with William A. Brady and Lee Shubert.

Mrs. Maribel Hughton, daughter of the late Dr. S. B. Hartman, now of New York, has leased the Hartman theatre, U. S. Legitimate house, for a period of five and a half years, to Robert F. Boda, manager of the house for years.

RCA-Victor has made recordings of Raymond Masey's "Abe Lincoln in Illinois." In an album of three records selling for \$3.50.

ISAR, Guilds Working

On Code for Self-Regulation of Drama, Lit Agents

Plan for regulating dramatic and literary agents is being worked out by the Dramatists and Authors' Guilds and the Incorporated Society of Authors' Representatives.

All three groups have selected new boards of directors, so the idea of a code is expected to take form in a few days. The Committee from the ISAR is drafting a proposed set of rules. It is expected to be approved by its membership and then submitted to the Guilds. After that the organizations will work out any differences. Idea is that the agents to regulate themselves, with co-operation of the guilds, more or less considered for several years, but the Eric S. Pinker experiment came last spring; brought the matter to a head.

New members of the ISAR board from Carl Brandt, John W. Runsey, all literary agents. Those rejected were Richard J. Madden and Thomas F. Kane, all play agents.

Florence Reed Mulling

'Shanghai Gesture' Tour

Pittsburgh, Nov. 28.

Florence Reed, while here in "Bound Round," stated she's seriously considering a revival of "Shanghai Gesture," her greatest success, this spring. "Bound" tour is expected to last until middle of February, and Miss Reed would take "Gesture" on road shortly thereafter. Revival would not be done in New York, she said.

She also pointed out that several key spots in the east, including Boston and Philadelphia, had never seen "Gesture." Critics at that time banned it in those cities. At that time revealed that play on Broadway and road has grossed over \$250,000. Acknowledged that two managements have already offered to sponsor "Shanghai Gesture" tour, which would be for about the same time.

Scripts

David Howard has gone to his place at Jonestown, N. Y., to submit a new play. His "Recessional" is being handled by Brandt & Brandt.

Arnold Sundgaard has nearly finished a new drama about a Negro revolt during the 1800's.

Howard Lindsay is revising his and Damon Runyon's "A Slight Case of Murder" for the amateur market. The Dramatists Play Service will handle it.

Cecil Home, has completed his West-Port Conn., home, has completed a new comedy.

Susan Glagoff has gone to her place in Massachusetts to work on a new play.

Allen Watts has written the first act of a new comedy.

Dan Toher, just in from the Coast, has two new scripts.

Literati

Sullivan-Chapman to Swap
The on-again-off-again switch between Sullivan and Chapman, columnist for the New York World, and John Chapman, one of the most famous of the New York Times, has assumed a more definite status. The two swap jobs, but when Sullivan leaves his home in the Beverly Hills home and Chapman's dilemma over the New York Times, the two Broadway paragraphs, has assumed a more definite status. The two swap jobs, but when Sullivan leaves his home in the Beverly Hills home and Chapman's dilemma over the New York Times, the two Broadway paragraphs, has assumed a more definite status. The two swap jobs, but when Sullivan leaves his home in the Beverly Hills home and Chapman's dilemma over the New York Times, the two Broadway paragraphs, has assumed a more definite status.

Both are agreeable to the transfer. Sullivan has been wanting to get back on Broadway for some time, while Chapman, who is a six-week stint last year, in the film capital, then took a liking to it and had expressed a desire to work on the Coast.

With Sullivan's return to the Main Stem no indication has been given as to the type of column he will do. The transfer took place last week, gossiping when the latter went to the Coast a couple of years ago.

Anthony Frederick Sarg known to the Coast as a literary critic of bankruptcy in N. Y. federal court last week, listing \$6,752 in assets and liabilities in liquidation of Sarg, himself as an act, lecturer, author, illustrator, painter and industrial designer.

The largest liability is \$25,000 owed for rent on a lease expiring May 1. Other liabilities are \$638 owed to Madeline B. Brown for wages, \$484 to Tony Sarg Publishers, and \$400 to Air-Circuits of Northford, N. J., for balloon work. Assets include \$5,862 for debts on open accounts.

Claire Trask's Gestapo Settle
Mrs. Claire Trask, an American citizen, is back in the city of Berlin, where she was born, with a convalescent kneecap which she sustained in a suit against the newspaperwoman, following complaints with the Gestapo. What looks like a homecoming for her, after denying any alleged espionage charges, caused her to almost taking her.

The widow of C. Hooper Trask, the look over the N. Y. Times and Washington, correspondent in Berlin upon the death of her husband. Their marriage was an unhappy one, and she was arrested at the border by a Gestapo agent, who alleged in her case several violations. She was taken back to the capital as she was exonerated, but during her detention, the officials made her know the way you know what usually happens to spies, etc. she figured she might as well outsmart them that way.

Mrs. Trask plans going to Hollywood around Jan. 1.

Street & Smith Sued for 25¢
Street & Smith publications of New York, publisher of the World Stores map, must stand trial in a \$25,000 libel suit filed against them by Spies, Leland, and the New York U. S. fifth circuit court of appeals, New Orleans, ruled Saturday (25).

Their action was based on grounds that a reference to cattle raiding in the publication involved was libelous to his brother, John G. H. Lippincott, publisher of novel, protested via his Frank Frazier, advertising manager.

The suit was amended to a statement in an article by Thayer Holt, entitled "The Battle and the Books," that Johnny Got His Gun

has been a 'stillbirth.' This is not true, and the action has no doubt damaged the sale of the book. It took off to a slow start but it is now being sold in a record of a week, and is in its fifth printing. This does not compare with "Johnny Got His Gun," of course, but since the average book sale is probably in the neighborhood of 1,500 copies, Johnny Got His Gun has done exceedingly well and promises to do better.

With the return of his own books, but when his remarks take in other trade territory it becomes a battle with the publishers. Remarks Frank Frazier: "Things come to a pretty pass when a publisher becomes articulate about another publisher's output. He hasn't the data to go on. He should confine himself to his own catalog, stick to what he is sure about. In any case he should refrain from remarks out of his mouth that might prove of a damaging character. It isn't cricket."

L. A. Examiner's 3 Pix Cols.
With switch of E. V. Durling's column to the Los Angeles Examiner, the Los Angeles Examiner's Crocker's pillar of the film section, giving the paper three motion picture columns. The other is Louella O. Parsons.

Durling's scribbling used to appear in the Los Angeles Examiner, but was not generally accepted by a syndicate for national distribution, the Examiner being a client of the syndicate.

N. Y. Herald-Tribune Changes
Return to duty of Graham Wilcox, former editor of the New York Herald Tribune, after an excused illness, has been accepted by a number of staff changes. Charles McManis has resigned as deputy editor, and has been replaced by Engle, formerly assistant night editor, named as his successor. A. J. G. Cornish and Everett M. Walker named to Wilcox.

L. B. Spillane a V.P.
Four new vice-presidents have been elected by the American News Publications, Inc. L. B. Spillane, its general manager. The other new v.p.s are Joseph A. Spillane, William A. Spillane, and Percy D. O'Connell.

San Diego Daily Fields
The San Diego (Cal.) Sun, Scripps-Haworth newspaper, suspended its publication, claiming to have been operating the past few years as a newspaper, but a deeper dip into the red as a result of Newspaper Guild demands for her bills as part of a new newspaper, unable to see its way clear, the management threw in the towel.

Dimming of the Sun leaves the San Diego newspaper field under the control of Ira Copley, who owns the remaining paper, the Union, morning, and Tribune, afternoon.

LITERATI OBITS
Felix Reisinger, 60, author of several books, including "The World's Y. A. Master manager, he became noted as a scribbler of tales based on his own experiences.

Mr. Minora Oka, former managing director of the Tokyo Nichi Nichi newspaper, died in Tokyo after a long illness. He was 65, manager of the Philadelphia News Bureau since 1918, died Nov. 20. He served on the Chicago Society of Writers before joining the News Bureau in 1930.

Molloy O'Leary, 61, editor of the New York Times, died Nov. 22. One of the founders of the Free Press, in 1922, he was a influential writer on communism. He also served for years as an American correspondent for the Chicago Society of Writers.

Walter C. Hoban, 40, newspaper cartoonist, creator of the comic strip "The Hoban Family," died Nov. 22 in New York. He began "Jerry the Hoban" in 1928, and was a war correspondent, and the strip was widely syndicated by King Features.

Mr. Hoban was also syndicated. His father, Peter J. Hoban, was a priest and Catholic standard and Times.

Nassau Wiesen, 44, a prominent editor of the Bronx (N.Y.) Home

News, died Nov. 28 after a long illness. He had served in the army for nearly 15 years, starting as a reporter.

CHATTER
Bertram D. Wolfe pacted by Stokes for a new novel and the novel.

Alvin Johnston finished three-part serial on Orson Welles for Sateve-ville, and the outstanding conductor of Wagnerian operas in America, died Nov. 23 in a N.Y. hospital of a heart attack which developed from a severe case of arthritis.

In comparatively good health, Bodanzky had returned to his home and most vacation late this summer looking forward to his 25th season of a heart attack which developed from a severe case of arthritis.

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OBITUARIES

ACTUR BODANZKY
Arthur Bodanzky, 61, senior conductor of the Met, who for 24 years has been the outstanding conductor of Wagnerian operas in America, died Nov. 23 in a N.Y. hospital of a heart attack which developed from a severe case of arthritis.

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following a heart attack. At the Hammond organ, he conducted a series of concerts.

He was a pianist and organist with RKO theatres for 15 years, before becoming musical director of Fox-Edwards theatres and later of Grand National. Last year he toured with a tent show, "Here's the Youth," and he had two children. He had been a widower for 10 years.

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Thanks Everybody

**JAN
SAVITT**

and the
TOP HATTERS



THANKS AGAIN EVERYBODY: WE'RE SO HAPPY
— AND CELEBRATING TWO THANKSGIVINGS
THIS YEAR

THANKS:

Boys and Girls you've been swell to us.

THANKS:

Harry Kalcheim, Bob Weitman and the
entire staff of the Paramount Theatre,
New York . . . Especially you people
back stage.

THANKS:

Mrs. Maria Kramer for my nine months'
engagement at the Lincoln Hotel, New
York.

THANKS:

NBC.

THANKS:

Mr. Charles E. Green of CRA for mak-
ing our breaks possible.

THANKS:

Mr. Charles V. Yates of CRA for our
theatre bookings.

THANKS:

Decca Records for numbers like El
Rancho Grande.

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