

# WEEKLY

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56 PAGES

## WEEKLY

### War Strains Haunt NBC in This Year's Planning of Diplomatic Kiddie Show

Washington, Dec. 5. Problem in protocol controls WRC-WMAJ over arrangements for the 9th annual International Children's Christmas broadcast. Custom of having children of diplomats send Christmas greetings to megaphones throughout the world over NBC's shortwaves has caused consternation this year because of the war abroad and the increasing touchiness displayed by foreign emissaries in Washington. Situation was bad enough last year, when a junior diplomat from the German embassy sat with the German in the Czechoslovakian Legation. The war abroad, however, is really giving the WRC-WMAJ department the jitters.

So far, so word has been received from the German Embassy, concerning attendance of youngsters of the embassy staff. Juvenile name-calling, fistfights or other complications are not beyond the realm of possibility if a German child should meet face to face with most representatives of the Polish, Czechoslovakian, French, British or Spanish governments.

Feelings of Japanese kids also must be considered but observers who may be watching for an indication of Japan's attitude toward Russia are likely to be disappointed. The Soviet Embassy has not been represented at the recent kid parties.

More than 30 sons and daughters of foreign representatives in Washington have been asked to the party and most invitations have been accepted. The program, which is being sponsored by NBC in cooperation with the Greater National Capital Committee of the Washington Board of Trade, will be aired this year from the Washington Hotel.

### Cheap Phono-Radio Combinations' Boom Stimulates Disks Also

The General Electric Co.'s combination table-model phonograph and radio set, price-tagged at \$23 cash or \$24.95 on time-payments, is credited with markedly booming the disk business in the east. Similar popularized combo radio and talking machines all over the country have mushroomed in sales as result of the signs of success of G.E., working through the Consolidated Edison Co. of N. Y., which did the merchandising of the regular monthly electric bill for the bookkeeping.

Consolidated agreed to guarantee 50,000 sets but sales surpassed that quota in the very first month so a second 100,000 sets were ordered. Consolidated avers that the merchandising push will end with the 100,000 mark but the disk trade hears 150,000 are pencilled for the metropolitan New York area. Meanwhile firm added some 2,000 employees to the G. E. plant in Bridgeport, Conn.

### Dice Will Tell

Miami, Dec. 5. 'If money' booking, new angle for Florida this winter, the fancy coin for certain talent applying if the gambling lid is off. If not, and that's the big if, the talent will have to reaudit its salaries accordingly.

### A Religious, As Well as 'Escapist' Film Cycle Next

Hollywood, Dec. 5. Paramount is burned up, and plenty, at a lack in New York legit circles that resulted in the revelation of the "Penny Pinch" picture, which was on Broadway last year, as a basis for Cecil B. DeMille's forthcoming "Queen of Queens." Contrary to the usual balldom which accompanies Hollywood acquisition of a stage play, Par was attempting to keep this a secret. Reason is that

(Continued on page 12)

### SINCLAIR LEWIS LOOKS PLENTY STAGE-STRUCK

New Orleans, Dec. 5. Sinclair Lewis, the novelist who has been booked as a playwright for several seasons, and who made his debut on the stage last season, out of town, is said by intimates to have a strong yen to become a regular actor. That he loves to mime was shown when he clapped into his play, "Angels Is 22," on tour. Although he was soon replaced by Philip Merivale, the experience was exhilarating to the writer and it is understood he expects to appear on Broadway.

Author is sojourning in New Orleans, where the activities of a little theatre group has caught his interest. He was asked to appear with the community players and he assented to go on without pay, as do the others. Lewis first asked Equity whether it was okay and received an affirmative reply. As he is a new member of the association, he wanted to make sure that going into the theatre is not a violation

### Product Stacks Up Well, So Theatre Owners Put the Onus on Distribs for Killing Off Names, Series, Etc., by Releasing Same Players' Pictures Without Sufficient Spacing

#### CITE EXAMPLES

Blame for the fact that business has not improved in the picture theatre more is being laid by exhibitor observers to the producers for failure to properly space the pictures of various stars or personalities. Seeking reasons for the lack of action in grosses, buyers and operators are of the opinion that a part of the solution might be found if the studios exercised greater caution against burning up their stars.

While pointing out that the quality of product compares very favorably with other seasons, operators add that there is something decidedly wrong with the way many of these pictures fail to live up to expectations. The feeling is strong that one of the most important reasons affecting numerous films is the lack of spacing of vehicles of various personalities, or the pictures that are turned out in series.

What is believed to have partly caused this trouble, aside from the

(Continued on page 48)

### 3 Bands and Dinner For 60c; Some Customers Just Don't Believe It

By BERNIE WOODS

New combo ballroom and restaurant in New York called the Fiesta Danterria is apparently catching on with the people who regularly attend such spots and is drawing an older crowd as well. Spot unshuttered about two weeks ago, opening its doors about three hours late and 10 minutes after workmen completed sweeping up remnants of construction.

On the site of a former Chinese restaurant at 42d St. and Broadway spot has a capacity for 3,000-5,000 on two floors. Upper story was added specially for the dancery. Added roof garden is built with the

(Continued on page 53)

### Radio's Audience

CBS has circulated the advertising trade with O. H. Caldwell's estimate of 8,000,000 new radio sets sold during 1939. On the basis of experience that never more than 50% of an year's total is for replacements, the conclusion is that over 4,000,000 new listening posts were added to radio circulation.

The staggering total of 40,000,000 home, auto, portable and community radio sets is now proclaimed.

### 'Private Party' Gag May Foil Penny Curfew

Pittsburgh, Dec. 5. With the blackest New Year's Eve nights repeat starting them in the face, Penny nitery ops are trying to devise ways to salvage something out of the wreckage without running foul the law. Officials of the State Liquor Control Board announced they would not swerve from their stand in enforcing the sale of liquor on Sunday, Dec. 31. Only one loophole is left. There is no law against private parties being held, as long as everybody brings his own booze.

With this as a ray of hope, the night spot nabobs are trying to get their best customers to organize private parties and hire their clubs for this week.

(Continued on page 53)

### TOP POP SONG HITS BOTH FROM EUROPE

Shapiro, Bernstein & Co. has gone over the 500,000-mark on sheet sales for two successive tunes, setting a 10-year record for its hit in music business. The sale on "South of the Border" Friday (1) exceeded the 500,000 mark while "Red, Red, Red," which is in its 10th month of publication, has already reached 500,000 copies.

Both songs are European imports, "Border" coming from England and "Red, Red, Red" from what had been Czechoslovakia.

Philadelphia, Dec. 5. 'Mulatto' did not go on as scheduled last night (Monday) at the Walnut St. theatre. Nor does it seem as though Philly will ever see it, for Acting Mayor Connelley's ban stands.

Following a special private showing at the theatre Sunday night (3), with around 1,000 invited guests, including Superintendent of Police Hubbs and Assistant City Solicitor James Ryan, representing the Mayor, it was announced that Joseph E. Becker, producer, had bowed to the Mayor's edict and postponed the opening until after a second hearing today (5) before Judge Curtis Bok, also in the audience Sunday (3). Late this afternoon (Tues) Judge Bok denied Becker's application for an injunction and stymied showing of the play.

When the curtain fell after the invitation performance, a spirited debate broke out that waxed so furious that finally Superintendent Hubbs had to bring in a squad of police and order the lights out in front to disperse the crowd. Prominent Negro-leaders here, including several ministers, were in the audience which filled the lower floor. Mrs. C. Gilbert, leading woman of 'Mulatto', made a plea for the play (Continued on page 55)

### Baseball Play-By-Play Word-Singers Organize In Cincy; Not Unionistic

Cincinnati, Dec. 5. Organization of the Major Leagues Baseball Broadcasters' Association was perfected Sunday (3) at a meeting in the Netherlands Plaza, where the National Association of Professional Baseball League is convening this week. K. M. Landis, baseball commissioner, telephoned approval of the set-up from his Chicago headquarters and was promptly named No. 1 honorary member.

Promoter of the new group was A. K. Rosey Rowsell, KDKA and WWSW, Pittsburgh, who was elected president. Francis Lauck, WGN, St. Louis, and Harry Hartman, WCPO, Cincinnati, are vice-presidents. Arch McDonald, WABC, New York, is secretary-treasurer. Executive committee includes Harry Helman, Michigan network; Bob Eison, WGN, Chicago; Byrum Sam, Atlantic network; Jack Granger, WCLE, Cleveland; and Red Barker, who enters the ranks of broadcasters. He pointed out that Helman and Granger, of the executive committee, are ex-major leaguers.

## 7th ANNUAL Radio Showmanship Survey

PAGES 19-23



# Court Testily Tells Atlas Corp.'s Atty to Stop Stalling and Speed Up RKO Reorg; \$3.50-3.75 Share?

"You go back to Atlas and tell them I'm real angry," declared Federal Judge William D. Hamilton today to film magnate Charles R. Rickaby, attorney representing the Atlas Corp., in the N. Y. federal court yesterday. "Know what the occasion was a request by Rickaby for a further two-week postponement of the submission by Atlas of an underwriting agreement for the new RKO common stock."

Judge Bondy refused the two-week postponement and granted the Atlas attorney one week. The judge had been informed by counsel that at the board of directors meeting on Monday (4) George J. Schaefer, president of RKO, had approved most of the steps being taken and much progress was being made. The judge refused to listen to this argument. "I've been getting many letters from creditors," he said. "There are many strenuous protests over this delay. I think you have a record now as the oldest case in court. It is up to me, and not the board, to decide if the agreement is fair. You tell Mr. Odium to submit his proposition to me. If I don't like it, I will then decide whether to dismiss the entire proceedings or to give the company more time to organize."

**Report Atlas Set to Go**  
It is understood that Atlas is really prepared to go ahead with its underwriting, but wishes to wait until an application for a writ of certiorari, which has been filed with the U. S. Supreme Court by H. Cassel & Co., and the Copia Realty & Fabian Operating Co., appealing creditors, has been decided. The U. S. Supreme Court, whether or not to allow a hearing, is expected to decide in a few days.

However, Atlas is now only allowed one week in its adjournment, so that it may be forced to submit its offer before it knows what disposition will be made on the appeals. At Monday's (4) board meeting, Schaefer made a report on the European situation—and told of the economies that had been put into effect to stabilize the situation. The new conditions that arose as result of the war are not yet surmounted, said the RKO president, but will be soon.

The new underwriting agreement was discussed and is reported to be somewhat less favorable than the original one, which offered \$4 a share for \$3.75-4.00. The new one is understood to be somewhere between \$3.50 and \$3.75 a share.

## WAR SCARE OVER, REP HIRES BACK DOFFER

Hollywood, Dec. 5.  
War scare is over as far as Republic is concerned. Herbert Yates, who ordered economies in September, is rehiring his employees and plans to go through with the original program of 32 features and four serials for 1940-41.  
With Rep's \$750,000 "Dark Command" before the cameras, Yates signed Garrett Fort to write the final script for the new high-budgeted "The Lady from New Orleans." Earl Harte has been ordered to scout the country for more talented "National Barn Dance," first of the features to use radioites, is slated to roll tomorrow (Wed.).

## Rogers' 2 for Col.

Hollywood, Dec. 5.  
Charles R. Rogers closed a deal to make two pictures for Columbia release. First is to be a sequel to "Our Neighbors the Carters," which he recently made for Paramount.  
Producer moves into the Gower street studio this week.

## HORRID LETTER

Warners Doesn't Like No. 2 in the Alphabet—All 'A' Pix

Bryan Fay, chief of the low budget production unit at Warner Bros., left for the Coast Friday (1) after two weeks of confabs in New York on future product.

Fay declared the new WB policy will eliminate B pix. It will make moderately-budgeted 'A' instead, considering B a horrid letter.  
Bill Jacobs, one of his associate producers in the lower B class, went off the payroll last week. Gordon Hollingshead, in charge of special short subjects, is slated to remain with Fox under the new setup.

## SEE HAPPY B.O. DAYS IN DIXIE

Atlanta, Dec. 5.  
Continued increase of industrial activity in southeast is reflected in roaring blast furnaces and humming cotton spindles as revealed in October review of business conditions by Sixteenth Federal Reserve Bank District last week.

Fat payrolls are putting money into circulation and show business is getting its fair share of this dough in Georgia, Florida, Alabama, Louisiana, Mississippi and Tennessee, states comprising Sixth District.

Steel mill activity in Birmingham area continues at high rate, reported with all of the 18 Alabama blast furnaces in operation. A 4% increase in Alabama, Georgia, and Tennessee cotton mill operations for October was reported, the daily average of cotton consumption in the same month exceeded previously only in February and March, 1937.  
Because farmers sold their crops last year than they did in 1938, they received nearly two and a half times as much from marketing them in September as they did in August last year.

The Dixie prosperity picture is definitely rosy.

## Another Full-Length Inker by Fleischer

Hollywood, Dec. 5.  
Max Fleischer is reading another feature-length cartoon to follow "Gulliver's Travels" in the "Fleischer release." Picture will be filmed at his Miami studio. Writing staff arrived from Florida to confer on the story with Dave Fleischer, director who is here putting the finishing touches on "Gulliver."  
Spanish version of "Gulliver" another Full-Length Joker starts this week with Luigi Laruffa at studio censorship editor, supervising. Film is to be entirely re-recording using new voices and translated lyrics.  
Revised edition is for Latin-American trade.

## Ostrow Leaves Metro

Hollywood, Dec. 5.  
Lou Ostrow, associate producer in charge of Judge Hardy pictures at Metro, turned in his resignation.  
He plans a long vacation before considering a new job.

## THAT GOOD!

Hollywood, Dec. 5.  
Sneak preview of "Mexican Spitfire" induced RKO to schedule three more pictures co-starring Lupe Velez and Leon Errol.  
General release of "Spitfire" is slated in two weeks.

# GOOD RECEIPT. NEW SCHEDULES OF PIX AMORTIZATION, Due to Foreign B.O. Dip, Compels Big Writeoffs in the First 8 Weeks

**Resume Powwows After Jan. 1.—Other Problems Had Sidelacked Films for Several Months — Arnold's Hardboiled Attitude Another Factor**

## SPEAD-THE-WEALTH

Washington, Dec. 5.  
Resumption of talks between the U. S. Commerce Department and film industry is expected after the holidays, despite intimations the peace program has lost appeal for producers following the Justice Department's scornful rejection of the trade practice code. "Studies of various trade problems are said to be continuing, although no huddles have occurred for nearly six months and there is scheduled for any definite time."

Pressure of other business is cited as the reason why the Commerce Department pacifiers have made no further attempts to work out solutions to some of the industry's worst worries. At present, Prof. Willard Thorpe, head of Secretary Hopkins' personal brain trust, is busy to his neck in armistice maneuvers involving the potash people and the Justice Department, besides being involved with chores for the Temporary National Economic Committee (monopoly problems). When he gets the fertilizer worries off his mind he plans to pick up the film question.

Uncompromising attitude of the D. J., as reflected in Prof. Thurman Arnold's speedy rejection of the self-regulation idea, is holding back the Commerce Department, it was indicated. While the Hopkins aides still insist they're not trying to lay the groundwork for a consent decree, the adamant stand of the trust-busters is a notable obstacle. For the industry people, harassed with the litigation started by Arnold's men, they have more important worries and are skeptical about the possible accomplishments of the Commerce Department.

Justice Dept. Tough  
There is little evidence, meanwhile, that Arnold's stringent labor unions will benefit the film industry. Or radio, either. It is indisputable that the D. J. prosecutors look on the film majors as an economic ogre which must be reformed, so they aren't disposed to help the studios or exhibitors with their union difficulties, beyond the inquiry into "racketeering" in Los Angeles. From the D. J. viewpoint the major distributors and exhibitors are the worst offenders in the field of restraining competition, and there is no evidence at present that the unions are guilty of conduct that can be termed a serious breach of the anti-trust statutes in the film field.

How the commerce interveners can help the industry is hard to figure, it is difficult to imagine. The National Labor Relations Board has established a reputation for yielding to rumors from other branches of the executive wing of the Government, while the Commerce and Labor departments do not see eye-to-eye on many matters. If the parlays result in any agreement, the film chain does not see eye-to-eye on how they will derive any benefits. As has been pointed out so often, the general New Deal attitude is that an industry which pays such fat salaries to talent and executives at the top can share the wealth more generally.

The Commerce Department inclines to believe that the industry is about the effect of the war on film production. So far only sketchy bits of news are picked up. The D. J. attaches abroad have been too busy with other subjects to give any comprehensive reports on the theatre

## RADIO TENORS FOR FILMS

Barry Wood and Dennis Day Getting Celluloid Nod

Two radioites set for Paramount pictures are Barry Wood (Lucky Strike "Hit Parade") and Dennis Day, Jack Benny's new tenor.

Day is already in work with Benny on a film but a separate deal for him is virtually set.

## WARY OF '40-41 PROD PLANS

Despite trip of Sidney Kent and Herman Wobler to the Coast, 20th Century-Fox will lay no definite production plans for 1940-41 until January or February. Company execs felt it would be an error to make any decisions or announce any plans at this time, claiming they want to wait until the last possible moment in order to get a better picture of the European situation will be. It is felt at Fox that any budget-making or story plans may have to be revised continually throughout the year of 1940, depending upon what breaks in Europe. Although film business in England is now good and the 50% coin restriction is not a terrific hardship, it is pointed out that all plans should be upset with a single bombing of London, resulting in theatres being shuttered, or by a change in the currency quota.

## DICK POWELLS (JOAN BLONDELL) IN 1 FILM

Dick Powell and wife, Joan Blondell, will work together in a picture called "Small early in the spring. Both are now without contracts to other producers. Powell is in the fine view of a p. a. tour in Milwaukee and returns to the Coast at the end of this week for huddles with Smalls.

Miss Blondell, who was recently in New York with Powell, is currently marking time in Hollywood.

## Par Exers Back East After Studio Huddles

Hollywood, Dec. 5.  
Paramount's eastern execs train for New York today Tuesday after budget and production parties at the studio. In the group are Barney Balaban, Stanton Griffiths, Russell Holman. Neil Agnew planned back last weekend, while John Hicks, who reached New York yesterday (4).

Homeoffice toppers are due back in New York this week for the production heads at Paramount, much with six features in work during Christmas week. Plan is to build a backlog of pictures for the new year market.  
In production now are "Safari," "Buck Benny Rides Again," "At Good Old Sings" and "The Way of All Flesh." Slated to start before the holidays are "Golden Gloves" and "A Night at Earl Carroll's."

business. Unofficial advisers are that the shock isn't as great as was feared, although restrictions on withdrawal of money looks liable to be a general worry. The latter problem, however, is one that is most likely to be tackled on a broad front, rather than on behalf of particular lines.

New schedules of film amortization either have been established or shortly will be placed in effect because of the decline in revenue from the foreign market. First of these drastically altered amortization setups appeared last week in Warner Bros. annual statement, and similarly changed slates for amortization will figure in film company financial statements from now on, according to best Wall Street financial opinion.

Growing tendency, prompted no doubt in recognition of the decline in foreign revenue during the last 15 months, has been to write off more negative costs in the first eight weeks of a picture's release than ever before in the past.

Declination for the changed amortization alignment is that actual or anticipated decline in foreign income accentuates writeoffs in earlier stages of a film's release. In a nutshell, picture company officials figure that greater writeoffs must be made in early periods, and that after a production has been out for 39 weeks, only a negligible portion of film costs can be amortized.

For example, Warner Bros. cumulative percentage of film costs written-off rises to 87% in the first 39 weeks after release, leaving only 9% to be written off in the subsequent 13 weeks. In the new setup, a bare 2% of total picture costs is amortized in the first 13 weeks, the 65-week amortization period.

## Necessitates Big Rentals Early

At the same time, the first four weeks, with \$100,000 gross the gross figure, would show less profit in the period under the new amortizing arrangement unless there is a real pickup in early first-run income. For example, the new amortization schedule would require that the first four weeks instead of 15% be amortized, or \$150,000 net profit instead of \$85,000 net profit (15% writeoff) if the picture costs \$1,000,000. In the first four weeks, which is why plenty of pressure currently is on to get in-

(Continued on page 8)

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# TALK 2 IN A YEAR IN EAST, BY MA. OPS. 'BIG LAGUARDIA' N. F. M. MEN

Eastern Cinema City Discussions Continue How—Rockefellers and Others Mentioned—Showmen Manifest Much Interest

Recommendation of a quota of two pictures annually in the east by each major company, combined with the one already aroused among independent producers and financial factors to turn out films on the Atlantic coast, is leading to the strong possibility that financing will be arranged for the building of a studio development to be 22nd to 10th b'ys business on such a project, with outside financing participation possible to figure.

Meantime, New York's mayor, F. I. LaGuardia, denies that there has been any thought of discussion concerning the conversion of present World's Fair buildings into a studio development. This report is also pooh-poohed by studio union leaders. For one thing, the fair property cannot be used for other than its present purposes at the end of the expo. The property on which a so-called cinema city would be built, under the present proposal, is near the Fair site, however, and will be available, the mayor has indicated, to the studios. Mayor LaGuardia has seen and in which he is interested were actually built up about three years ago by Sol J. Scoppa of Studio Mechanics, Litch 52, who also was interested in building such a project on the Fair where producers could make pictures and the public admitted to seeing films from all states parties. Scoppa's plan then got nowhere but now it looks like it might go through along somewhat different lines though, basically, still for the use of as many producers as would want to participate.

## Several Factors

Report is that if there is a following on the cinema city, the project would be carried out under the leadership of the Rockefeller family, with additional backing of the Oulm of Atlas, who is deeply interested in RKO; Doc-Meyer, reality interests, Radio City, and possibly others. Proposal of a quota annually of two pictures by each producer to the east, it is said, has been made by George J. Schacter, president of RKO, in a discussion of the plan with the mayor.

Agreement on such a quota, plus independent producers to the east, and much interest in that direction, would give New York a substantial amount of film production in line with LaGuardia's 10% idea.

## Legiters Interested

In addition to the plans of numerous indies to use the east, formulated since the mayor began his campaign, it is understood that writers and screenwriters are getting flummoxed so far as New York production is concerned. Sam H. Harris, producer and Moss Hart, together with Sam H. Harris, producer, have with "The Man Who Came to Dinner" for sale to pictures, and may do themselves. Meantime, Harris has been George Jessel, who is being in an advisory capacity on pictures they plan. John Gould is reported to be offering the idea of a film to make "Skyline" in the east with Samson Raphaelson and Gertrude Lawrence participating.

Among those the mayor has talked to during the past week is Benjamin Glazer, producer, last with Warner Bros. for Harry M. Goetz who, with Max Gordon, produced "The American Way" and has "The American Way" yet to make, conferred with LaGuardia Friday afternoon to discuss financing of the picture in the east. Goetz told the mayor that he would like to produce "The American Way" in New York and may do so, he doubted that he could produce the movie for the purpose to build sets representing an Ohio town.

The producer asserted, however, that he might be able to make a portion of "Way" on the eastern coast and part of it in New York.

## Series of Colored Films

Lewthal Productions, producers of pictures with all-colored casts, has been president of the National Film 24, from the Social Register. Company has quietly completed two pic-

tures of a total of eight planned for the coming year. Arthur Leonard, formerly with Warner Bros., costing department on the Coast, is in charge of production.

## It's a N. Y. Oufit

A snag in connection with the third film which is ready to start and will be filmed entirely at Lake Placid, is trouble in finding a Negro skater for one of the important parts. It will be called "White Heat". Second film just completed is "Pocantun", starring Nina Mae McKinney, judging among others by Carl Hamner Harrington, Ida James and Emmett Walling. Entire company was flown to the Atlantic British Western, but for the filming there.

## S.A.G. BLACKLISTS N.Y. YIDDISH PROD. GROUP

Screen Actors Guild, which has been striving to organize the Yiddish picture field in the east, has blacklisted Elite Productions and is tentatively weighing similar move against several others. In addition to Elite, the blacklist includes the company. Members of the other 'A's groups, including the Hebrew Actors Union, are barred from working for the outfit.

S.A.G. has reacted with virtually all English language picture companies in the east and has a working agreement with Maxell of Time. Indies is negotiating with Maurice Schwartz, but as yet has reached no agreement with him regarding his Yiddish film production.

## Show People Listed In Felix Young's Washup

Los Angeles, Dec. 5. Felix M. Young, former operator of the Trocadero, died a long list of Hollywood notables as creditors in pending bankruptcy petition, involving \$142,910 in liabilities and no assets.

Among the creditors are Louis B. Mayer, \$135,000; George Goldstein, \$20,000; Jed Harris, \$11,000; Chas. K. Feldman, \$10,000; H. D. Cowan, \$10,000; Myron Selznick, \$5,000; Jerome Kern, \$5,000; Frank Orsatti, \$2,500; George Jessel, \$2,000; Carl Laemmle, Jr., \$1,200; and Mervyn LeRoy, \$1,000. The spot, now dark, will be re-leased by Young, with Abe Lyman's backing.

## Edw. Small, Rowland Lee Combo Repeat on 'Cristo'

Hollywood, Dec. 5. Edward Small signed Rowland V. Lee to direct "The Son of Monte Cristo," produced in 1934 by the same combination.

Directed as soon as Louis Hayward, slated for the title role, finishes his current chore in "My Son, My Son".

## Closer to the Coin

Hollywood, Dec. 5. Ernest L. Scanlon was upped to treasurer of Selznick-International after several years as assistant treasurer.

He has been in pictures eight years, starting as auditor at RKO.

## STARS AND STUFF

Hollywood, Dec. 5. Jane Bryan, newest star of the Warner Bros., shares top billing with Eddie Albert in "Stuff of Heroes," a newspaper yarn slated to roll early next month.

Ivan Goff and Al Marwin did the screenplay.

## Sheldon-Barnes Win Re-Review in Their 'Lytton' Suit Vs. M-G

Washington, Dec. 5. Ruling on the fairness of the lower court decision splitting profits from asserted plagiarism was assured Monday (4) when the U. S. Supreme Court agreed to review the latest phase of copyright controversy between Metro-Goldwyn-Mayer and the Margaret Ayer Barnes-Edward Sheldon scripting team. The justices refused to change its stand in their claim that the studio's "Lytton" is a steal from their "Discharged Lady".

Passing on two separate but related appeals, the highest bench agreed to scrutinize the formula under which the authors get only 20% of the film's profits. Studio lawyers made no headway with new assertions that the lower judges erred in construing the copyright law. Previously the Supreme Court had sided with Mrs. Barnes and Sheldon, backing up their claim that Metro is guilty of deliberate plagiarism. Questions to be answered are in similar value of the story's contributions to the flicker. Counsel for the writers insist that the lower court's ruling that Metro is entitled to 80% of the earnings. Challenge aimed at the ruling is that the studio, which the suit is permitted to treat as expense the \$252,141 paid the Louis B. Mayer-J. Robert Ruben, with the scribblers holding that their cut was a distributable profit and not part of the production cost. Mrs. Sheldon and Barnes want all of the profit, arguing that the court has made a mistake in not holding that Metro's contribution was little besides "labor and material".

The company had made another strenuous effort to get the Supreme Court to take back its decision is granted work based on literary material in the public domain. Admitting there were parallels between the Barnes-Sheldon script and the "Lytton" treatment, Metro declared the American "Lytton" was taken from the same source—historical records of trial of Madeline Trelawny, which the court has ruled. Failure of the lower courts to limit the applications of copyright laws was termed a major error in the ruling with the finding that "Lytton" contained original material thieved by the studio.

## Mpls.-St. Paul Indies Now Plan Fighting Metro's % Pix Demands

Minneapolis, Dec. 5. Claiming a victory over Warner Bros. in their fight against percentage pictures, Twin City independent, subsequent-run exhibitors now are planning an attack against Metro, the Minneapolis indie who has been made up in the exhibition.

Northwest Alliance asserts that hitherto the indies have bought four M-G pictures on percentage basis under the terms of the "Lytton" action that the percentage deal that has been an established policy of that company throughout the U. S. Metro has been selling fat to subsequent-run indie in the exhibition. W. A. Steffer, NW Alliance prez, now declares that, starting next season, the Minneapolis indie will buy "Lytton" with M-G fat, or not at all, the same as they buy other product.

Chicago has been the center of the battle to enforce its percentage demands on the Twin City indie because it is the only indie who is presently strong enough to get away with the policy. The impression in the Minneapolis indie is that the indies "couldn't operate without Metro." But Steffer claims that the boys sub-

## Studio Contracts

Hollywood, Dec. 5. Osa Massen inked player pact with Walter Panger.

200-Fox handed writing ticket to Robert Hopkins.

Paramount contracted John Laird, actor.

John Shelton Price penned player deal at Paramount.

Universal signed James Craig to their contract.

Warner renewed Humphrey Bogart's player ticket.

Metro handed new pact to Ian Hunter.

Edward Small hoisted George Bruce's writer option.

Warner renewed muppet contract to Michael James Gubatos.

Harold Rosson inked new cameraman ticket at Metro.

Universal signed Ayley Elyand to player contract.

Phil Eisman drew new writer pact at Warners.

Jethro Lynn continued at Warners under a new deal.

20th-Fox contracted Travis Banton as designer.

Pathe Labs' Suit For \$210,000 vs. DuPont

A \$210,000 suit for alleged breach of contract was filed in N. Y. federal court last week by Pathe Laboratories, Inc. against DuPont Film Manufacturing Co. The causes of action are included, the first seeking \$150,000 and the second \$60,000 as well as an unpaid royalty.

Pathe claims that under a contract dating back to 1925, and still in force, the defendant agreed to use them all the film stock produced by them all needed at a price not to exceed 30% over cost. In 1936, when Pathe purchased 7,000,000 feet of 35mm photographic positive nitrocellulose raw film, it was charged at a rate of 10% foot, allegedly in excess of the amount provided under the contract. The second cause of action was that from October, 1936, to December, 1937, Pathe purchased 21,000,000 feet of photographic film, which was paid at other than the rate, and \$60,000 is the amount sought to be recovered here.

MRS. JOHNSON'S COL. FIX

On Saturday, accompanied by her business agent Clark Getts and press agent Mark Larkin, arrived in N. Y. last week to shoot scenes for "The American Way," a historical picture which will wind up her feature for Columbia, "I Married a Doctor." The film will also include on release date, tentatively set for January 1.

Mr. Johnson goes back to Africa in the spring. Whether Getts goes along again isn't determined at the moment.

While Warners was holding out for percentage contracts, the company was also holding out for an individual boycott as far as the Minneapolis and St. Paul indies were concerned. Practically all of the boys, however, are falling in line now that they can buy fat.

A few of the individual pictures, like "Gulliver's Travels," will be sold on percentage to the indies or not at all.

Schaefer Back, U. S. Set

Returning yesterday (Tues.) from a tour of his western territory, L. J. (Jack) Schaefer, v. in charge of sales for U. S. in that sector, announced the closing of five major circuit deals, completing chain negotiations in his division.

Headed by the Balaban & Katz circuit, covering 70 houses in the Chicago territory, closed several weeks ago, the circuits that are committed to UA 100% for 1939-40 are: The United States in Illinois and Indiana; Publix International in the Salt Lake Territory; the McNeill-Warner circuit in the Pacific Northwest; California, and the Blumenfeld circuit, also in California.

## S. S. Serious 'On Pix Labor Probe, Repeats Murphy

Washington, Dec. 5. Assurances that the Justice Department is serious in dragging film industry executives and Hollywood labor figures before the Senate Labor Grand Jury are getting a noncommittal response.

When quizzed again about the arm-waving on the Coast, Attorney General Frank Murphy explained that his undertakings are making certain that every tip is exhausted and no one is "unturned." That was his reply to a question as to whether the inquiry into the reported \$100,000 pay-off and the tax troubles of Joe E. Brown, Dorothy Zornick, and L. A. Murphy added that he has sent two more tax division men to L. A. to help ferret out all details.

Schenck on Stand

Los Angeles, Dec. 5. U. S. Grand Jury wound up its investigation of income tax dodging, restraint of trade and labor racketeering in the film industry, with its findings still a secret. Understood the official report will not be made public for two weeks.

Chief witness was Joseph M. Selznick, who declared that the association, presumably called to explain an item of \$100,000 turned over to the U. S. attorney, was made by a "friendly loan," since reported, Schenck was also reported to have declared that he had no interest by 20th Century.

William Dover, former 20th-Fox executive, also declared that he was in control of the company, spent hours before the jury giving details of the takeover.

While the investigation is closed, Charles Carr, special assistant U. S. attorney-general, declared that he feels the necessity of questioning more witnesses.

Blois' Chi Counsel

Chicago, Dec. 5. State Senator Charles Blois has been enlisted as special counsel for Willie Boff of the International Alliance of Theatrical Stage Employees who is now under threat of extradition from California to serve balance of a term on pandering conviction in 1922.

Attorney Marovitz has appeared to Governor William D. Allen to request a hearing on the case before extradition is actually "brought out" by the Governor. Marovitz has granted request for such a hearing, and it is likely that the Governor will listen to Marovitz's plea some time this week.

## GARMES ON FENCE

Admits Higher Costs East, But May Make 'Em in N. Y. After All

Hollywood, Dec. 5. Lee Garmes may produce two of his three productions for RKO release in New York. Although conceding negative costs are higher in the east, due to necessity of shipping film to New York, Garmes has granted concessions by Mayor LaGuardia would more than offset this liability. "The American Way," which was originally intended for eastern production but was shifted to the west, is one of the two independent pictures to sleeper-jump across country.

## Hively Fetches 'Anne'

Hollywood, Dec. 5. Jack Hively will produce "Anne" on two thoroughbreds.

Next assignment on an outdoor set in California has been on and off the schedule several times for two years.

## WB RETIES WALSH

Hollywood, Dec. 5. Warners renewed Raoul Walsh's director contract for another year.

Walsh's next assignment in Burbank is "The Sign of the Cross," starring Janet Gaynor.

Roy Rogers has his crowning and final role in "The Sign of the Cross" in "Dark Command" at Republic. The picture is being shot in California.

# Seems Certain the Anti-Trust Suit Will Come to Bat Between Feb.-May; Film Cos. File Series of Questions

## CENTRAL CASTING UNDER S.A.G. GRIE

# Hammons Gives Up RFC Loan Ideas, Turns to Pvt. Bankers; Says He'll Bow Out of GN If Unable to Land Coin

Actors to Press Demand for Wage Raising—Ask 15% Wage Raise for Day Workers—Holman in Anger's Producer Spot

### VIC CLARKE OUT

Hollywood, Dec. 5. Definite evidence of job sales to extras has been uncovered by investigators for the Screen Actors Guild. Kenneth Thomson, SAG executive secretary, says former G-men received cases of actual job purchases, in addition to passing of gratuities with such regularity as to constitute bribery.

A report now being reached by Edwin Atherton, who made the San Francisco graft expose, will be cited by the actors in their demand for a general housecleaning at Central Casting Corp. Expose also may involve casting offices of several studios which have been making hundreds of preferred calls independent of Central.

The SAG is trying to avoid a scandal such as hit Central a few years back. When the data is complete it will be laid before Fred W. Beaton, president of Central, with the idea of giving the producers an opportunity to cooperate in cleaning up the situation. If immediate action is not taken by the producers, the SAG will then proceed to clean up the situation in its own way.

Simultaneous with this investigation, the SAG advised the producers a demand for a flat 15% wage increase for extras was being submitted, as well as a request for general reclassification of all extra wage brackets. If the request is granted, earnings of extras will be increased approximately \$50,000 a year. The reclassification would prohibit atmosphere players in lowest bracket being called for any work other than mob or crowd scenes.

Pay of dress extras would be lifted from \$16.50 to \$18 day, with minimum check for extras going from \$5.50 to \$7.

(Continued on page 8)

### Title Topsy

Hollywood, Dec. 5. Warners is having more trouble with titles than George M. Pullman who invented the sleeping car and deluged the nation with names that stumped the world's greatest linguists.

Latest trouble is with "Mama Ravioli," which became "My Son," and bumped into Eddie Small's "My Son, My Son." It was changed to "Bad Boy," which happened several years too late. Bad boys are numerous in literature. Production goes on in the Burbank title foundry is still in a quandary.

## ALPERSON BACK WITH SKOURAS AS BUYER

Edward Alperson, one of the organizers of Grand National Pictures, now tangled with TTB, has gone back to work for National Theatres, the Skouras Bros. outfit from which he resigned about three years ago.

Temporarily, Alperson is making a tour of National's operating division, but later will be assigned as head of the New York film buying department.

### LEVENE'S INDIES

ES-GN Auditor Says He Has Financial Backing

Julius Levene, Grand National auditor until recent bankruptcy proceedings against the company, is going in for picture-making on his own. He has obtained backing from three interested in improved housing conditions, and will turn out three or four full-length pictures. They will be "socially-significant-without-showing traces of propaganda," Levene declared.

Current plan is to "take two of the films on the Coast, and the additional one or two (number depends on how much is spent on first two) in New York.

Trial of the film industry's most important litigation, the Government anti-trust suit, will begin no later than May, 1940, and no earlier than February. On Friday (1), attorneys for the major film companies, together with Paul Williams and William Farnsworth, for the U. S., decided to postpone their arguments over the starting date of the trial before Federal Judge John C. Knox until Dec. 15. During the interim, major counsel will attempt to get together and reach a date agreeable to all. That date will be submitted to the Government for its approval. Should both sides be too far apart for arbitration among themselves, Knox will be asked to decide.

Williams is almost certain to ask for a Feb. 1 trial. On the other hand the majors will ask for a June 1 trial, with the hope of delaying matters until the fall of 1940. Since Judge Knox, as long ago as September, declared in open court that he felt the issues at stake should be decided as soon as possible, it is likely that the judge will grant the Government's request, or at the outside, split the matter.

The major studios themselves have not helped their position in an attempt to delay further, by repeatedly stating that the new Government questions as rephrased and opened can be answered in two months.

38 Interrogatories

The U. S. plans to answer all of the questions submitted by United Artists. These were some 38 in number with various sub-divisions and questions mostly with a view to secure the names of Government witnesses. Under the Federal rules, Williams feels U. A. is under no obligation to answer and will give it to them. The balance of the majors will wait until the end of December and Universal also filed their questions either Friday or Monday (4). Most of the majors sought the same information and in those cases here questions were similar to U. A.'s, it can be taken for granted they will be answered.

It is also understood that recent newspaper articles on the effect that official Washington was slowing up the suit, has caused a change in plans on the department of Justice. Thurman Arnold is understood to have informed Williams to get the trial going as soon as possible, and that prosecutor gladly rose to the chance. Interrogatories submitted during the past few days by the major companies propounded questions to the U. S. on every phase of the industry.

They seek to know, for example, if competition in production, distribution and exhibition was started before the various corporations were formed. From this it may be deduced that the majors will try to show that they simply made the best of a poor situation, having entered a field in which they had to compete themselves, and others practicing the same tactics on them.

In respect to the alleged violations, the companies want to know the time, name of each defendant involved, how the alleged violations were perpetrated, and the names of each person known to the U. S. having knowledge of the participation.

The next question seeks the same knowledge regarding the series of stock dealings, and merger agreements which led to the monopolistic activities. Identification of all documentary evidence on this subject is asked.

Then the Government is asked to name each independent exhibitor, who since 1933-34, has been unable to operate his theatre successfully, due to insufficient capital. This question, unabashed, seeks the names of each exhibitor.

(Continued on page 18)

### DeMille's Title Change

Hollywood, Dec. 5. "Northwest Mounted Police" has a new title but you would scarcely notice the difference without a microscope.

After thorough research by Cecil B. DeMille and his keen-eyed staff, a lower-case "w" was promoted to upper-case. Release title is North West Mounted Police.

## GN STUDIO TAKEOVER BY ERPI IMMINENT

Hollywood, Dec. 5. Grand National studio may be taken over this week by ERPI as a result of a survey of the Santa Monica boulevard property by ex-GS of General Service, subsidiary of ERPI, which holds \$250,000 mortgage on the GN lot. Shift depends on Earle W. Hammon's ability to re-finance the property.

Current revival of indie production will fill General Service to its capacity through next July, and the GN plant would take care of the overflow. Deal has already been made with Dick Pearl, GN studio manager; to handle excess production on Lee Garmes' "And So Good-bye," now working on General Service sets. If the GN lot goes under ERPI control it is likely to house Howard Hughes' next production.

### Ring Me In

Hollywood, Dec. 5. "Night Operator," story of a small town telephone girl, is Edgar Selwyn's next production for Metro, following completion of his current chore, "The Golden Fleece." Yarn is by Lucille Selt Edgerton.

"Fleeing" stars James Stewart.

### ANNA STEN'S PLAY YARN

Anna Sten's play "East of yesterday" (Tues.) and is interested in doing a stage play, having several scripts under consideration.

Dr. Eugen Frenke, her husband, here from the Coast.

Earle W. Hammons, president of Grand National, indicated Monday (4) that he will give up all attempts to salvage the company if he isn't able to produce positive proof that he has the necessary coin at a hearing before bankruptcy referee Peter B. Olney in Federal Court this afternoon (Wednesday). Hammons also revealed on Monday that he is no longer depending on the Reconstruction Finance Corp. to come through with the anticipated windfall, but has turned to private bankers.

Hammons gave these indications on the state of reviving the company at a meeting of a committee of creditors at the Federation Bank, N. Y. It was instructed by Referee Olney to report to the committee meeting on Monday prior to the hearing set for today, so that a recommendation could be shaped up for presentation to a general body of creditors at today's (Wed.) session. Later, is a continuation of that of last Wednesday when it was voted to give Hammons one more week to produce the money.

Fighting hard to prevent the court from tossing him out as directing head of GN and naming a permanent receiver to liquidate the business, Hammons appeared Monday (4) with his attorney, Saul Rogers. Rogers played before the referee Olney and his counsel, Joseph Dannenberg, that no vote be taken before the time expires.

### No Hope of RFC Aid

Hammons said he had given up hope of getting an RFC loan in short order. He pointed out that the company has given him several postponements. For that reason, he indicated, he had turned to private banking sources and still had hopes of bringing GN out of the voluntary bankruptcy in which he placed it this week.

Pressed by Dannenberg and Pat Shanahan, chairman of the committee toward an ultimatum, Hammons gave the group what it considers all-out an agreement that he will ask for a further extension after this afternoon, but will step out of the affairs of GN.

Group, which has been standing by for several weeks, waiting to take over the company as soon as the bankruptcy process is completed, is solving the new owners of old debts, is still waiting for Olney's final decision on Hammons. It will immediately make an offer to the receiver. Among members of this group are Shanahan, who represents Jerome Maguire, president of the Federation Bank, and Franklin Warner, who is seeking an interest in the company as release for product of his Fine Arts Pictures. Maguire and Warner have been up in the air for some time, but have been together before. There are also other interests involved.

Grand National employees last week were notified that the two-week suspensions under which they were laid off could now be considered indefinite. If the company is liquidated, all at once the employees will be hired by the new operators.

At the hearing last week Rogers attacked Dannenberg violently, declaring that the opposition coalition had forced an involuntary bankruptcy on the company, which would have had its financing now, if this had not been done.

"Dannenberg deceived Rogers," is interested in throwing this company into liquidation. It is probable that he has tried to pluck legal fees from its carcass."

Rogers ended his plea for another week by pointing out that creditors who claims run into the thousands have agreed to the postponement. "If creditors can do so better," orated the attorney, let them bring in a better offer. We'll be glad to accept.

# Top Money Pix of 39 Best Grossing Film Stars Leading Directors The Foreign Situations

in forthcoming

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To be Published Late in December

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# Roach's 'Mice' Gets New Ad Agcy.; Result Of Joan Bennett Huff

United Artists' campaign on 'Mice and Men' will see a new advertising agency handling the Hal Roach account, possibly a western outfit, now that J. Walter Thompson isn't doing the Roach copy. The split occurred with 'Housekeeper's Daughter,' which has been a bit of a storm center stemming from Joan Bennett's objections to the manner in which she was exploited. Donahue & Co. apparently called in as an emergency organization to bridge the gap pro tem, and 'Mice and Men' may see still another setup.

# BABIES' BANK ACCTS. AS THIN MAN'S RALLY

Pittsburgh, Dec. 5. Capitalizing on the Nick Carter (William Powell and Myrna Loy) first run in 'Auntie Mame' and Charlie Baron, Metro exploiter in this territory, is snaring some good 'Christies from foot, hand and baby bank accounts. Idea is simple. Theatres that are going along agree to start a savings bank, with a dollar amount varying in different locations, to first baby boy born in that particular town during first hour—or in some cases, first day—of 'Thin Man's' opening engagement. Participants are asked to cooperate with theatres in listing time of arrivals. So far, Baron has secured about a dozen houses and flock of others are coming in as picture's distribution in the district widens.

# Loew's, in St. L., Ties In Stores On 'Thin Man'

St. Louis, Dec. 5. Combo of co-op ads, color contest for kiddies and groupings, street car, radio and newspaper, and bookshop window tieups were the highlights of the efforts of manager Chick Evans, Paul J. Marston and his aide, Wallie Heim, to make this burg 'Another 'Thin Man' conscious.' Color contest was part of a full page co-op ad tieup with the Star-Times, p.m. rag. Before 'Thin Man' had begun its second week at Loew's, more than 3,000 entries were received in the color contest, for which prizes, totaling \$40 and 40 pairs of ducts, were offered.

Heim promoted several co-op ads with two of the largest downtown department stores in this was noted—'at the stores' lightening up at this time of the year to exploit their 'shop early Xmas' sales campaign. Zenith Radio Co. kicked in with spot announcements for the Powell-Loy sales.

# WB's Cuffo Xmas Carols

New type of distributor good-will is exemplified by the tree trailer for Christmas which WB, Springfield, has made and is distributing to exhibitors. It runs a little over two minutes, available for showing Xmas week. Trailer offers the Lane sisters and Gale Gaze doing Christmas carols.

# Midwest's Wichita Ors

Wichita, Dec. 5. Miller Amuse. Co., subsidiary Fox-Midwest Theatres, bought Orpheum building and theatre here for \$100,000. Orpheum Co. for approximately \$500,000.

Howard Jamieson, district Fox-Midwest manager, to move into new quarters to be remodelled.

# TITLE CHANGES

Hollywood, Dec. 5. 'Bad Boy' is substitute title for 'My Son at Warmer.' 'Showdown' is release title for Harry Sherman's 'Gun Chores' at Paramount. 'Oh Johnny, How You Can Love' is new monicker for 'Road to Romance' at Universal. 'Disraeli' became 'The Prime Minister' at Warner's. Universal tossed aside 'Honeymoon Preferred' and re-dubbed it 'Double Alibi'.

# By John C. Flink

Since early in the autumn when the outbreak of the European War cut off substantial film rental revenues, the pressure of adjustment to cope with changed market conditions has been on Hollywood and the managements of the studios. For better or worse, the results of the production slump and the consequent curtailment of the Hollywood job, so far as this season's program is concerned, is nearly completed. From here in the distribution end of the major company will be working with the bail, with blocking supplied by the advertising and public relations staffs.

Production that the film companies would have to look to movie pastures for increased business seems to be fulfilled by the manner in which the film exchanges are maneuvering their releases to catch the full benefit of the season's best business period, starting with the holidays and continuing into early spring. On the merit of the films to be released over the next two months, and on the showmanship and advertising assistance they receive will depend very largely the success of the industry's program of production cost retrenchment.

There are, of course, half a dozen major attractions soon to be released which were planned and in production long before Europe attacked a two-and-a-half without a life net. Impact of these films which will reach the public within the next few weeks should stimulate interest generally in matters cinematic. 'Gone With the Wind' (S-L) is bound to kick up dust at its first showing in New York, Boston, and Cincinnati, Harbord and Reading which have been set during the week of Dec. 15.

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# Job Sales

Continued from page 1  
\$63.3. Pay of regular extra should be raised from \$2.25 to \$2.40.

If either request is turned down by the producers, the SAG will insist that it be sent to arbitration.

Agree as resigned as producer representative to the Producers-SAG Standing Committee.

Producers Drop Clarke  
Victor H. Clarke has stepped out of the Producers' Association within next 10 days. Retirement is in line with retrenchment policy of producers, many executives taking the position that Pat Casey and Fred Perry should be able to handle the labor negotiations. Clarke for several years has served as assistant to the president of the association, was studio manager at Paramount.

Producers now have under consideration demands for wage increase referred to Society of Motion Picture Film Editors, Script Clerks Guild, Screen Set Designers and Screen Readers Guild. Designers

The announcement says that '100,000,000 readers will thrill at great, full-page, four-color Gulliver ads in the leading magazines of the nation. Emphasis also is placed on the fact that 100 manufacturers of commercial articles intend to spend heavily in advertising to 'put over' merchandise of 'Gulliver's' novelties.

Film advertising men apparently are finding it difficult to discover new channels of approach to the general public for entertainment. Use of radio in the national bookups has not been consistent, and has even created some opposition from theatre operators who fear the marketing of film material. Chief drawback to the network tie-ins when the studios contribute film personalities in a dramatic or musical sketch is that the sponsor, rather than the picture, derives the benefits from the listening audience.

It is a debatable subject, the real value of commercial bookups and working arrangements with the business concerns. Reason for doubt is predicated on a showmanship fundamental. The average seeker of entertainment has a natural antipathy towards even the most subtle efforts to exploit him when he is seeking and paying for diversion. Reason the same rule does not work with radio is because radio is free.

# REAL SELLING UP TO THE THEATRE

No matter how betty the advertising appropriation for national magazine or billboard campaigns by a distributor, the fact remains in film operations that the real selling job must be done by the exhibitor in the theatre. It is he alone who controls the factors of time, place and admission fee. Distributor campaigns lay out the money but the cleanup job is done by the exhibitor. It is so in a merchandising task which ordinary salesmanship does not accomplish.

That is why theatre managers as a class are eager to have their own product promotion. They are adequately informed of the merits of what they have to offer. The distributor that fails to support national campaigns with adequate publicity devoted to informative and helpful suggestions has performed only half his job, and the lesser half at that. As the new phase of films moves from the Hollywood into general release there is an unusual opportunity for every producer-distributor to bring out a new product with the cooperation of the important subject of salesmanship.

No other problem before the industry is demanding more attention. Every advertiser, producer, distributor, director and writer has an interest also in the manner in which films are presented to the buying public by the new project impresarios.

A cohesive industry is a healthy industry. The trend too frequently of late years is away from well-planned campaigns which provide for film showmanship enterprise during the full life period of a film's showing. Too frequently there is a flashy battle for a few weeks of key-city release, followed by silence and oblivion.

# Amortization

Continued from page 3  
Increased rentals in earlier Anti-trust engagements and extended runs.

While foreign revenue returns repeatedly always are slow coming in, with certain counts not beginning to get extensive bookings for six months after domestic release, the new amortization plan will mean that only about 15% of write-downs are counted upon as coming in the first 28 weeks of a film's showing. The bulk of foreign revenue comes in during the 28 weeks following. It can be readily seen that the burden of amortization has been shifted largely to the domestic market.

# Britain's Freeze

Freezing of currency in Great Britain threatened complete restrictions in other nations coupled with a dip in foreign exchange and demand for foreign receipts abroad, is held largely at fault for the present majorities of picture companies in the world.

30 weeks to write off amortization costs in the domestic field. For the first time, the industry is being forced to amortize its revenue from the domestic market and 30% from the foreign, this is the first time that a percentage of amortization writeoff is left for the foreign market. The picture companies adjust themselves to the changed conditions, produced by the European war, and the industry is expected to show up in forthcoming financial statements. But in the meantime, the industry is creating writeoffs to indicate probable decreases in foreign revenue doubtless will produce substantial adjustments and losses in the final 1939 quarter for many picture companies.

# 'Ecstasy' Ad Overly Ecstatic, Ex. Exhib Gets 10 Days, Fine

Atlanta, Dec. 5. Georgia Court of Appeals Saturday (2) decided J. H. Carter, operator of Brookhaven, was in contempt of court in connection with his efforts to show 'Ecstasy' some months ago. Appellate court sustained a Superior court, which had found Carter in contempt and sentenced him to 10 days in jail and fined him \$200.

Carter booked film for showing May 13, but Solicitor General Roy Leatherbury took out a restraining order and blocked showing of pic. Carter then placed a sign in front of his theatre upon which was wording:

Due to selfish and contemptible interests, we are temporarily restrained from showing 'Ecstasy.' We will bring this picture to you pending court proceedings.

The solicitor general, objecting to language of the sign, then brought contempt proceedings. Carter's statement by Carter that he had not referred to the court or prosecutor in his sign, he was found guilty.

# MAYOR PUTS OFFICIAL OK ON 'LINCOLN' PLAY

Detroit, Dec. 5. Mayor of this town turned prescient extraordinary when he issued a civic placation endorsing Robert B. Sherman's 'Adams Lincoln' in his 100th days advance of its opening yesterday (Monday) at Cass. In these troublous times, Mayor Rick Rossing told citizens of strike-troubled town in official statement, 'this play, more than anything else, is a reminder of our history and teaches the true spirit of American democracy. It becomes a rare introduction to American history and patriotism.'

# Par Ties In Syndicates On 'Gulliver's Travels'

Under a campaign that has been laid out by the syndicate, 'Gulliver's Travels,' Paramount will reach a total of 60,000,000 readers on material coverage. The picture will be up to the time it is released Christmas week. Syndicates, all of any kind, are being asked to carry carried considerable exclusive material prepared for them.

Tom Waller, of the Par h-o, is in charge of the syndicate campaign on 'Gulliver,' all of which originates out of their 'Luxe' naps, the St. Louis Park, every Saturday afternoon between 2 and 3 p.m. Radio station WGO broadcasts the quality directly from the theatre.

# KIDS' QUIZ

Mpls. Nabe Ties In With Local Radio as Jew's I. Q.

Minneapolis, Dec. 5. Newest thing in the picture business is the children being launched by Harold Kaplan and Harold Field at their 'Luxe' naps, the St. Louis Park, every Saturday afternoon between 2 and 3 p.m. Radio station WGO broadcasts the quality directly from the theatre.

Children from 6 to 16 are eligible to take the quiz. Parents are invited to submit questions. Cash prizes are given for the best answers. 500 cash prizes will be given. The winner is 'Captain Kid,' handling one can of food.

# Tinned Admish

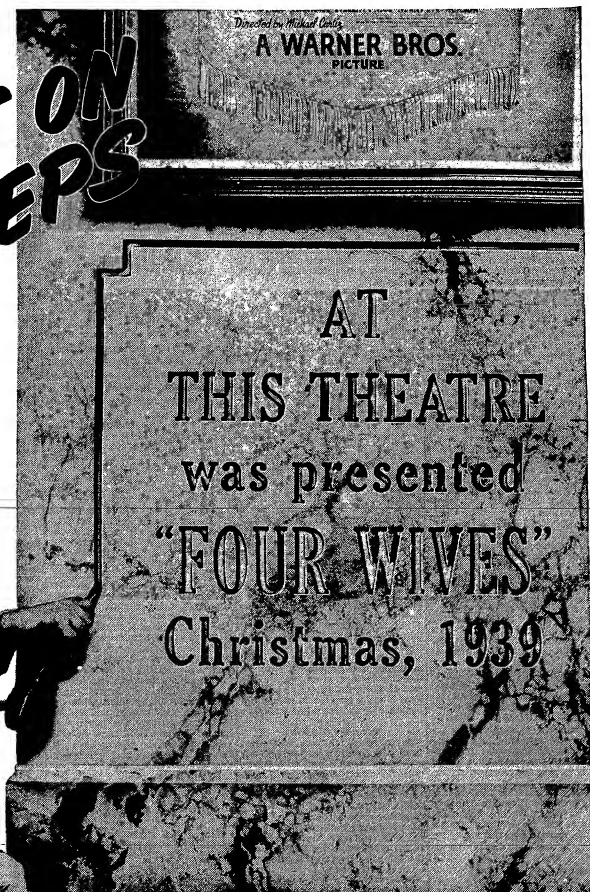
Reading, Pa., Dec. 5. To help the Salvation Army in its campaign for Christmas, the St. Louis Park, every Saturday afternoon between 2 and 3 p.m. Radio station WGO broadcasts the quality directly from the theatre. Children from 6 to 16 are eligible to take the quiz. Parents are invited to submit questions. Cash prizes are given for the best answers. 500 cash prizes will be given. The winner is 'Captain Kid,' handling one can of food. In two weeks of the 'Stomach' 'can' take' to \$250 of the tinned, bean, corn, sauerkraut, milk, fruit, and other products.





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RAY ROBSON • FRANK McHUGH  
DICK FORAN • HENRY O'REILL  
*The Character of "Mickey Bradley" as He Appeared  
in "You Daughters" is Portrayed by*  
JOHN GARFIELD  
DIRECTED BY MICHAEL CURTIZ  
Screen Play by Julius J. and Philip G. Epstein and  
Maurice Breckner • Suggested by the Book, "Gutter Act,"  
by Francis Hart • Music by Max Steiner  
A Warner Bros.-First National Picture  
**WARNER BROS., Producers**

'THE OLD MAID' from WARNERS! 'DUST BE MY DESTINY' from WARNERS! 'THE ROARING '20'S' from WARNERS!  
'THE PRIVATE LIVES OF ELIZABETH AND ESSEX' from WARNERS! 'WE ARE NOT ALONE' from WARNERS!  
'FOUR WIVES' from WARNERS! 'THE FIGHTING 69TH' from WARNERS! 'INVISIBLE STRIPES' from WARNERS!  
'A CHILD IS BORN' from WARNERS! 'BROTHER RAT AND A BABY' from WARNERS! 'YEARS WITHOUT DAYS' from WARNERS!





"Perfectly grand!..."  
says Frank Nugent  
in N.Y. Times

"Picture has  
everything!..."

says



News' Kate Cameron



"Bang-up entertain-  
ment!" Pelswick,  
Journal-American



"Happy  
holiday picture!"  
says Creelman in N.Y. Sun



"A knockout  
punch!" says  
Barnes in  
Herald-Tribune



"You can't miss  
it!" —Boehnel,  
World-Telegram

UNIVERSAL'S  
*Destry Rides Again*  
MATCHES GREATEST  
BUSINESS RIVOLI  
THEATRE (N. Y.) HAS  
HAD in FIVE YEARS!

and it knocked the  
New York film critics  
right on their ears!



"WOW!" cries  
Coleman, in  
N. Y. Mirror

Marlene DIETRICH • James STEWART in "DESTRY RIDES AGAIN"

CHARLES WINNINGER • MISCHA AUER  
BRIAN DONLEVY • IRENE HERVEY  
UNA MERKEL • ALLEN JENKINS  
WARREN HYMER • BILLY GILBERT  
SAMUEL S. HINDS • LILLIAN YARBO  
and JOE KING

Original screenplay by Felix Jackson, Gertrude Purcell  
and Henry Altman • Based on the novel by Max Brand



A PROSPEROUS NEW YEAR'S ATTRACTION  
AND PRINTS IN YOUR "U" EXCHANGE  
NOW FOR DEC. 29TH NATIONAL RELEASE!

Directed by George Marshall  
Produced by Joe Pasternak

A JOE PASTERNAK  
PRODUCTION

A NEW UNIVERSAL PICTURE





# CHRISTMAS BUSINESS!



Christmas is laughing time—M-G-M is the one company that has the happy show that's swell for the whole family. Screen "JUDGE HARDY & SON" and you'll see that it's the best of the series! Perfectly timed for profits! Simultaneous holiday bookings are setting a new record!

NATIONAL AD CAMPAIGN  
READERSHIP 27,985,612  
Full pages in Saturday Evening Post, Life, Collier's.

# NEW YEAR'S BUSINESS!



NATIONAL AD CAMPAIGN  
READERSHIP 50,411,083  
Full pages in Ladies' Home Journal, Woman's Home Companion, McCall's, Cosmopolitan, American, Redbook.

New Year's Hit 1938—"Rosalie." New Year's Hit 1939—"Sweethearts." New Year's Hit 1940—"BALALAIKA". M-G-M knows that the New Year's crowds want gayety, music, laughter! There never has been a greater holiday attraction than rousing, romantic "BALALAIKA." No other company has available such a gala, gorgeous screen celebration! It's booked nationwide! Watch!





Copyright 1939,  
Paramount Pictures Inc.

**IT'S  
A  
GULLIVER  
CHRISTMAS!**

41 prints of "Gulliver's Travels" ready for Christmas... another 50 ready for New Year's. Thousands of department stores and specialty shops loaded with Gulliver merchandise... the radio ringing out with the eight Gulliver hit tunes... the whole country waiting for the chance to see the only full-length feature cartoon ready for holiday release... Paramount's product book promise becomes Paramount's Christmas present to the industry... another smashing proof that... **IT'S A PARAMOUNT YEAR!**



# **"GULLIVER'S TRAVELS" in Technicolor**

A FULL-LENGTH FEATURE CARTOON • PRODUCED BY MAX FLEISCHER • DIRECTED BY DAVE FLEISCHER • A PARAMOUNT PICTURE

# More Than 1,000 Theatres Combine To Offset Turns Giveaway, More Bingo Beefs; Key City Personnel Changes

Lincoln, Ohio, Dec. 5.—More than 1,000 theatres will this week be guaranteed their prospective patrons against loss of the Turn's Pot of Gold \$10,000 if they're not able to receive the cash. Some of the theatres, such as those who are members of the MPTOA in Ohio, will guarantee to the theatre itself if people come to the theatre instead, this being prompted by two recent winners having been in Ohio, and Tuesday box office slumping badly.

The Ohio action, taken this week, according to MPTOA official, P. J. Wood, of Columbus, will go even further. An MPTOA committee has been charged with the duty of immediately calling upon Warners and RKO circuit heads in Ohio, to have their join forces in the Turn's Pot of Gold. Rick Nelson, chief of Fox-in-termination, Denver, started all the theatres under his guidance in the Rocky Mountain area on the plan, and believes it to be the fanciest raffle combat to come on the exhibit since since air compels get so heavy.

After three weeks of guaranteeing his patronage against loss of the \$10,000 Turn's Pot of Gold prize, if his theatre, not at home when the call is made, Bob Livingston, Capitol manager, says the move has been decided. Livingston, averaging four weeks prior to the guarantee to find his normal, Turn's Pot of Gold, Livingston matched it up to his Tuesday night, using his normal, or prior, to the Pot of Gold show's taking to the air, he found the Tuesday had forced him to use. Under stimulus of the advertised guarantee, the business has crept back up to 84% of normal.

In all fairness, Livingston does not attribute this wholly to the success of the insurance plan, but partly to the guaranteeing group. Livingston says he sees the chances are about 10,000,000 to one against them winning, even if they are home—so why bother. Livingston, by conversation in the past and other sources, does believe, however, that at least 75% of the increase is due to the insurance plan.

So far, the Ralph Goldberg circuit, in Omaha, the St. Louis Crescent Amus. Co. Nashville, Tenn.; and the Rivoli, Toledo, have written him for permission to use the idea.

## No Duals Here

Chico, Calif., Dec. 5.—There will be no double bills in this town's first picture house now under construction. Lease restricts bookings to single feature.

Population is 3,000.

## Fighting Turns on Tues.

Columbus, Dec. 5.—Directors of the Ohio ITO have decided that theatre owners in the city can recover much of Tuesday night business lost to the 'Pot of Gold' radio program by fighting fire with fire. According to tentative plans each theatre will pay double the amount of the Turn's pot in event the "winner" is in the house. The campaign, headed by ITO secretary P. J. Wood, will be open to all Ohio motion picture houses.

Financing of the project is to be by an assessment on each theatre participating. Wood said they hope to get underway with the Dec. 12 program.

## Games Hit in Philly

Philadelphia, Dec. 5.—Operators of theatres in Delaware County, the last stronghold for bingo and bank night in this section, are expecting the move to fall at the moment following the order by the District Attorney that games be taken out of churches and theatres. League posts, etc. The prosecutor's action did not mention picture theatres but the exhibitors believe their turn will come soon. The ops were led privately that they could keep the games running until some direct complaint was made against them.

With legitimatists and church people disgruntled at the move, their lucrative games, it is expected the complaints will come from these sources.

Bingo and bank were kicked in Philadelphia, and Montgomery County by the courts almost two years ago and appeals have been taken to the State supreme court. So far no state-wide decision has been made. About a third of the

state's 47 counties still allow the games, but pressure against them increases daily.

Newspapers have denied District Attorney W. B. McClenahan, of Delaware County, for his drive against bingo. The county, notorious for its wide-open gambling houses and horse-race bookie joints.

## Appeal Wins, Bingo Ban

Milwaukee, Dec. 5.—Bingo will be the attraction in the Wisconsin supreme court at Madison on Monday. The court, after having been advised that is the state for arguments on the legality of the game, will have to decide on the decision of the Milwaukee circuit court.

Charles W. Trampe, owner of the Climax and Rainbow theatres, distributor of Monogram Pictures, and head Film Service, Inc., as front man for the theatre interests, recently obtained an injunction from Judge J. L. Austin to prevent the playing of bingo in Bahn Frei Hall, the court holding the games were a nuisance and a public nuisance. The theatre men took matters to court after they had been shut out for attacking the milking bingo, bank and other forms of promotion in their houses, closed by the city. The city's sponsor these pastimes as had the operators of various private halls.

## Williams Reopens House

Buffalo, Dec. 5.—Amherst (former) of the Buffalo, N. Y., is being reopened by George Williams, who was the proprietor of the Ted O'Shea, mid-theatrical manager and wife, spent the weekend here visiting Rochester Sunday and will be seen on Ted, Jr. play football with St. John's.

Hollywood, Lackawanna, will be reopened by Dipson-Bell.

Bobbo A. Berni and attorney, operator of Alberts theatre, Lancaster, now will be reopened.

The family of Richard Kemper, manager of the 20th Century, has moved to Buffalo.

## Stahl's 3d House

Pittsburgh, Dec. 5.—John Stahl, who already owns two houses, the Stahl and Stahl, owned by Homestead, expects to build a third house, the Stahl.

H. C. Bondurant, manager of Manos theatre in Ellwood City, Pa., will be reopening his house on annual \$1,500 Good Will contest for the year.

Joe McClellan, manager of the City, and E. M. Good, Vandegrift, were runners-up, and other cash prizes were given to McClellan, Labrore, Harry Alberth, Hollidayburg, and others.

Blairsville, and Bill Barry, Elkins, W. Va.

Leon on Clay, in Clayville, Pa., held by Eugene DeFalco, terminated his house and owned by the same for future. Understood how, now dismantled, will be opened by A. J. Bell, owner of Wagon Wheel. A flock of big remodeling jobs now under way in this territory. Many houses getting new faces are Orpheum, Clarion; Paramount, on north side here; Manor in Indiana; and the Manos-Lipson in Vandergrift.

## Centralizing Milwaukee Exchanges

Milwaukee, Dec. 5.—RKO is spending approximately \$500,000 in the new exchange company in the ground now exchanging money at W. State and N. Eighth and expects to move in shortly after Dec. 1. It adjoins the new Metro established by Fox, Monogram, and Film Service, Inc. already its immediate neighbors, all in modern new buildings. Paramount, Columbia and United Artists, now in the same block, as also in theaters which now is even further improved, so eventually the corner will be the absolute center of all film distribution in this territory.

## Jack Chaiman Upped

San Antonio, Dec. 5.—Interstate city manager E. E. Collins named Jack Chaiman, for six years, to be in charge of the Dallas Publicity office here, to the home office at Dallas. Clarence H. Moss, distributor in the local area, since the past 12 years, assistant to Chaiman, becomes chief.

## Richard T. Betts, former ad sales manager of Paramount's local branch, has been named as assistant to Moss.

## Sympathy Strike Over

Masonville, O., Dec. 5.—Workers of the new Kirby house here, who are on sympathy strike since Nov. 22, have returned to work. E. A. business agent for the truckers, had been told that the workers were pending an agreement between the Common Laborers' Union of Steinbeck and the Johnson Lumber & Supply Co. there.

## Harper Relights

Rochester, N. Y., Dec. 5.—Plaza, 40th and 41st, has been relighted, reported by Earl Harper, former owner of the Hub. The relighting was made and entirely re-

# Anti-Trust Suit Certain

Continued from page 5.

of every witness that the Government will rely on. The next question seeks the same information concerning the production of the films, to the inaccessibility of an open market, decreased or quit the production of the motion picture film.

The name of all theatres, their operators, and the period of time they were in operation, the Government is asked, regarding first run Metropolitan houses, which, because of their production, have been asked to discontinue activities since 1933.

Each defendant who participated in the monopoly is asked to state the location of names of each of the theatres which constituted the monopoly. Each instance of how the monopoly originated and was continued is sought. This includes such questions as priority, right to preference, reserving of product, exclusion, reducing independent to second, or subsequent run, product of the independent before they were thus reduced, the run he had been accustomed to receive, and the terms, clearance and zoning, which are harsh or arbitrary, acquisition or buying of theatres, and the division of films among the majors, etc.

Then the majors seek to know the names of each star, featured player, director, technician, or any other person having value in the production of films, who was placed under contract for the purpose of preventing or hindering independent theatres the services of that person. All details concerning any such transaction are sought.

The subject shifts to block booking, and the earliest date when that practice was introduced into the production of films, and the effect of the forcing of shorts and newsreels, compelling an independent to agree to such profitable deals as the majors, imposing zoning or clearance restrictions, imposing harsh film rentals, etc.

## Gov't Files Its Re-Edited

### List of Interrogatories

Revised and re-edited interrogatories, some 58 in number, were served Monday (4) by the U. S. on the defendants in the anti-trust case. The questions cover 12 of the government's questions covered six branches of the film industry, including production, distribution, talent and production assets, distribution, exhibition and history.

The questions are similar in a great many cases to those served on the defendants several months ago, but have been simplified and reduced in so far as the number of years are concerned, making answers easier to obtain.

The first phase, organization, requires an exhaustive study of how each company got started, its offices, places, and dates of each branch of its offices. Some 26 cities are included in the questionnaire. The list will be regarded as a cross-section of the country. All stock transactions are to be disclosed with names of all officers, directors, and stockholders holding \$10,000 or more in each company. Each defendant is asked to furnish a list of all names from 1935-1938 is also sought. It is understood that the Government wants to find out whether an industry, whose annual turnover is in excess of \$500,000,000, shows such a high percentage of return. Questions dealing with each company's interest in subsidiaries, or other concerns are asked. It is also asked whether it is probable that here the U. S. will attempt to show how major company companies are not controlled by relatives and friends, for work outside the industry, but essential to it, and that the companies are not for themselves. The numerous stockholder actions in the past few years, against the majors will be the basis for this action.

## Production

Production activities, the second group, asks for film production from 1930-1938 including the title, names of stars and featured players, and the names of the distributor, the sound stages and their location, number of shorts and newsreels produced, and the approximate number of persons employed in production are requested.

Lending money and production assets, combined, make up the third group. The origin of lending of talent to sound stage requests, and the stars or featured players were first loaned. All cases since 1933 are to be listed, and the particular deal, including the names, date, period of loan, name of producer to whom the loan was made, and the connection with the loan, terms, etc., are asked. Exactly the same information

is requested as to the first borrowing by the company, too, but with all cases since 1933. Both the major and minor studios, stages or equipment concluded, this group of questions.

## Simplifying It

Distribution activities constitute the next step. Here all features distributed for the 1936-37 season are asked, including the names of producer, names of stars, national release date, total number of showings in the U. S., and total film rentals in the U. S.

Greatly reducing the amount of work required the Government then names four cities, New York, Philadelphia, Kansas City and Atlanta. Each company is asked to name the pictures they distributed, and asked to specify as to each of them. In this case the majors are asked to list separately all revenues received by each of the five from affiliated theatres, and then list the theatres for first and subsequent runs. Shorts and newsreels are asked, but only the first run. Questions are asked, in which the same questions are asked. Proportionate revenue, which is the same as the majors, are asked to be identified by charts.

Exhibition activities, the next heading, asks for the names of the theatres controlled or owned by the defendants. They are asked the nature of the contract, and the capacity, admission prices, etc.

Each instance of a pooling arrangement, joint venture, or other combination of a theatre exercised by a major over a theatre not owned is asked. The same questions are asked as those required regarding such of these theatres.

## Suit Against Radio Exhibs

Baltimore, Dec. 5.—The Frank B. Rowland, Inc., Rome chains of local movie were charged here this week with conspiring to violate the anti-trust laws by forcing exhibitors to accept the Rome chains of local movie by the Linden theatre, another name, charges chains with tying up with film distributors and producers to create a monopoly and withhold product. Complaining theatre chains in the Rome chain are asked to open competition for films and can play only after chains have first presented the Rome chain.

Rome and Durkee are said to control 32 of the 78 local theatres. Part of the suit is that defendants be enjoined from building any other theatres.

## Coverage of War

### Plenty Costly For Yank Newsreels

Coverage of the present European war is the most costly item the motion picture industry has encountered in years, exceeding the Sino-Japanese conflict, the Spanish civil war and the Russian-Ethiopian campaign. The highest items of expense are not for actual motion picture coverage, but for expensive cables, transportation by air, and the cost of the newsreels for developing and printing each clip for censorship in country of origin. The cost of the newsreels is getting fatter along the Atlantic.

The American newsreels are about 1,000 feet long, and are being sent to Europe by Clipper plane service. This is a very expensive—1,000 feet cost \$100 or more. This charge alone is not so prohibitive, but when added to the cost of the cables, handling, and the cost of the film, the cost runs into big coin when the newsreels are sent to Europe.

## Release Lenses in Brussels

Brussels, Dec. 5.—The seven newsreel cameramen who were jailed here when an "invasion" of Belgium was threatened, have been released, and the cameramen were merely routine, the Belgians not wanting any of their cameramen to get into the country. The seven negative and been grabbed, they were released when the cameramen were asked to make a strict newsreel censorship.

## Time and Fortune

Photography, set up for covering the European war, is conceded to be the most difficult of jobs. Correspondents claim that a representative of the three magazines has encountered every petty city visitor in the belligerent area.

# New York Theatres

## THERE'S A BETTER SHOW AT THE



**BETTE DAVIS  
ERROL FLYNN**  
THE PRIVATEER OF  
**ELIZABETH AND ESSEX**

In Person  
**AL DONAHUE & ORCH.**  
STANDARD B'way and 47th St.

**"Destry Rides Again"**  
with  
**MARLENE DICTRICH  
JAMES STEWART**

UNIVERSITY Broadway  
District Office 930 A.M. MIDTOWN SHOW

**MUSIC HALL**  
HELD OVER  
**Paul Muni in**  
**"WE ARE NOT ALONE"**  
Spectacular Stage Productions

**Capitol**  
Last Times Wed.  
**HOW POWELL  
LOVE  
MYRMA  
"ANOTHER  
TEEN MAN"**

**State**  
Last Times Wed.  
**CHARLES LAUGHTON  
"THE MURDERERS"**  
In Person  
**JOHN C. RICHARDS & ORCH.**  
A. C. Theatre

**"THE GREAT VICTOR HERBERT"**  
A Paramount Picture and  
**PARAMOUNT**

**Bryant's New House**  
Charlotte, N. C., Dec. 5.—Contract has been awarded and work begun on the theatre which R. E. Bryant will build at Rock Hill, S. C. April 1. Will seat 700.

# SHOWMANSHIP SURVEY

Inaugurated In 1933

## FOREWORD

### The Local Program Director's Dilemma

The heartbreak of the local radio program director often consists in this: his station is sinfully prosperous and no thanks to him; worse than that, its plans and its prospects and the probabilities of its continuing contentment have little or nothing to do with anything he is doing or may do. He knows this, the management knows it, everybody knows it. And so he weeps on the bartender's shoulder.

At least there used to be the mornings and the afternoons and the sustaining fillers. But more and more the mornings belong to Procter & Gamble and the afternoons to Sterling Products. Sustainers are killed by the remote control death rays of network contracts. The station keeps a musical conductor to have a fourth at bridge.

The program director can't ask, and doesn't ask, his boss to quibble with prosperity. It may sadden a showman to have studio C used for ping pong. He may see the organ under a canvas shroud as a footnote to his own unhappy fate. But the boss looking at the bank account thinks all is well in the best of all possible radio systems. And its hard to argue with a yachtsman.

The dilemma of the program director reposes in the contrast between his own zest for action and his boss' indifference. When the boss is one of the rare personalities that doesn't want to keep all his eggs in the network basket then perhaps there is some scope for the creative yen.

During 1939 some program directors were called into the front office. They mumbled to themselves as they went, 'well, maybe it's all for the best.' Instead of being kissed off the payroll the boss was sympathetic. 'You've been complaining you haven't enough to do,' said he. 'Well, we're setting aside 10:45 p.m. Saturday night for culture. From now on you have an additional title: you're the educational director!'

The program director brightened. 'Say, that's a good idea—who suggested it?'

'The network.'

'Oh,' said the program director.

He and the program director of the rival station play golf a lot in the afternoons. In the mornings he is called in on a conference on where to put chain-breaks when there ain't any chainbreaks. Or maybe there's a sarcastic telegram from Blackett-Sample-Hummett to answer. The P. D. vaguely wonders what will happen if the network should break down. He's haunted for fear somebody would grab the first transcription off the pile to fill the emergency and it turn out to be 'Claudio the Magician.'

With pad and pencil through the gray hours before cocktail time the reckoning goes on—how much, oh how much are we losing—on paper. And me, says the P. D. to himself, with great ideas! Sold out to the networks, bulging with daytime serials. Sluggishly the stream-of-consciousness throws up card rates, discounts, recapture clauses, graduating scales, first 20 hours, second 20 hours. Gone are the glamorous days—for the P. D.—when the station did exciting things, wired Batten Barton Durstine & Osborn that here, at last, was a local program with everything. Gone are the civic-

minded programs, the gay interviews with people down in sewers and up on top of flagpoles.

It's getting so bad sponsors are crowding in, demanding local option time for their network shows. Count on a big national advertiser to act just like a big national advertiser. Who wised them up? Everybody wants what the station has got. Except its code.

The program director may say to himself: 'Sure, I got a streamlined office, but what good is it to me? The radio kiddie in the most obscure advertising agency has more prestige. Any smart ingenue would give me the ha-ha. She doesn't want to meet me, she wants to meet Mickey Scopp.'

But the most unhappy thought of all is this: what does the future hold for a local program director who doesn't sing tenor or control a good gambling game for radio?

Does a self-respecting program director have the stomach nowadays to tune in his own station during the daylight hours? Those mush-brained continued stories threaten his confidence in democracy and, after all, he is the Director of Educational Broadcasts exclamation point. What plots. How Mother O'Brien and her five adopted kids (from a Jewish orphanage) paid off the mortgage. How plain Jane got a job. How the lady doctor operated on her lover (and was she surprised) and saved his life. Just tune in any time, any day and pick the plot up where you left it—discouraged with the human race.

But let's not be too serious like a radio program devoted to 'democracy.' Let's retain our nonchalance and our wholesome respect for dollars and cents. Actually it has always to be remembered that broadcasters did not go into broadcasting to produce programs but to sell time. Any thought of building the show for the advertiser was an afterthought. Nor does the average affiliated station have any artistic pretensions. Affiliation with a network has, as a chief charm, the availability of a central source of fill-in programs through a telephone patch-board.

It's easy to be a bit beside-the-pointish in this matter of showmanship. Nevertheless many stations have thrown away or not valued their program and talent facilities. So that, ever more so, they are dependent on the networks. The networks like that. And they should. But whether it's smart for the stations is something else. It's significant that the stations are beginning to complain about the heavy daytime load, the unbalance of sheer talk among the network programs, the national pressure on local option time, the embarrassing lack of openings for the things the station often wants to do.

In the realm of nighttime radio the networks were uniquely the instrumentalities for big, pretentious entertainments, the guarantee of the big national audience, the assurance of prestige and importance of all radio as an advertising medium and as a popular amusement form. The local stations could not compete with the networks or the big advertisers on nighttime stuff. But the daytime originally was anybody's time. It did not reach its present state of cluttered dramatic inconsequence until the last year or two. Most of the stations seemingly saw the daytime not as something for themselves to

control and exploit but as just so many wide open hours to be filled. If the networks could jam it up with commercials that was dandy. And now it's jammed up all right.

It is a well known fact that office boys, no matter how smart, often have to leave and collect their cash reward elsewhere. The boss, even years later, still can't get out of the habit of thinking of him simply as the lad set to guard the postage stamps. It's been something like that with the program director of many a local station. Originally the job was rated by management as the clerk in charge of chimneys. First from necessity and later from habit the job was one of the least-paid berths on the staff. The man or woman who has the title today often suffers as lineal descendant of the original clerk with the chimneys. This is no flight of fancy but a realistic rendering of one element of ownership attitude toward the program director. Too long and from too far back ownership has reserved the star boarder privileges for the salesman, who seemed then, as he still does, the most practical and self-justifying member of the payroll.

The fairly persistent neglect of local program creation (other than one-time special events) reflects, on the whole, an uncongenial attitude by top management. All too commonly the occasional half-hearted excursion into 'showmanship' has been spiritual kin to that dispirited Elmer Blurr character of Al Pearce who says 'you-wouldn't-think-this-was-any-good-would-you?' Trifling risks demanding magnificent and immediate response on the penalty of being cancelled in two weeks does not represent an environment likely to foster much.

It is precisely because most broadcasters regard themselves as simply sellers of time and are so quick to alibi their lack of programming facilities, plans or accomplishments that those stations that do carry out something showmanly are likely to stand out. In the final essence showmanship means personality and a radio station can personalize itself in no more genuinely impressive way than in the presentation of locally-produced programs. At such moments a station ceases to be NBC, CBS or MUS and becomes, for a few moments, itself.

Building local programs is doing it the hard way. It is the way that many stations frankly duck. Others of them just duck and don't talk about it. Other duck and rationalize their behavior as a realistic adjustment to external pressures. Why, they say, burst a neckband trying to do something—production—that will inevitably be a shoddy second best, that few national advertisers will encourage, that will merely eat up funds and drive up overhead. They'll convince you in black and white with crushing quotes from the auditor that they are right and that the whole emphasis upon local production is silly and pointless. It still seems kinda vital to VARIETY.

One final comment on the plaques: VARIETY rather exhaustively combed the country in the hope of finding an impressive example of showmanship in the specialized field of educational radio. There was much activity reported during the year and undoubtedly this form of radio is on the upbeat. However, nothing to warrant a plaque was noted, much to VARIETY's regret.

# ... Station Activity During 1939 ...

First of all, the main purpose of the VARIETY Showmanship Survey from its inception in 1933 to this present (seventh annual) report has been to focus attention upon and encourage interest in certain radio station management problems.

To this end it is necessary to concede as a preliminary truism that there has always been a certain type of radio station management which is—not to mince words—amazingly unwise.

Secondly, neither in the beginning, nor in 1939, was there any intention on VARIETY's part to praise mere "stunting" or to identify the honorable designation of showmanship with the swivel chair brainwaves of the special events departments. A good deal of sheer silliness was palmed off as showmanship in recent years and there has been a regrettable confusion of thinking and term-defining. Suffice that by every means of blunt-speaking and heavy black underswing VARIETY has, in 1939, made it clear and unmistakable that crazy stunts are belittled, not played up, in this Survey and that they are judged with jaundiced eye looking for their (the stunts') justification.

Thirdly, the questionnaire form employed this year has been set up like an X-ray to penetrate prying agency and get at fact. One broadcast executive called the questionnaire "as peremptory as a spitting cat." Which it probably was since the whole purpose was to get the stations to give answers pertinent to 1939 and recent activity and not to indulge in old song and dance on market data and engineering.

Fourthly, these surveys are critical and cannot well be otherwise. They have in the past some criticism of VARIETY itself. That, again, could hardly be otherwise. Because they are critical VARIETY has to take the blame and because they are outspoken and finger-pointing none of the persons among station owners, organizations and among advertising agencies (time buyers, etc.), to whom the blame turns for their participation and collaboration are willing to be publicly identified. (The privacy of identifying the station's ownership was granted to the local broadcaster after the first three years in order to meet an objection that the station should have a chance to speak in its own right.)

Fifthly, this annual survey is an imperfect and an incomplete undertaking. VARIETY has tried to make it each year but it is fully conscious (more so naturally than any other) of its limitations. It can never be reiterated that it is an attempt to see the tendencies of showmanship practice among radio stations and to single out distinguished examples of station operation and by the spotlighting of the subject in general, to particular case histories illustrative thereof, to stimulate more thought on showmanship, which is simply one approach to the problem of operating in the public convenience, interest and necessity.

Sixthly, there have been some local resentment at the mental picture of a group of New Yorkers loitering, with their peep buttons on their waistcoats, and going into a conference on who's what and what's what among radio stations scattered over the considerable surface of these federated commonwealths. It's just a human assumption. Don't accuse us. We admit it already.

How is our pet eccentricity. In the very early days of radio broadcasting the key to the popularity of a radio station was its location. Its physical position or wave length plus the power, dependability and clarity of the signal its engineering staff achieved.

Later the popularity of a station was largely from its location in the central program source, it belonged to, and if it had no network affiliation it could be heard on the air as expressed solely in phonograph recordings interspersed with advertising announcements.

Today the quality of transmission is still important, but its importance is not so great. Stations are expected to be beyond serious criticism in engineering. Network connection is still important, but there again the importance is often taken for granted.

What distinguishes one local station from another today? VARIETY believes it is the combination of arts and activities which taken together, we call showmanship.

And why is showmanship important? What significance does it have

beyond merely saying that an able program director is more desirable than an inexperienced and inexperienced one?

Why showmanship? Why mystery?

Showmanship is a not mysterious, hazy or theoretical. If it has to be related to showmanship the link is clear. Continuous entertainment of the property, deliberate exploitation of all legitimate openings and a little imagination pays dividends. Ex-

Washington politics are influenced by local showmanship when intelligently coordinated.

Showmanship perhaps shines

siderable advertising attracted through these indigenous features. Station spread a tenace into Deadwood, nearby town, opening a studio in the hotel there. During a state American Legion convention KOBY made a deal to broadcast from a Main Street store window and became one of the big draws. It made make-shift arrangements in the distant Black Hills to air-report a forest fire.

Some or all of what KOBY did is standard radio practice but in connection with the size of the community it seems provocative evidence of the nature of present-day man-

evitably there is some element of 'social-mindedness' in truly broadcast station operation. More and more in the years to come stations are going to be (as they already are) subject to increasingly penetrating analysis. It, therefore, behooves stations to give thought. Luck may not forever protect the take-almost-nothing broadcaster. Among other discerned developments these were characteristic of 1939:

1 Educational directors were appointed by stations, a few hired specialists, most of them appointed among staff members.

sist civic organizations in the preparation of programs.

A station may express its personality upon the public in unique ways. KTSB, San Antonio, conducted a station-wide campaign in which while rushing to accidents themselves caused menace to life and limb. The station was responsible accident-chasers the station played a part in getting a new municipal police force. The wreckers to go to an accident unless summoned.

Station KPXY, Spokane, by staff additions in 1939 may be taken as typical of what the more alert stations were attempting to do to stabilize the community faces. There were brought in an ex-army officer as a roomleader, a lady exec to liaison both clubwomen and children activities, a new staff music consultant, a new continuity editor, and, finally, the organizer of the local council of Jews and Christians to conduct a station forum.

Local radio in the network town, New York City, differs markedly from the norm for the country at large. There is a station which has also operated quite like WKXR with its frank extorting to the highbrow in books and music. WEDU, a socialist antecedent, is probably well ahead of the most advanced in terms of grappling with the challenges of the day. It has a Free Speech Forum conducted by an Episcopal cleric. It arranges three-way political debate instead of the sedate and cautious common practice of limiting each broadcaster to one view point and giving another time to the rebuttal. The station presented a Refugee Hour with Singing Spanish as m.c. and it ballyhooed democracy hard.

WAVE was much in the maelstrom during the year and also made national publications quote a bit. WMCA probably got the worst kind of publicity from year's beginning to year's end. WRN did nicely under Herb Petney. WOR continued to be the town's most pretentious all-around station.

Stations in Oklahoma City seem to be keeping pace with the main pace of servicing the community with programs that are indigenous. Major publicity in the market is hogged by exploitation-minded. Change in management has tended to perk up things at KOMA, whereas at KTOX ideas are in process of crystallizing and at KOZY, an intelligent attempt is being made to develop a program policy which won't exactly parallel those of its competitive outlets.

WKY is the only station in the town with a mobile unit and it makes plenty, and selective, use of the contraption. In co-ordinating its promotional activities with network commercials WKY has set a smart pace, and a similar nod is due in KOMA's direction.

KOMA makes lots of use of its quota of musicians and injects much keen thought in framing its educational interpolations. KOZY's strong emphasis on sports indicates that it's out to capture a particular segment of listeners, while among KTOX's top-notch idea is the Family Life Radio Forum broadcast from the University of Oklahoma.

Among stations (and typical of others) that showed evidences of being unusually alert, enterprising and endowed with a keen concept of community showmanship values, were:

WHBC, Rochester—Clicks consistently on all cylinders whether it has to do with civic programs or sports broadcasts. Also applies a goody assortment of ingenuity in building music programs and has done due for its 'A Day at City Hall'.

A 45-minute demonstration in high building music programs and has done due for its 'A Day at City Hall'.

WGST, Atlanta—Its Atlanta Civic Chorus stands rates plaudits. As a result of its civic programs and events programs and station won the admiration of a leading department store.

WGAA, Athens, Ga.—Though it's been on the air since 1928 this outlet has commendably carved out a niche for itself in building strong

(Continued on page 22)

brightest when a previously dull and sloppy station comes alive under the magic hypodermic of new and zestful management. Take a minor station in a minor market and contemplate the mathematical results of a little turpentine on a lily nap—in short, take WQMD, St. Albans, Vermont. In May, 1936, there was only one quarter hour a week sponsored. Every other act of advertising revenue came from announcements. Then new management came in, a former station sales rep who knew radio and had some imagination. Today, 18 months later, the station has 22 hours of programs.

In far-off places the spark of enterprise is fanned into a full-blown fire, often with a first rate, if necessarily coin-shy, kind of showmanship. Take, as a small example, KOBY, Rapid City, South Dakota. That is not a station often on the tongues of national spot buyers, but it probably gets more than its share of community word-of-mouth. During the past year this station developed a program filter of local interest in home town softball games. That sports announcer was hired and con-

agement in small towns a long way from any big ones.

VARIETY makes awards of special plaques (see reduced facsimile on this page) within 12 classifications but VARIETY itself would not be trustworthy if it rigidly limited itself to fixed categories. Whenever in any yearly survey manifestations of a showmanship policy or flair are noted a plaque may be designed to recognize such enterprise. Thus there may, from time to time, be awards to sponsors, agencies, networks, even those outside the immediate confines of commercial radio.

But fundamentally the plaques are offered as trophies for the further encouragement of station management. For it is through the station management of the 760-odd stations of the United States that the ultimate destiny of broadcasting under the so-called American way will be determined.

All sorts of related matters are loosely brought together under the convenient but partly-clusive term 'showmanship'. VARIETY offers for those who prefer it the alternative symbol, "station personality." In-

Stations increasingly sent out luncheon speakers to tell the story of radio sympathetically.

Mobile units increasingly became standard station equipment.

A considerable number of stations on staff members serviced the farmers as the plow-jockeys loaned large as a circulation boost in coverage.

Norfolk Station WTAH has set up a 'Program Planning' Director who creates a pool of program ideas from all available sources—such as trade agency staff members, service other stations, adapting and localizing the ideas and creating a permanent file. This sums up pretty clearly and practically the ideal of station alertness to what is going on in the realm of programming outside its own zone.

The same station manager, Campbell Arnoux, has also provided a twist to the educational thing. Has a 'Public Service Advisory Council' whose responsibility is to ac-

# .. CITED FOR SHOWMANSHIP ..

Plaques annually awarded by VARIETY in conjunction with its radio showmanship survey are announced herewith. They include a special joint award to the Radio Corporation of America and its subsidiary, the National Broadcasting Company, for pioneering in the realm of television programs, a largely thankless and wholly unprofitable undertaking which represents sheer investment, sheer venture and, in the best sense, sheer showmanship. Television today may be very little like television tomorrow. The rate of progress is sufficiently rapid to suggest that. Nevertheless RCA-NBC has by itself advanced both the day and the art of television so markedly during the year 1939 that in testimony of both the effort and the achievement a showmanship plaque is unquestionably warranted.

From the beginning of the New York World's Fair and continuing thereafter on regular schedule the RCA-NBC television program producers have, with the expected number of errors among the many trials, steadfastly demonstrated an ever-improving capacity for handling the new medium of communication and entertainment lauded them by their engineers. A solid residue of experience and technique has now been accumulated which will not only benefit RCA-NBC in the future development of television but will be an intangible asset in the portfolio of all other corporations or impresarios that may hereafter enter the new art.

All of the persons who have contributed to the advance of television, as a future extension of radio broadcasting, cannot be individually credited but it seems appropriate to mention several men in authority: A. H. Morgan, Gordon, Thomas Hutchinson.

As to the radio stations hereby elected to the company of VARIETY plaque winners it is believed that all of the selections will appeal to informed observers as plausible. As usual the task has been enormously difficult. Perhaps the difficulty is symbolically indicated in the final decision to accommodate the pressure within the far-fetched category by making three awards. There has been a great increase in the number of stations appealing to the rural audience and in the methods and measures now generally employed. An outside source, the Agricultural Marketing Service of the United States Department of Agriculture, reports that in the past two years the number of stations carrying crop information has risen by 160 and at present some 345, or nearly half the total of American broadcasters, provide professional news to plot-jockeys. This is one suggestive fact.

In several cases stations that previously did little in rusticity have fundamentally redesigned basic policy. Such a station was WBT, Charlotte, North Carolina and the activities adopted there to make the 50,000-watt mean more in the lives of the farmers appealed to the judges as showmanly. KMA, Shenandoah, Iowa, and WNAX, Yankton, South Dakota, which also receive farm awards have, more steadily than WBT, been identified notably with the outlying districts. Each station seemed a well-balanced exemplar of the shrewd and the practical. KMA, a veteran, has practiced hand of long experience and in its president, Earl May, has one of the authentic personalities of farm broadcasting. WNAX definitely reflects touches of the slick Cowles management into whose lauds the station has passed.

WBT, in winning a farm service award under the management of Lincoln Dellar, repeats station history. While under William Schmidt's direction the

station was given the network-managed designation.

Three of the 1939 plaque winners are repeats. WLW, Cincinnati, has its third award, and WSM, Nashville, its second. While the judges were not without qualms that the 50,000-watt, as such, might seem to be running away with the awards it was impossible to deny the crushing weight of solid performance. WLW since its forced return to 50 kw. has opened the valves and nothing comparable to the campaign that followed has come to the attention of the VARIETY survey since its inception in 1933. WSM had no trouble in demonstrating a

ments congenial to shows and talent. A man with a non-theatrical background, Arthur Church, has consistently stacked his chips on showmanship. It has hardly dispute the undeservingness of KMBC to its award.

For the newspaper-owned station award there were quite a number of well-operated units seriously in the running. The final choice of WMC, Memphis, will, in the east, seem less surprising, perhaps than the duplicate award to far-off KFBK, Sacramento. There is always the feeling that the west coast is a strange zone of which not much is heard and, for that reason, not much is presumed to happen. The Sacramento Bee station, however, has a very tightly integrated arrangement between paper-station and public. In this case the location of the station in a fairly self-contained rich valley has colored the picture with unique values that made an impression.

WRVA, Richmond, as an alert and many-sided organization spread out competitively in 1939 and seemed on the whole a good example of showmanly behavior under the happy auspices of a non-radio ownership. It accordingly was tagged for a prestige subsidiary token.

KOIN, Portland, Oregon, appellation as 'social service station' may be interpreted as mirroring the judges' respect for a nice all-around town job. There wasn't much to choose in the part-time category but WSUN, St. Petersburg, Florida, made a case under administrator uninspiring handicaps (only three days a week). Because the fundamental wish of the VARIETY awards is to encourage and stimulate that which is showmanly the WSUN plaque seems justified. The sports station award which has only been given twice may be abolished after this year (probably in favor of an educational award) so that WWSW, Pittsburgh, may be the last winner. Its sports activities are varied and fairly smart.

As regards Canada, where the rate of progress is necessarily slower, VARIETY skipped awards in 1937 and 1938, but CFCF seemed to be a 'best' for 1939. The absence of any award this year for foreign-language stations foreshadows the probable abandonment of this category by VARIETY in 1940.

Mention of the 1939 sponsor plaque is reserved to the last. A year ago VARIETY expressed professional appreciation for the showmanship of Lever Brothers and Atlantic Refining. The thinking behind VARIETY's decision to expand recognition into the field of the sponsor was not surprising to those in the trade who remember that this publication has steadfastly insisted that no sponsor spending millions of dollars on radio programs could indefinitely continue to regard himself as divorced from all showmanly responsibility.

The sponsor, not the advertising agency, must answer to the board.

The consistency of Lucky Strike radio programs through the years and the continuance of this successful picking and supervising into 1939 (notably in the Kay Kyser stanza) strongly focused the attention of this survey upon the showman-sponsor, George W. Hill of the American Tobacco Co. Hill has been using radio shrewdly for a decade and almost never has purchased popularity with excessively high-priced talent. On the whole, Lucky Strike shows have been moderate in cost, bespeaking showmanly union of cost and results.

## Plaques Awarded for 1939

### PROGRAM ORIGINATING STATION

**KMBC, Kansas City**

### PRESTIGE SUBSIDIARY STATION

**WSM, Nashville \* \* \* WRVA, Richmond**

### NEWSPAPER-OWNED STATION

**WMC, Memphis \* \* \* KFBK, Sacramento**

### NETWORK-MANAGED STATION

**WRC-WMAL, Washington**

### NATIONALLY-EXPLOITED STATION

**WLW, Cincinnati**

### COMMUNITY-EXPLOITED STATION

**KTSA, San Antonio**

### SPORTS STATION

**WWSW, Pittsburgh**

### PART-TIME STATION

**WSUN, St. Petersburg, Florida**

### SOCIAL SERVICE STATION

**KOIN, Portland, Oregon**

### FARM SERVICE STATION

**KMA, Shenandoah, Iowa**

**WNAX, Yankton, S. D. WBT, Charlotte, N. C.**

### CANADIAN STATION

**CFCF, Montreal**

### SPECIAL AWARDS

**RCA-NBC** For Television Program Pioneering

**LUCKY STRIKE** For Consistent Sponsor Showmanship

claim to a place in the fastest company. Because of the very important advantage of being able to charge off to the parent, National Life Insurance, some of the adventures of the child the station has a surprising range of showmanly activities. One or two of these seemed on the sly side to the judges but the accumulation of merit precluded neglect by stations of original program activities (as treated in the preface to this survey under the caption 'The Local Program Director's Dilemma') those few stations which comport themselves in the time-honored manner of showmen are no hard to distinguish in the throng of broadcasters whose motto is 'so what?' Whole attitude at KMBC, Kansas City, produces one of the industry's few local environ-

# Station Activity During 1939

(Continued from page 20)

local loyalties through such programs as 'Our Community Sing' and 'Our Church of the Air.' The former, patterned along the lines of an old-fashioned country sing, brings on quartets, trios and various other combinations from many miles around, while for the 'Our Church of the Air' event the music and radio sets for impromptu worshiping groups in country schoolhouses, etc., where pastors are not available every Sunday.

**KARK, Little Rock**—is especially hot on promotion of national and local accounts and itself. Has an employment program that hits the butlers and is on its toes at all times in the matter of public events and educational programs.

**KOMO-KJR, Seattle**—Merits a big bow for the sustainer, 'Every Man a King,' which dramatizes the recreational facilities of the Pacific northwest and in a different way.

The situation in Cincinnati often considered the most consistently spotlighted radio competitive center in the U. S. A. is easily described with considerable detail in the case of Ed Grunwald's recent special articles for *Variety*. It seems rather superfluous to dwell so soon thereafter on the personalities and characteristics of the market. The town now has a settled 10,000 wattage, which has moved over from Covington, Ky. **WKRC** is necessarily in an 'in-between' state due to its prospective transfer from CBS to local newspaper ownership. **WASA** under Dewey Long has done its very considerable best to become an entity in its own right apart from its Crosley big brother, **WLW**, which remains the heavy hitter.

**WLW**, 1939 tackled a tough problem, reorientation to 50,000 watts after the experimental operation in September ended, leaving the station and the courts made the ruling and confirmed it. **WLW** promptly revised its program, and the result was a socking bout to hold its preeminence against all comers. It has rechristened 'The Nation's most merchandize-able station' and has been displaying plenty of fight, ingenuity and sheer hydraulic pressure behind the 1939 readjustment of **WLW**, the impact of spread and sharpened impact of its respect-commanding maneuvers scarcely leaves much room for debate as to it being the most nationally exploited station of the year.

**WLW**, purely local, has made what seems an intelligent and well-balanced adjustment to its own position (and limitations) and the station is listed as one that perked up in 1939.

**WCCO**, Minneapolis-St. Paul area competition between **WCCO** and **KSTP** is so intense and determined, and so introduced a genuine variety so alert and enterprising, that listening in the Minneapolis-St. Paul area is a real experience, which is not at all exciting. It's a rivalry evidently of little lost motion, of the type that is not only desirable to make themselves an integral part of the community life and not found their rivals for network commercials. The twosome prove to be on their toes whether it has to do with special events, educational or civic features, straight entertainment or self-promotion.

**WCCO** has the past year especially figured as a pointer-of-the-way in transmitting hard-to-tell periods into gold. It introduced a genuine variety of the sunrise specialties, which goes on at 6 a. m. and runs for 45 minutes. Through its Saturday Opening House (9:15-10 a. m.) the station paved the way to making the 'Sunrise' a more important value of Saturday morning time as a reminder for housewives on the verge of starting out in their daily end buying. It also worked out a Sunday daytime news package, an interesting feature, which has been in times of major events since there's a long hiatus of printed news items. **WCCO** has been able to listen in times of major events since there's a long hiatus of printed news items. **WCCO** has been able to listen in times of major events since there's a long hiatus of printed news items.

Both **WCCO** and **KSTP** are consistently on the move to infuse interest and appeal in their educational and civic interludes. A **WCCO** series in this department is the Minneapolis High School Radio Workshop, while **KSTP** can take bows on its 'Tangled Lives,' a dramatic presentation of the problems of today's youth by the NYA Radio Workshop. **KSTP** studiously avoids the 'slant' in its special event undertakings, and the 'cutting room' slant it gives its 'Tales of Two Cities' points up the station's fair for editing and dramatic values. **KSTP's** allotment from the musicians union is sold to a couple of commercials and has been whipped into such shape as to make a welcome sustaining link on the NBC red network.

**WCTN**, which has been a mobile units and they're kept pretty much in use. **WCTN** puts its schedule on a par with the other two network outlets, with the right sense of value. Like the other two network outlets, it

lands a generous hand in giving a local promotional push to network commercials. As for publicity, the edge is still **WCTN's**, what with its ownership by a couple of the local newspaper publishers.

Singularly little was done in 1939 as between local stations and the national sales representatives to establish coordination in attracting advertiser attention to bands and smaller stations. Some stations do make a practice of preparing folders of available local programs. There was scattered mention of creating participation programs at 'hard to sell' times, as at night or at the suggestion of the sales rep in N. Y. or Cal.

Some towns change very little from year to year, such as Milwaukee, for example. **WTMJ** apparently has the town to itself on the subject of community showmanship. But that **WTMJ** isn't in there trying, but **WTMJ** has worked out the play thoroughly and put it over in touchdown form. Considering the fact that the program is inevitably somewhat of an outpost of Chicago, **WTMJ** has ideas that would credit its stations in more important markets.

Smartest trick marked up for the station is contained in its own repertoire.

'In the past it was customary to give to the Red Cross, Community Chest, etc., 15-minute spots, but we found that few speakers could hold an audience. Therefore, we now give 15-minute spots to the Red Cross, etc., in the middle of a good sustaining or participating program, and find that this gives the organization the publicity it deserves (and doesn't lose listeners for).

**WJZ** dominates in Chicago as the station most closely identified with Chicago community life. That quality is the very blood and marrow of the station. Though privately owned, it ranks in the true sense as a municipal station.

The NBC 100's, **WMAQ** and **WGNB**, have a stronger grip on the local slosh of recent years and now do far more than fill their unwelcome role for the public. **WMAQ**, **WLS**, always a model of showmanly alertness, figuratively ignores the metropolis to get into the rural life of the hinterland into the warmth of its informative entertaining and shop-talk embrace. **WMBM** finds time out of its welter of network and local commercials to keep its listeners in touch with important special events, but none too imaginatively, while **WGN** plods along, rather smugly, in the *Radio Tribune*, with but an occasional burst of extra-curricular fire. **WFAA** caters dramatically to the live radio trade, and at odd moments plays grand opera recordings and airs the regular meetings of the Chicago Council on Foreign Affairs.

**WJZ** doesn't stop with its bang-up job on the educational and special events front. It fashions a species of entertainment not to be found on the other local outlets. **WJZ** has materially stepped up its scope of civic service by assigning a sizeable staff to assist the chairman of various organizations in putting on their programs, with the result that instead of public service being the low spot on the day's lineup, it has become the high of the day's entertainment. **WIND**, its sister station, retains its status as a

sports specialist in strong form, and makes it pay added dividends by its complete barrage of the right kind of promotion. In other words, the station has built itself a reputation in one corner of the listener-bumming field and it knows how to sell it, but in its handling co-op with the advertiser is passed up.

During the past year **WLS** introduced the idea of farming out its considerable and smaller stations for development. With a mobile unit on the wing, this multiplicity of the farmer kept in touch with practically every public event that might be of interest to its listener clientele, and this despite a heavy day after day schedule. It has its sales promotion, on both national and local accounts, fully co-ordinated, and has devised the programs that it takes to cash in on what others might consider hard-boiled and smaller stations. It has its sales promotion, on both national and local accounts, fully co-ordinated, and has devised the programs that it takes to cash in on what others might consider hard-boiled and smaller stations. It has its sales promotion, on both national and local accounts, fully co-ordinated, and has devised the programs that it takes to cash in on what others might consider hard-boiled and smaller stations.

**WMAQ** and **WGNB** further escape by lending their facilities to covering the local sports and special events and the development of studio programs that strike at competitors. The ties with the university roundables, the Chicago Historical Society, high schools and the city government, the station and publicity is well integrated.

For **WBBM** the local commercial emphasis has been on sports program and it has done some pioneering work in developing a cash value for Saturday morning spots. Its informative efforts are largely of the 'Meet Chicago' and 'Know Your Job' type, with the broadcast emanating from industrial plants, offices, etc. The station's rep for promotional cooperation with both web and local owners remains solid.

**WGN's** chief claim for attention during 1939 is the aid it has given in getting the exclusive rights to the World Series broadcasts and in originating the guessing game, *Who's Who*, and when its studio was thrown open for a 7:30 a. m. (Good Morning) program 600 persons docked to the event.

A pertinent factor in any estimate of showmanship in Philadelphia is the city's proximity to New York. All four network origination stations are readily tuned in Philadelphia, so the local network outlets must battle a tendency of some commercial dealers to tune in New York direct. That is particularly true in the case of **WFL**, which is affiliated with NBC blue (**WJZ**) and Mutual (**WOR**), both of which have okay signals in Philadelphia. **WCAU** is aided by its own powerful transmitter (50,000 watts) in holding local CBS listeners and **KYW** is helped by the fact that its NBC red origination station, **WEAF**, is not too clear in the Philadelphia area. That is, very rare it must be remembered that the three largest Philadelphia stations, **WCAU**, **WFL** and **KYW** must compete with their own networks as well as with their local rivals.

In showmanship, Philly broadcast, as elsewhere, generally seem to be coming of age. That is, they're

realizing more and more that good showmanship is inseparable with proper operation of the station. Intelligent programming, participation in the affairs of the community, rather than merely calling attention to the station, frequently by childish stunts and gimmicks, is becoming a public nuisance. Even so, two Philadelphia stations this year called attention to their differences in the latter regard—one by blocking traffic with an outdoors loudspeaker for war blarney and the other by sponsoring public dances that the police had to stop. There still remains the exploitation of the tendency to attach more importance to mention in the news columns than to the station's prime function of supplying listenable programs.

**WCAU**, which has better and more complete facilities than its local rivals, continued to improve and increase those assets during 1939. It added another studio, bringing the total to 11 (the station is strong on various kinds of audience shows), improved its technical equipment in the studio, employed another station supervisor, so one would be in charge of the station's broadcasts, increased its hours on the air and greatly extended its showtime average, and sports, airing all the A's and Phillies baseball games, Penn and four football games and the usual Philadelphia of local sport events, for Philadelphia is one of the most important sports cities. Because of its nearness to New York, the station

(Continued on page 23)

## SOMEWHAT UNUSUAL (In 1939)

**WABC, Akron**, established studios in Cleveland for foreign language programs.

**KOB, Albuquerque**, spent more than the entire national year increase on trips by station manager.

**WBFB, Baltimore**, initiated uniform guide tours through its plant. **WBAL, Baltimore**, exhibited a radio news program in action and broadcast same from downtown store window.

**WGR-WKBW, Buffalo**, reported 100,000 requests for brochure dealing with station staff.

**WLW, Cincinnati**, awarded six months' scholarships in its agricultural school to college students.

**WFAA, Dallas**, was key link of a special web of 26 stations for a regional sponsor (Dr. Pepper). **WHO, Des Moines**, stayed open all night to carry the papal coronation ceremonies.

**WXYZ, Detroit**, had 175 employees, most of them on programs.

**WMSS, Memphis**, developed a high school singer, Kay Starr, good enough to play with Bob Corcoran and Glen Miller.

**WCAE, Pittsburgh**, had 50,000 subscriptions for its Junior Civic Prevention Bureau.

**WEST, Boston**, held a 'perfect lips' contest and also broadcast the Doctors Symphony. Orchestra composed entirely of M.D.'s.

## Reporting Mobile Unit

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## Previous Years of VARIETY PLACES

	PROGRAM ORIGI- NATING STATION	PRESTIGE SUBSIDIARY STATION	FARM SERVICE STATION	NETWORK OWNED STATION	NEWSPAPER OWNED STATION	PART- TIME STATION	FOREIGN LANGUAGE STATION	SOCIAL SERVICE STATION	SPORTS STATION	NATION- ALLY EXPLOITED STATION	COM- MUNITY EXPLOITED STATION	CANADIAN STATION
1936.....	WLW Cincinnati	WHAM Rochester WLHS Louisville	WIO Des Moines WLS Chicago	KMOX St. Louis	WKY Oklahoma City	WHB Kansas City	WBXN New York City	WEVD New York City	WIND Gary, Ind.	WCXY Cincinnati	KFPY Spokane	CFRB Toronto
1937.....	WXYZ Detroit	WOW Omaha KSL Salt Lake City	KMMJ Grand Island, Neb. WDAY Fargo, N. Dak.	WBT Charlotte, N. C. WFAA Dallas	WDBJ Roanoke, Va. WFAA Dallas	No Award	CKAC Montreal	KSTP St. Paul WSMB New Orleans	No Award	No Award	KWK St. Louis WGN Chicago	No Award
1938.....	WLW Cincinnati	WTIC Hartford	WSM Nashville	KNX Los Angeles	WWJ Detroit	No Award	WOV New York City	WHA Madison, Wis.	No Award	WOR New York City WBFR Baltimore	KVOR Colorado Springs, Colo.	No Award

# LOCAL STATION IDEAS

(Program Tieups, Attention-Getters)

## BUILD AN IDEA FILE

Various radio stations clip and paste on small cards suitable for box files the various program, cine graphic and novelty items as carried in this department of VARIETY. Point of having an idea file is that a good idea department is often not practical for a station at the time the item is published, but that later on it may be usable.

Continuing VARIETY's always receptive to information of this character, all of which contribute to the aggregate to better showmanship.

### What's Right With U.S.A.

St. Louis.  
Carlin S. French, advertising manager of WTMJ in East St. Louis, is issuing a weekly mimeograph bulletin tagged "Good News of the Week," which comprises items from many parts of the U. S., based on authentic data, showing the upswing in bit.

Bulletin is used by French's sales force and distributed additionally to business men in the territory regardless of whether they are WTMJ clients. Station reports that two recipients have asked permission to reproduce it for distribution to their prospects.

### Fris-Christmas Toy Show

Milwaukee.  
"Billie the Brownie," traditional pre-Christmas program to promote the toy department of Schubert's department stores, returned to WTMJ here Thursday (16) for its eighth consecutive year. Program draws approximately 50,000 letters annually from kids.  
With Larry Teich as m.c., show embraces Santa Claus, "Billie and the Eskimos" traces their adventures at the North Pole and subsequent trip to Milwaukee. The WTMJ series on "FRIS" is climaxed by a mammoth parade, with floats on electric flat cars, through downtown.

### Old Clothes for Admission

New Orleans.  
Beginning Saturday, Dec. 2 and continuing until January 1, admission price to the WWL Dawn Busters' Saturday morning two hour show will be old clothes, broken toys, or dolls.

Station will have toys repaired and elders fixed up for distribution to poor on Christmas eve.

### Beer-Tavern Stunt

St. Louis.  
KWK and the Griesedick Bros. Brewing Co. have created a program tagged "The Barrel Roll" that has a sock merchandizing angle and is packed "on in a barrel" status. Every tavern in town is represented by a number marked on slips kept in a locked barrel, making every program, six nights weekly, this barrel is spun and around 10 slips are drawn. Name and address of lav-

ers, represented by slip, and announcement is made that a bottle of the sponsor's product will be tossed out onto the next 50 customers who arrive at the station.

Program features Mary Alcott, songbird, with 10-piece orch directed by Rolly Coughlin.

### Helping Open a Store

St. Antonio.  
KTSA helped open the remodeled Karoluk Furniture Store here with four special programs plus Karoluk's regular show on the station's broadcast. At 8:15 a.m., opening day, program director Bill Bryan conducted an interview of the management and employees in the store. At 10:15 Jack Mitchell, production manager, handled a "Bowing Microphone" job among customers for 30 minutes. "Man On the Street" asked contestants their reasons for patronizing the store.

### 'Sunrise' Show at 9 P.M.

St. Paul.  
Putting on its early morning show at 9 o'clock in the evening is WCCO's plan to increase its 6 to 7 a.m. audience.  
Tonight (21) WCCO aired "The Sunrises" at 9:30 p.m., telling its listeners that starting the next morning (22) at 6 to 6:45, that the call to entertainment they could expect to hear daily.

### Music Appreciation Tie-Up

St. Antonio.  
One of the local dailies is conducting music appreciation campaign offering for a small sum a complete album of master recordings conducted by works of several outstanding artists together with a portable phonograph which can be obtained by winning the contest.  
WQAI has tied up with campaign. Presented the first in the series of plays which are being offered. In a half-hour broadcast the complete program of Schubert was presented.

### At the Police Station

Deloit.  
As a public service program, KXWZ and its state web program, featuring a 13-week series of broadcasts from Michigan state police headquarters in Lansing, covering various phases of organization. Programs are conducted by Howard Finch, special events chief at WJIM, Lansing, and Lieut. Harold Mulbar, Lansing, on its detector.

## Report for 1939

(Continued from page 22)

was also able to add to its already intensive war news broadcasts by ethereal serving interviews with aviators from Europe. WCAU used mobile unit only once during the year. It does its share of filling outcasts with expensive brochures.

KYW continued to show increasing business and enterprise since its separation from its management tie-up with WCAU. The station exchanged facilities for handling news and it hyped its farm and home broadcasts, besides capitalizing on Philadelphia's annual symphonic music libraries and resources as well as working out tie-ups with various stores and sponsors.

Without any network or station affiliation, WDAS again waged an aggressive showmanship campaign, particularly in adapting its policies to local conditions. This was especially notable in the case of program sponsoring. For example, during the afternoon hours, when rival stations were carrying baseball games, WDAS concentrated on popu-

## New Sparklers

Notable cases of stations perking up during 1939 in one way or another:

KCO, Albuquerque, N. Mex.  
WQBO, Cincinnati.  
WING, Dayton.  
WVUE, New Orleans.  
WQDM, St. Albans, Vermont.  
WTAG, Worcester.  
WNAX, Yonkers, N. D.  
KFBC, Sacramento.  
WNYC, New York City.  
WMPF, Memphis.

lar music to catch the non-baseball overflow. Similarly, during the hours when dramatic serials are heard over the networks, WDAS played symphonic music through recordings. Both policies drew ready sponsorship. With foreboding following, WDAS also cashed in on transatlantic war news. Because of its limited resources, it could not depend on resourcefulness and opportunism. It has had an enviable record.

WIP, which is affiliated with WJMC, New York, jumped in with the first local all-night every-night program, which appeared to cash in directly with sponsorship and indirectly through opening up a new listening area to its facilities. Continued its record of liveliness and determination in keeping the station in the local eye.

WFEN expanded its news coverage and went in strongly for a complete recorded library.

## Pointed Showmanship Comment

(By Stations)

### Educational Groups Must Meet

"In the past year WCAU has arrived at a new policy with regard to educational programs which, though it is not a broadcast each week, should result in an improvement in the station's service to education. Broadcasts are no longer scheduled simply because they secure the participation of some school or civic group or such. Nor are they scheduled for a group whose appeal is purely local.  
Instead we are demanding that educational and welfare groups shall demonstrate their ability to produce something worthwhile and that the idea they present shall have a regional rather than local appeal. In consequence such incidents as the state Parent-Teachers Association preparing to conduct a program of the WCAU's production department are now the order in educational affairs."

—Earl Gammons, WCAU, Minneapolis.

### They Applaud Silently

"We feel that mail should no longer be considered a criterion of station or program popularity. When programs are good, listeners applaud silently, when poor or uninteresting they don't dial elsewhere."

—John T. Vorse, WHK-WCFL, Cleveland.

### Using the Skript

"We built a light musical box skript on KRNT each night to serve adults as both KSO and KRNT were carrying juvenile script shows during that period."

—Wayne Welch, KRT, Des Moines.

### Stunts Stopped Drawing Crowds

"About the time I entered radio, screwy special events as an indication of showmanship were definitely on the wane in this part of the Bush. Stations quit putting them on for the same reason the oil companies in the early days finally stopped blowing the town fire siren every time they brought in a gusher. It just naturally stopped drawing a crowd."

—Milo J. Altman, KMBC, Kansas City.

"We do not have a national sales representative. Our own sales director makes regular calls two or three times a week to time buyers and executives of agencies in New York, Philadelphia, Baltimore, Chicago. And during 1939 four different programs were devised for various agencies and out of the four, three were used."

—A. K. Redmond, WHP, Harrisburg, Pa.

### Getting Into the Lash-of-Air Homes

"Hartford has a large hair population and during the weather brackets 'hard to get into' homes go on our concert hour... hundreds of requests for schedule of repertoire... the sponsor, an interior decorator, is tickled."

—C. G. DeLaney, WHTT, Hartford.

### Must Please Mythical Mrs. Glutz

"We have adopted a definite policy, and it seems, considering first and always the listener, as exemplified by 'Mrs. Glutz,' a fictional character, whose reactions are always considered by our staff in discussing new programs and features. This policy amounts to putting on the air whatever makes good listening, rather than shows about which we can talk. We are of the opinion that talk is cheap but that listeners can be proved, and therefore, by proof, completely outweigh all other data any station can ever accumulate."

—Kenyon Douglas, KTOK, Oklahoma City.

### 'Why Should It Be on the Air'

"Instead of designing programs just to fill time KSTP tried to produce programs that would have both significance and timeliness. For instance, during the heat of the WPA strike, which crowded all else off the front pages of the local papers, KSTP put a state effort to present all sides of the case... That this procedure brought KSTP recognition is evidenced by the fact that during the WPA trial, the local federal district court ruled that KSTP was a local source of public information, that the WPA's directors noted in the station to strikers of the terms of the new relief bill constituted sufficient legal notice... In creating special events shows we ask ourselves one question, 'Why should it go on the air?' If it's timely, informative and of human interest, it carries. If it's just a stunt for the sake of fleeting publicity, it's dropped."

—K. M. Hance, KSTP, St. Paul.

### Creating Special Attention

"Adopted policy of advising either by postcard or telephone interested groups when leaders in their fields spoke... all members of St. Louis Stock Exchange, were telephoned when president of New York Stock Exchange spoke."

—Ray Dada, KWK, St. Louis.

### Must Dramatize Local 'Causes'

"We eliminated air speeches by local 'cause' leaders insisting... that all be dramatized by local actors after careful preparation, rehearsal and audition."

—James C. Hanrahan, WMPF, Memphis.

### Out the Hotel Window

"KANS is always present for a broadcast in connection with any public gathering that occurs in its vicinity and further expand the remote facilities, a second relay broadcast station was added. This is a rather unique unit, in that it is a complete 10-watt transmitter with its own receiver built up in a form and size comparable to the usual remote line amplifier. With this transmitter, we can go into a hotel room and interview a dignitary on five minutes' notice, simply by looking an antenna out of the window and picking the signal up at KANS for rebroadcast. It is also useful in cueing the main mobile unit transmitter."

—Herb Hollister, KANS, Wichita.

## MIMEOGRAPH—THEY CALL IT PBLICITY

Last year VARIETY in its Showmanship Report pointed out how amateurish were most of the promotional brochures, booklets, leaflets and mailing pieces designed and sent out by radio stations. Not much change was noted this year (though few examples were submitted to VARIETY), but this year the low estate of the radio press agent in his own organization seems to warrant parenthetical consideration. Not to beat about the bush the typical local radio station regards its press agent as a stencil-cut-out.

It is pretty clear that the press agent is seldom told to wear a clean collar the next day because he may be invited into the front office. With crushing condescension one station in Oregon reported: "when the publicity department is needed, the director is called into conference."

There seems small tendency to believe that the press agent has or should have any right to know what management is thinking about or perhaps to contribute to management thought. If or she is primarily expected only to send out news releases as and when authorized (and the wording okayed) by somebody important.

This confirms a suspicion that generally speaking the press agent is unaware of what's

going on. If or she is apt to be without prestige with the station, without authority to act, without real participation in planning or decision except to the extent that the press agent is primarily a stencil-cut-out, as for example, a secretary, secretary to the general manager, sales director, etc. In only one reported case was the station publicist on the board of directors and in that case he was the son of the owner.

The lack of standing of the press agent has its natural consequences in the impractical and largely thoughtless mimeograph so plentifully supplied the newspaper via teletypes. Unable to get any real news cleared through the top execs and unwilling to risk individual stunts without okay the publicity directors turn to the trite and the unimportant in an effort to publicize the station. In some cases the publicity director, in desperation, attempts to create occasions for station mention by perpetrating more of those "hooney" stunts which accomplish little as a rule.

In some few cases the job of the station press agent is not to go to town for the station itself or even to collaborate with advertising agencies but to further the personal (in profit, private society, etc.) side of the boss' private life.

## Pause For Station Identification

(Some Giggles From The Survey)

"Our coverage of the ——— tragedy drew more comment than any other single broadcast. We sent a man to the scene and he reported on the radio before the true story of the affair was reported in the dailies."

"Our publicity director (new) is a young college graduate who majored in Speech, Salesmanship, Journalism and Drama."

"Saturday morning dances were scheduled until recently, when they were stopped by the police."  
Thousands gathered in the street each day, eager to hear the European news via our station loudspeaker—greatly disrupting traffic conditions—and occasionally making the same people to their office windows within a block-and-a-half's hearing distance."

# 9 WEEKS OF "GREAT DECISIONS" TO 22 WEEKS OF "FISCAL RESPONSIBILITY"

**John Studebaker, of Office of Education, May Pre-emptive Showdown Through His Questionnaire—Much Behind-the-Scenes Politics in Washington With An Eye to the Future**

Washington, Dec. 5. The Office of Education, sent out an elaborate questionnaire last week to all the shortwave broadcasters in the United States. Westinghouse, Crosley, General Electric, NBC, CBS, and Walter Lemon, of WIXAL, Boston, has had the immediate result of so confusing the issue of who is in the government so far as shortwave radio is concerned that, before replying to Studebaker, the broadcasters may ask that the White House decide who is and who is not—the right boy.

Studebaker's questionnaire asked, among other matters, about "sponsors." Which the radio trade interprets as a quick reaction to the first only shortwave advertiser, United Fruit of Boston, which began only Friday (1). A review of the United Fruit program appears in this week's *Variety*.

That shortwave radio is now and hereafter will be entangled in politics, both the routine kind and the kind that overlaps the high political, is clear. Habitually the advocates of government ownership of shortwave stations mention "South American relations" as a motive. The jitter invariably is a proviso making it possible to also use such international translators for domestic programs or look-ups. In other words, the international facade comes up to reveal national politics.

Another episode apropos this theme was the demand for a new Mayor LaGuardia of New York, who recently urged the establishment of a new shortwave radio network to work in the United States. LaGuardia, through municipally owned WNYC, has interested the radio and public in the realm of education and public enlightenment. His proposal has been as close as any yet has been espoused by Walter Lemon, of Boston, who is always closely watched by the trade.

**An Old Wound**  
Confusion element, which has been introduced by Studebaker's tactical move to gain some implicit authority for his Office of Education (which may or may not be a secretariat of education in the cabinet), recalls Vanuxem's story of 1939, apropos the new order and quiet steps then reported being taken to set up a looking office through which all radio requests for time should be cleared. Nothing has since been heard of this matter. Meantime, among others, at least nine Washington personalities evince a keen interest in the radio broadcasting and more or less offer advice and make suggestions. Such advice is uncoordinated and comes from within the government and is, in fact, frequently hostile to the aspirations of the trade.

Leaders among those concerned with shortwave radio are: Robert I. Berry, connected with the White House through Louell Millet, an executive assistant to the president; Francis McNeill, the former chairman of the FCC, who is a somewhat inscrutable factor, but understood to be writing a report on shortwave radio.

Tom Burke, of the telecommunications division of the State Department, and Ben Cherrington, of the International Cultural division of the same department.

**More Silabulary of the Department of Agriculture**  
John Payne of the electrical division of the Department of Commerce is also interested in the radio.

**Gerard Gross, of the FCC's own international division**

John W. Studebaker, of the Office of Education, has been in the news. Mystery and confusion, tinged with some jealousy, followed disclosure of Studebaker's questionnaire. The wave operators. Purpose of the inquiry remains shrouded, with all the disclaiming of responsibility or knowledge of his motives and Studebaker unavailable for explanation.

Just what ends will be served by

the report on DX operations cannot be learned, although it was said the Education Commissioner, who also is the driving force of the almost-defunct Federal Radio Education Committee, desires to bring the previous data up to date. Associates in his offices were of the opinion that the questionnaire was provided by State Department curiosity, but no one in authority at the diplomatic headquarters admits any particular interest. Excess of both Cultural Relations and International Communications wings said they have no feeling for such tabulation as Studebaker seems to have in mind, although both wings are generally interested in the amount and type of programs sent out to foreign nations.

The FREC, which has been slumbering for many months, also is unaware of the reasons for the inquiry. One member, who has been in on virtually every session and parley since the project began a couple of years back, even was unaware the blanks had gone out. He was sure there is nothing in the wind as far as using short-wave for educational work is concerned.

While the Radio Division of the new Federal National Archives and Council theoretically co-ordinates Federal use of domestic stations, this office now hitched to the President's office, had no knowledge of the survey and could not think of any reason why that data is wanted. The Government outlets have few occasions to use DX plants, except for certain official speeches on foreign policy, like the President's annual message to Congress, which is short-wavecast. For outside affairs, the domestic plants in the standard broadcast band serve all of the administration. The State Department is interested in transmission of news to U.S. embassies and legations.

## Daniel Goes West

Following a tough hospital siege during the summer with pneumonia, Percy Deutsch, head of World Broadcasting System, has ducked out of the city for the winter. He left last week.

Will rest in Phoenix, Ariz.

## Congressmen Bore Public

**Town Hall of Air Experience Is That Public Thinkers Senators Vague, Representatives Inarticulate**

Members of Congress are flops on the radio so far as public reaction to their remarks. When a NBC Town Hall of the Air program is concerned, Fan mail clearly bears this out. Political type of oratory doesn't appeal to the general public, and the tendency of senators to be evasive and vague and the limited interest of the public in the lower house. That this is more or less the opinion of an audience group of the questioner, and the average 8,000,000 every Thursday night, and known to be among the nation's best educated, is thought to be a matter of considerable social and political significance.

Off-icers have been notoriously less straightforward and frank in their answers to questions asked them, and the large radio audience senses this and finds fault with the pussyfoot attitude. On several occasions, the questioner has ducked awkward questions by challenging the sincerity, or competence of the questioner, and the questioner has considered this a cheap trick. Most shuddering occasion was when a senator, when a congressman attached to the Dies committee, and little heard from since, explained one of the committee's investigations as being a case of "se-

## DEMANDS DEFERENCE

**Radio Commentators Should Be Polled, Too, Warner Tells Cook**

Washington, Dec. 5. Radio news commentators have climbed another rung toward parity with their chilly brethren in the print press corps. While case lines still exist, the speliars now are sure of a chance to make the guesses of at least one magazine poll of "expert" opinion.

It took because only typewriter punchers were consulted. Al Warner of CBS, former chief of the New York Herald Tribune bureau, complained to *Look* magazine about discrimination in finding out what journalistic feeling about the danger of war. Reply assured him that henceforth the mag will take the pulse of regular microphone interviewers.

## KSTP PROTESTS AFM BAN ON PUBLIC

Minneapolis, Dec. 5.

KSTP has protested to the American Federation of Musicians against the latter's rule barring local organizations from buying time to announce their itineraries. The rule has been continued to apply to sustaining groups which are booked through a station's artists bureau.

Also to bands picked up from hotels, cafes and similar spots.

AFM's executive board issued the ruling in dispute Sept. 15, on the ground that the practice creates unfair competition among members of the union. Those, it held, who cannot afford sustaining groups and didn't have such channels made available to them were at huge disadvantage.

One of the points of the diemna was a strict ban on any form of itinerary advertising.

Griffith B. Thompson, sales manager of KYYW, Philadelphia, has been appointed assistant general manager. He will be in charge of the station during the illness of General Manager, Leslie W. Joy.

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## Chain Income from Time Sales

	1939	1938	1937	1936
January	\$3,433,890	\$3,793,516	\$3,541,999	\$2,681,815
February	3,707,695	4,498,053	4,285,982	2,714,300
March	4,170,851	3,868,831	3,814,283	3,037,883
April	3,860,984	3,310,505	3,277,837	2,714,928
May	3,072,102	3,414,200	3,214,819	2,581,720
June	3,315,307	3,200,569	3,003,327	2,373,468
July	3,283,555	2,958,710	2,707,450	2,429,983
August	3,312,570	2,941,099	2,764,977	2,422,451
September	3,315,307	3,379,243	2,873,281	2,383,527
October	4,219,233	3,773,964	3,339,739	3,696,489
November	4,234,984	3,899,819	3,311,348	3,468,726
Total	\$40,964,606	\$37,575,607	\$35,012,100	\$30,965,370

	1939	1938	1937	1936
January	\$2,674,057	\$2,879,945	\$2,378,620	\$1,901,023
February	2,851,542	2,880,334	2,254,317	1,909,146
March	2,928,307	2,965,404	2,639,716	1,944,767
April	2,854,028	2,624,180	2,563,478	1,950,839
May	3,097,484	2,442,283	2,560,558	1,749,517
June	3,360,494	2,151,407	2,539,761	1,907,783
July	2,311,953	1,367,357	1,968,412	1,292,751
August	2,341,638	1,423,863	1,895,185	1,323,258
September	2,563,132	1,601,753	2,029,985	1,683,932
October	3,366,654	2,387,395	2,505,485	2,429,917
November	3,456,923	2,453,410	2,654,473	2,425,891
Total	\$30,972,671	\$24,816,338	\$25,935,491	\$19,544,599

	1939	1938	1937
January	\$315,078	\$209,894	\$213,748
February	315,078	209,894	213,748
March	306,978	232,877	247,421
April	262,626	189,245	200,134
May	262,626	189,245	200,134
June	228,188	202,412	171,386
July	216,853	187,108	131,467
August	216,853	187,108	131,467
September	210,589	200,342	102,866
October	428,221	347,271	231,683
November	927,045	360,929	158,357
Total	\$3,012,083	\$2,582,955	\$1,892,602

## Columbia's November \$3,456,323

## Largest Month in Radio History;

## NBC Red Crossed \$3,277,529

## NBC DISCOVERS BOSTON

**Big Week-End Under The Auspices of Station WBZ**

Boston, Dec. 5. WBZ execs Thursday (30) night sailed to New York on the Eastern Steamship Arcadia and stayed over Friday touring Radio City. Friday night they returned on the Arcadia bringing with them sundry spot salesmen and others as guests for the weekend in Boston.

Bob arrived in Boston Harbor Saturday a. m. and entertainment was furnished on board by WBZ's band. Shindig was made complete "Breakfast in Bedlam" show. Broadcast was made from the Arcadia tied up at her dock. Party then went to WBZ studios for breakfast. Then Grand Hotel for luncheon. There followed a trip to East Boston Airport from which the whole gang was flown to New Bedford, where the new WBZ transmitter is being built. Then lunch at the Harvard Club and on to the city in the afternoon.

Visitors included: From New York, James V. McHugh, Maurice M. Boyd, Gordon H. Mills, William O. Tienius, J. D. Van Amburgh, W. Donald Roberts and Walter C. Scott. Other guests were Griffith S. Thompson of KYYW, Philadelphia; Sherman G. Grogory, of KDKA, Pittsburgh, and John Dodge of WRC-WMAL, Washington.

## Screen Guild, Campana Shows Renewed at CBS

CBS last week got a renewal on the screen play "The Town from Gulf" and received a contract for the return of Grand Hotel, with Campana as the repeat sponsor. Latter, starting Monday, will use 30 minutes on Sunday afternoons, 1:35-2 o'clock.

Network also got a one-timer from City, with Mt. Holyoke College, Springfield, Mass., the originating spot. Mme. Denise is touring American cities to stir up an interest in French music.

Network time billings last month showed about the same pace that has prevailed since early spring. Columbia grossed \$3,456,323 which was 15.5% better than November, 1938, while NBC did \$2,424,894, which represents an increase of 14.5%. On the other hand, this year CBS is up 20.5% as compared with '38, and NBC's margin in 1939 is 19.5%. NBC's margin for November was 10.4% less than it grossed during November of last year, but the network is still up 16.6% on the annual comparison.

Breakdown of the NBC's accumulative figure for last month (November) gives the link \$3,277,529 and the blue link, \$957,455. Comparative boost is 11.1% for the red and 1.5% for the blue.

On the basis of the above figures and contracts on hand it is estimated that Grand Hotel will gross \$400,000 for 1939, while NBC's tally for this year is expected to around \$450,000. In 1938 CBS grossed \$2,463,397 and NBC, \$1,462,679.

CBS gross for November is the largest monthly tally of a web in radio history.

## LARRY CLINTON OFF SENSATION DEC. 28

Larry Clinton fades out of his Monday night spot for Sensation cigars on the blue link Dec. 28. He will have been on 28 weeks. Clinton's new policy will probably call for the booking of a different talent setup every 13 weeks. Lennen & Mitchell is the agency.

## Brown & Williamson Adds Another Half Hour

Brown & Williamson tobacco has bought another half hour from NBC. This one is on the blue link, Tuesday, with Mr. Holyoke College, Springfield, Mass., the originating spot. Mme. Denise is touring American cities to stir up an interest in French music.

NBC is reported to be on the verge of closing with a commercial for "The Green Hornet," now a twice weekly series on the blue as a sustainer.

# CONVENTS EARLY

## Coughlin Lost Only WGBI and WTMJ

Contracts (Mostly Recent) Guarantee Priest Little Interference for Year

Detroit, Dec. 5.—Despite National Assn. of Broadcasters recent code, Father Coughlin is experiencing no difficulty in maintaining number of outlets for his Sunday afternoon broadcasts, it's reported here by Aircasters, Inc., which handles priest's ether fares. Only non-renewals thus far are WGBI, Scranton, Pa., and WTMJ, Milwaukee, leaving 47 of the previous 49-station hookup intact.

Aircasters agency pointed out that there isn't much likelihood the present indie network would change much during the next 12 months, since most of stations had requested new contracts while NAB was working out its code, aimed at Coughlin and others broadcasting on controversial subjects. Also reported that several stations have written in recently stating that, since they weren't members of NAB as yet, they'd like to sign up for a year.

Priest's indie recently have come out over both WJR and WJBK here, setup being necessitated by broadcasts of Detroit Lions football games over WJR on Sunday afternoons. As result, Coughlin's WJBK links his WJR just prior to grid contests, via transcription, while WJBK carries the regular broadcast. Coughlin is latest indie proponent, carrying priest's talks: WABY, Albany, WPC, Atlantic City, WBAL, and WCAO, Baltimore, Lawrence, Bridgeton, N. J. WGR, Buffalo, WCKY, Cincinnati, WGBA, Cleveland, WQIO, Des Moines, WJL, Detroit, WLEW, Erie, Pa., WHBY and WTAG, Green Bay, Wis., WJEF, Jackson, Mo., WHP, Hammond, Ind., WKBO, Harrisburg, Pa., WIBC, Indianapolis, WQZO, Kalamazoo, Mich., WREN, Lawrence, Kan., WIBA, Madison, Wis., KSTP, Minneapolis, WGRG, New Albany, Ind., WBLI, Newark, WTEL, Philadelphia, WJAB, Pittsburgh, WRAY, Reading, Pa., WSAV, Rochester, N. Y., KFEG, St. Louis, Mo., WHP, St. Louis, WBAW, Wilkes-Barre, Pa., WURL, Woodside, Long Island, N.Y., WRCR, Worcester, Mass., National network, WRDO, Augusta, Me., WLBZ, Bangor, Me., WAAB, Boston, WICC, Bridgeport, Conn., WSAF, Fall River, Mass., WHAI, Greenfield, Mass., WHTF, Hartford, Conn., WLNH, Laconia, N. H., WCOU, Leighton, W. H. W. Manchester, N. H., WJLB, New Bedford, Mass., WNLG, New London, Conn., WJMK, Pittsfield, Mass., WEAN, Providence, WATR, Waterbury, Conn.

## Attention, C.A.B.

Atlanta, Dec. 5.—Atlanta federal penitentiary gets the cream of the crop of big-time crooks and con men. The prisoners are so intelligent that it is quite a job to select radio programs suitable to their 1, 2's.

As in many prisons, the inmates are allowed some voice in the programs tuned in by the management. Here the best radio docs appear good enough.

## Ruthrauff & Ryan Has

### X On Lifebuoy Niche; Significance Not Clear

Under instructions from Sterling Products, Inc., the Ruthrauff & Ryan agency has had CBS block out the Tuesday 8:30-8:55 p.m. period, which Lifebuoy is vacating. Report in agency circles last week was that R. & R. is slated to get an additional piece of Sterling Products business for this spot, but R. & R. Monday (4) stated that it didn't know whether a new account would be Ironized Yeast, long on the R. & R. list, which was recently acquired by Sterling Products.

It was reported in the trade that the new piece of Sterling business would be a sort of reward for R. & R.'s cooperation in closing the Ironized Yeast deal. Sterling has for years been excluded exclusively by Blackett-Sample-Hummert. Ironized Yeast currently underwrites "The Good Will Hour" on a Mutual hookup Sunday nights.

## WABC's News Strip

WABC N. Y., yesterday (Tuesday) sold the 6 to 6:05 period after the hour for broadcasting purposes with Yabus, coffee-tasting Monday, Wednesday and Friday and Remel getting the plug Tuesday, Thursday and Saturday. Paul Parks will do the bulletin reading.

Joseph Katz handles the coffee anecdote and Campbell-Ewald the proprietary drug combination.

## RATINGS FAVOR 30 MINS. UNITS

### Chase & Sanborn and Maxwell House Both Cut Programs in Half as New Thinking Challenges the Costly Full Hour Program

## CLOSE POINTS

Decision of Chase & Sanborn Coffee and Maxwell House Coffee to reduce the running time of their shows on NBC to a half hour is the precursor to a wholesale abandonment of the full hour show. Both C. & S.'s Sunday evening stanzas and Maxwell's Thursday night "Good News" are slated to go 30-minutes with their first broadcast for 1940. C. & S. were in the same spot since September, 1929, going to a full hour in May 1931 with Eddie Cantor. Maxwell went into the hour classification in October, 1932.

As the agency men see it, the economic justification for the full hour show, unless more than one product is plugged on it, has been commercially on the wane for the past two years. The primary purpose of the hour show is to get maximum audiences, and the underlying theory which stimulates the parade of hour shows in the early 30's was that audiences would be more inclined to settle down with a show that lasted 60 minutes than play around with the dial at less 15-minute or half-hour marks.

Recent study of the C.A.B. ratings says these agency men, has disclosed that the theory has become pretty much outmoded. For instance Chase & Sanborn kept sticking to the full hour routine, but the Jack Benny show, consuming half that time, kept staying within a few points of the other programs, and now even gives indication of catching up with it. Of the leading 15 network shows eight of them are of the half-hour class. Third and fourth ratings are held by Fibber McGee and Molly which is fifth and half-hour program is just behind and two points behind them.

The Fibb Band Wagon, another half-hour stanza, is about a point behind Major Bowes in seventh slot, and ahead of Kate Smith, while One Man's Family (30 minutes) is tied

## Seeks Copyright Definition That Will Protect Radio Merchandizing Plans

### Field Man's Crack

District sales manager for a major soap manufacturer complained to the home office about the poor coverage that one of the company's programs was getting in his area. When the h.o. answered that it thought the facilities were adequate, the district manager wiescracked back: "You may think you're putting on an advertising campaign out here, but to me it has all the earmarks of a whispering campaign."

with Fred Allen for ninth place. Good News seems doomed to yield its No. 12 rating to Bob Hope, who has but a half hour to himself. There are 14 one-hour shows on NBC and Columbia, with but six of these rated among the first 10 in the C.A.B. reports.

Network officials declare that the trend away from the hour show is to be corrected, even though the replacements will mean somewhat added time income. They had considered the hour show as the backbone of the night-time schedule, around which everything else was built. Rise of radio as a major entertainment medium, they point out, dates from the time that standard Broadway shows began to be broadcast in the red network, Thursday nights.

Don Ameche and Dorothy Lamour went down on the Chase & Sanborn show with the Dec. 31 broadcast. After that the cast will consist of Edgar Bergen, Donald Dixon, Vera Vague, Robert Armstrong and a guest name from films.

Fleischmann Yeast, which is part of the same combine, folds the Rev. William L. Stidger series Dec. 29. This one is on the blue line mornings five times a week.

## Wander Set Through 1940

Chicago, Dec. 5.

Blackett-Sample-Hummert agency here has set contracts for renewal of NBC red time through 1940 for the Wander company's two shows, "Little Orphan Annie" and "Carters of Elm Street."

Both for Ovaltine product and contracts are effective as of Jan. 1.

Montreal, Dec. 5.—Paul Ouellet, whose French-language radio merchandizing ideas have received widespread attention here for many years, has engaged patent attorneys to make application to the Federal authorities at Ottawa for a decision as to whether formulas for radio merchandizing plans may be copyrighted. Attorneys are of opinion that radio merchandizing plans may be designed, blue-printed and patented in the same way as mechanical or other devices.

Should verdict from the patent bureau at Ottawa be favorable Ouellet intends to lease radio program ideas to sponsors in future, retaining full ownership should authors switch accounts and preventing others from using his material.

## Nick Kenny Selected An Ex-Vaude Strong Man For Waldorf Workout

Alan Corelli, of the Theatre Athlone and Nick Kenny radio columnist on the N. Y. Daily Mirror, got themselves tangled up Sunday night (3) in a lunch dinner and show for the Israel Zion Hospital at the Waldorf Astoria hotel. When the lunch went sour by mutual parties, Kenny ordered a lot of beefsteak, which was applied to his

Argument stemmed from Corelli's refusal to permit Mary Small, singer, to appear on the program. It was Kenny's radio "Gang" (amateurs), the TA rep pointing out that all the other comedians present were being paid to appear. Corelli says that told Kenny that he and his amateurs could play gratis, but not Miss Small, whereupon, the TA rep claims, Kenny took a punch at him.

Followup kick didn't.

Corelli says the kick was the thing that sent his blood pressure up. Anyhow, his retaliatory measures were very effective and Kenny's beefsteak order was no gag.

Israel Zion show and dinner was played to an audience of 2,000 at \$100 per plate. Chairman was Dave Katz, who operates Todd Lodge, one of the spotlight borscht circuit spots booked by the William Morris office, and the latter lined up most of the talent for the post-hanuk performance at the Waldorf. Acts included Harry Herzhfeld, Willie and Eugene Howard, Molly Plinn, Jack Durant, Mary Burton, Stump and Slumpy, Vera Lena and Tut Mace.

Kenny claims he was solicited by Katz to make an appearance with his Gang and that he was unaware of the fact that the show was a paid affair. However, he was never prevailed upon Miss Small to come along. Monday (4) Kenny sent a letter of apology to Corelli, but didn't apologize for failing to tolerate the audience's punch at his arm act in vaude. Yesterday (5) Kenny also did an open-letter apology to Corelli.

## 'ABIE'S IRISH ROSE' NEAR RADIO DEAL

Frost 13 programs of "Abie's Irish Rose" prepared by Anne Nichols have been completed and sale of the radio rights which she has not heretofore consider is reported with certainty. Because of the classic comedy's intolerance antic "Abie" is regarded as opportune for etherizing at this time.

Herb Rosenthal, general manager of Columbia Artists bureau, is handling the deal. Authors is set as producer with Tod Sills directing.

"The Voice of Labor," Aaron CIO radio program, formerly heard over WJW, is now on WABC.

## NATL. BISCUIT EYES BENNY GOODMAN

National Biscuit Co. is reported on the verge of contracting to take over sponsorship of Benny Goodman orchestra when the latter exits from its Camel spot Dec. 30. Goodman's sponsor was a sponsor of record makers, who used him on a three-hour dance program called "Laid Back" seven or eight years ago.

At that time Goodman was just getting started and was working at house in Music Hall in Manhattan theatre building, New York. Latter is now a CBS playhouse.

## WHO'S Xmas Bonus

Des Moines, Dec. 5.—WIFO, Des Moines, who bonus employees again for the third consecutive Xmas. Ten per cent goes to those with the status five years or more. Nine per cent for four years, eight for three years, seven for two years and five for one year.

WOR, N. Y., slipped Xmas bonuses into may envelopes this week. One out of five of \$50, two weeks 15 under.

Desire Defau first conductor of NBC symphony while Toscanini takes his hiatus.

## Resume and Forecast . . . . . Public Service Record . . . . . Commercial Upbeat

in forthcoming

## 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 N. Vine St. 54 W. Randolph St. 8 St. Martins Pl.

## Joel Coward and Chevalier Co-Emcee 'Fun In France' Show Heard on BBC

London, Nov. 20.

London, Nov. 20.

First broadcast over the U. K. well of a camp concert for troops in the front line, "some of us" in France had points of interest as links between the khaki-clads and those remaining on the home front, but also had some darned good entertainment. A rollicking show (Sunday at 6:15 p.m.) which gave its stars generous air time (an hour) it presented a well several excellent examples of army talent, and only criticism was that British Broadcasting Corporation commentators butted in excessively and overlaid the performance with dull gab.

Coward and Chevalier rose effectively to the occasion, and if formality was at times slightly over the head of his audience with his cynical satire, notably 'Don't put your daughter on the stage, Mrs. Worthington.' He also introduced nuance which in peacetime would certainly never be permitted over the chaste BBC. As audience was partly composed of poilu, he raised merriment by attempts to outline in French the substance of some h

Chevalier's repertoire included both English and French numbers, among them the evergreen 'Louise' and 'Rhythm of the Raindrops,' latter being demanded by the troops as a encore.

Both stars acted as joint emcees but amateur numbers included what rendered baritone songs, a first rat fiddle solo by one of the poilus, and a concerted medley of songs from the war of 1914-18. Unrehearsed aside such as when the curtain failed to

function, and enthusiasm of the fighting lads added useful atmosphere to a show which swung briskly along. Effect was to suggest there are compensations about joining the army, because program was way ahead of many presented on the home front.

**JACK BUCHANAN**  
With Margaret Eaves, John Wain  
Chorus, Orchestra  
Songs and Gags  
30 Mins.  
Thursday, 8 p.m.  
BBC, London

Never frequent on radio, Jack Buchanan always brings to the microphone assurance and suavity of technique of the experienced entertainer. All he was called on to perform was half an hour of tunes from some of his musical comedy hits. Performer invested it with gaiety and spontaneity which forced the

listener to keep his ears pinned back to catch the full flavor. Many BBDO wartime programs have gone decidedly off-key, but if it took a war to get Buchanan back at the mike, it's something to offset the income tax.

Musical comedy fans were able

with the star in good voice to recall many of his principal successes—forgetting the Lubitsch film "Mon Carlo," in which Margaret Eaves spiritedly sang the Jeannette MacDonald hit, "Beyond the Blue Horizon." Gal was also the butt of several impersonations from Bushy

John Watt, who emerged. Subject his jibes was secrecy surrounding location of BBC variety camp, and he even denied both his own and John Watt's identity. Also we slightly off the record when he told

Buchanan at this time is engaged in serving up entertainment for the khaki-clads. If this was typical of the fare he'll have an impossible time out to sing a parodied version of the new Noel Gay nonsense hit "Run, Rabbit, Run," substituting Adolf Hitler for the furry creature.

task to get away from the camps and that'll be a pity, because radio could do with more. Maybe they sneak up on him with a mike at one of his tent shows. Jolo.

**With Maurie Amsterdam, Mabel Todd, Tony Romano**  
**30 Mins.; Local**  
**Sustaining**  
**Sunday, 9 p.m.**  
**WOR, New York**  
After 30 minutes of self-identification comedy offered by Maurie Amsterdam,

dam and Mabel Todd, the train  
hadn't left the depot. Program pro  
viously aired on the Coast, this b  
ing its first try East. In the first  
half Amsterdam made a short sp  
and finished it with a crack th  
could have easily been applied  
the laugh content of the entire h

Mabel Todd vocals as well as delivering comedy lines that could show her to advantage if they were better written and more pointed. She did an okay job on 'Gianni Mia.' Tony Romano handled 'The

re at You Crazy Moon' in neat vocal fas-  
pro- ion as well as directing band.  
An unfortunate start.



# RIP OFF THE MASK!

and find *triple* proof of what a low-cost radio program did for its sponsor in six months...

ON CBS

# THE POWER OF RADIO *unmasked!*



## ACTUAL STORE INVENTORIES

show an 88% increase in sales due to Radio—and Radio alone!

**EVERY** obscuring detail was ripped away. The program was put through the stiffest cross-examination research could devise. The client asked for it; wanted to measure exactly the sales impact of his CBS program *apart from all his other sales efforts*. It took everything in the research book to do it: actual store inventories, home inventories, personal interviews and coincidental telephone calls. *All* these were used by Crossley, Inc. And this is how they did it:

**SLEUTHING** at the counter! The biggest and toughest job was an exact measurement of the impact of this program *at the dealer's counter*. The client made it possible by choosing, for Crossley, two major markets in which all his sales factors were exactly comparable *except* for radio; his program was heard in one market, not in the other. Here's

how perfect a pair of marketing research scales the client picked:

MARKET A		MARKET B	
Population .....	149,900	Population .....	127,412
Retail Sales* .....	\$15,928,000	Retail Sales* .....	\$15,034,000
Retail Outlets* .....	506	Retail Outlets* .....	497
*In this sponsor's field.			

And remember: all sales and advertising efforts of the sponsor were identical in both markets *except* for radio. *CBS alone made the difference!* Crossley measured this difference by taking actual store inventories on the sponsor's product week after week, for a full month. In exactly the same type of stores in both cities. In enough stores to be representative of *all* the stores in both cities. And this is what Crossley found:

**188** UNITS OF SALE PER WEEK IN AVERAGE STORES IN RADIO MARKET

**100** UNITS OF SALE PER WEEK IN NON-RADIO MARKET

Crossley found that average stores in the radio market were selling 188 units of the sponsor's product, for every 100 units of sales in average stores in the non-radio market. An increase of 88% due to CBS!

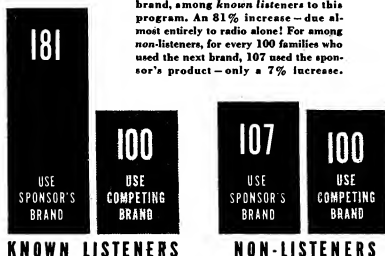
# CBS alone made the difference!



## ...AMONG LISTENERS ONLY

**sales are 81% higher than the nearest competitor's**  
(but only 7% higher among non-listeners)

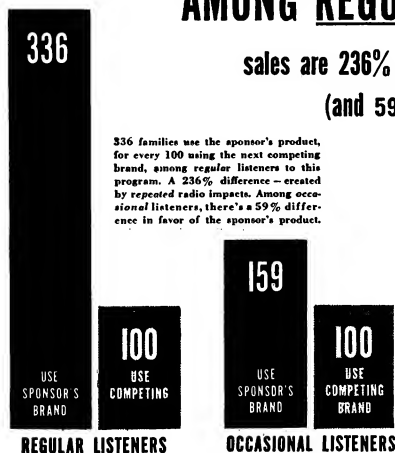
**DOUBLE CHECK:** Moving in from the total markets (where they found an 88% sales-increase created by radio) Crossley's investigators then checked the use of the product in the radio market alone; among families *known* to have heard the program, and families who *never* heard it. They found these families by coincidental telephone calls and by personal interviews: two test groups comparable in every way *except* for listening to this program. *And for their use of the sponsor's product!* When Crossley inventoried the *pantry* of each family they unmasked this striking competitive situation — due to radio alone. (See chart, right)



181 families use the sponsor's product, for every 100 using the next competing brand, among known listeners to this program. An 81% increase — due almost entirely to radio alone! For among non-listeners, for every 100 families who used the next brand, 107 used the sponsor's product — only a 7% increase.

## AMONG REGULAR LISTENERS ONLY

**sales are 236% higher than the nearest competitor's**  
(and 59% higher among occasional listeners)



336 families use the sponsor's product, for every 100 using the next competing brand, among regular listeners to this program. A 236% difference — created by repeated radio impacts. Among occasional listeners, there's a 59% difference in favor of the sponsor's product.



**TRIPLE CHECK:** During the personal interviews, each "listening" family told Crossley whether it heard the program *regularly* or *occasionally*. The use of the sponsor's product was then checked in these two groups of families — exactly comparable in every way *except* for listening *regularly* or *occasionally*. The chart on left shows what Crossley found.

# THE MASK IS OFF...

It's seldom that an advertising medium is subject to the triple cross-examination reported on the preceding pages. Not often is every obscuring detail ripped so completely away. But radio, as you see, didn't mind at all. And now that all the facts are in, there's only this to add:

The entire ambitious study was focussed on a CBS program on the air only six months prior to the tests.

At no time did this program "rate" more than an average-sized audience for its type of show.

And its talent cost was below average.

The results of this program were average, too... for radio. There's nothing unique in this CBS "success-story"... except for the care with which the power of a program was isolated and measured for its sponsor. *The results were there*, whether "measured" or not. And the results continue, for the sponsor is still with us on the air.



*Who is the sponsor? Sorry, but he asked us not to tell. You know how clients are. When they hit on as successful a sales strategy as this, they're not prone to shout about it. So, while we've cheerfully unmasked, in every detail, radio's full sales-impact we can't unmask our sponsor.*

## The Columbia Broadcasting System

485 MADISON AVENUE • NEW YORK CITY



## Columbia's Lecture Bureau

Herbert Rosenthal Made Exec V. P. — Becker Also Upped

Columbia Artists, Inc., is establishing a lecture bureau, a new department. Details were worked out between Herb Rosenthal and Larry Lawson.

Lecture bureau will work in harmony with the community booking system of CBS' other subsidiary, Columbia Concerts.

CBS lecture roster will include H. V. Kallenborn, Ted Husing, Orson Welles, Bob Trout, Elmer Davis, Howard Davis (no relation), Prof. Quiz, Doerns Taylor, Bill Shirer, Ed Morrow and Tom Grannan (when latter three return from abroad). Rufe Kallenborn and Ruth Brine (his wife), as a team, and others. Isabel R. Schott, who had her own Outstanding Artists, Inc., heads the new CBS lecture department. Herbert Rosenthal has been given

the title of executive v.p. of Columbia Artists, Inc. Also dubbed a v.p. in this CBS subunit last week was its business manager, J. S. Becker.

Continuing under the bureau's management are Audrey Marsh, Michael Loring, Doris Rhodes, Barry Wood, Buddy Clark, Genevieve Rowe, Deep River Boys, Nan Wynne, the Four Club Men and the Martins. Miss Wynn and Loring have sustaining assignments.

### Richfield Seeks Hale

Richfield Oil is negotiating with Mutual through Sherman K. Ellis & Co. for a network to carry the "Confidentially Yours" strand with Arthur Hale once a week.

Program has been originating from WOR, Newark, for some time.

## KCMO Dramatic Dept. To Feed Transcontinent; Also Setting Musical Dir.

Kansas City, Dec. 5.

Station KCMO has appointed Betty Ann Painter as chief of the station's new dramatic department. She's expected to produce dramas originating locally for the forthcoming Transcontinental net as well as other station assignments. With Grayson Enloe, of the announcing staff, who has had other dramatic experience and Kenneth Hedy, new production head, station has nucleus for more extensive dramatic work.

Miss Painter has lately handled assignments on WBB and KMBH here. New musical director is to be appointed promptly.

KNN, Los Angeles, will stay on the air all night Dec. 16 to help Salvation Army and L. A. Times collect coin for food and clothing purchases to dispense at Christmas time to poor families.

## Midnight Audition at Airport!

Kansas City, Dec. 5.

Dick Marvin, of William Eddy agency, took time between planes, while flying west, to audition Bonnie King and the Rhythm Riders of KMBC. With only 25 minutes between planes, Felix Adams and Ken Krahl of the station set up temporary studio in the airport station and staged 15-minute show there.

Gal singer had to be recalled from a theatre date in nearby town, where she had been booked by KMBC Artists Bureau and rushed here for midnight tryout. Marvin has spot for torch singer.

### IRNA PHILLIPS RESTS

First Vacation in Five Years—Has Four Serials

Irna Phillips is taking her first vacation in five years. She leaves for the Coast tomorrow (Wednesday) with the plan of sailing for Hawaii, and laying off all serial writing for the month.

Miss Phillips has four daily serials running on the networks, namely, "The Guiding Light," "Road of Life," "Woman in White" and "The Right to Happiness."

## AFRA CLOSING SUNDRY PACTS

Detroit, Dec. 5.

After several days of negotiations, American Federation of Radio Artists expects to sign its first agreement with WXYZ here this week. Major Holmes, who's representing AFRA's national headquarters, held an all-day session with George Trendle and Allan Cammell, president and general manager last Thursday and spent the week-end in Chicago, returning to Detroit yesterday (4) to resume parleys.

Holmes, meanwhile, has called on WWJ and WJR with hopes of concluding pacts before Christmas. All negotiations are aimed at raising employees wages and setting up standard and minimum pay for all-tough programs.

One of chief remaining points to be settled in WXYZ-AFRA negotiations is treatment of WXYZ's Michigan web according to its standing as a network. Most of 18 points listed by Trendle as vague or in dispute were settled Monday and no serious obstacle seen for reaching accord by end of this week, according to Major James P. Holmes, AFRA's national field representative.

Will take couple weeks for submission of pact to AFRA national board, final Okay by WXYZ officials and then final approval by Detroit local, making anticipated agreement not operative before Christmas. Pact would be AFRA's first with a Detroit station.

American Federation of Radio Artists signed a contract Monday (4) with NBC for staff announcers, etc., at WGNY, Schenectady. Pact covering KYW, Philadelphia, was signed yesterday (Tuesday). Both agreements set basic pay scales of \$165 to \$192.50 a month and call for a 40-hour, five-day week. Matter of extra pay for commercial program is left open for future negotiation.

Contracts are expected to be a model for subsequent deals for NBC's other n. and o. stations.

## Tobacco In N. C. Does Cause Some Excitement

Charlotte, N. C., Dec. 5.

Accepted here as an important future factor in many sections of the south, heretofore producing only apples, goats, hunting bears and hill-billy musicians, is the brand-new crop of tobacco grown for the first time in the mountain area of western North Carolina. The crop is said to be a big success and harbinger of folding money in a country where Confederate coins still circulate.

Outside may not know it yet, but this is big excitement. WBT sent its farm editor, Grady Cole, and he came back so excited about it was going to report to the Government, but decided to inform Leon Levine, of CBS New York quarters, instead to arrange a special remote broadcast pronto.

## FACTS ON THIS RICH MARKET TO HELP YOU WIN

Situated in a rich farming district, the area served by *The Cowles Stations* contains more than 1,500,000 families who spend more than \$1,500,000,000 annually with retailers in this territory.

The farms located in this area represent 10.7 per cent of the nation's total, yet have an actual value of nearly 7 billion dollars, 20.5 per cent of the nation's total farm value, with a proportionately high income. One-third of the nation's hogs are raised in this area... and 17.6% of the chickens.

There are more than 1,364,000 radio families in the 385 primary counties that can be reached on the low combination rate. *The Cowles Stations*, Des Moines, will gladly send you any further information you desire.

Contest Closes Dec. 31, 1939  
... Mail Entry Now!

**BUY WISE**

**THE WISE BUY**

**WBN'S**

**COLUMBUS, OHIO**

*all you need in Central Ohio*

JOHN BLAIR & CO. Representative

**5000 WATTS DAY**

1000 WATTS NIGHT

**NO BOX TOPS! NO LABELS! NO FACSIMILES!**

**All we want is a "monicker"**

**For our PRIMARY AREA**

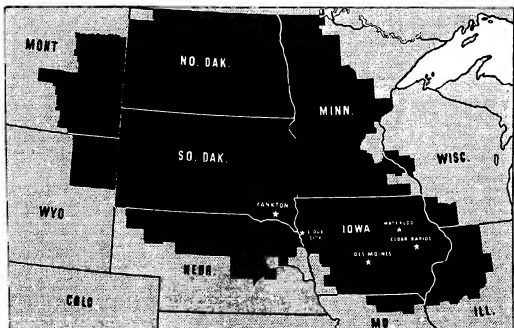
**THIS CONTEST FOR ADVERTISING MEN ONLY**

**\$5000 CASH**

**For the Best Name for the Territory Covered by the Primary Area of WMT, KRNT, KSO and WNAX.**

We COULD ask you to tear off the top of your radio. We could ask you to send us your back copies of "The Rover Boys at Saskatchewan." We could ask you to eat Crunchie-Wunchies three times a day. But, by golly, we won't! No, sir, all we want you to do is to take a load off our minds.

Frankly, we've beat our brains against the wall, attended every seance in town—and still can't think of a suitable name for the primary area covered by *The Cowles Stations*. So, if you're an advertising man or woman, get busy, cook us up a punchy monicker like "America's Bread Basket," or... aw, heck, you name it! Incidentally, we're paying \$500.00 for the best name.



### HERE ARE THE RULES

1. Contest open only to members of advertising agencies and sales and advertising departments of radio advertisers.
2. Entries must be submitted on your firm letter-head. 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 December 31, 1939.
4. \$500.00 cash will be paid for the name that, in the opinion of the judges, most accurately and completely describes the combined markets KSO and WNAX. Entries will be judged on originality, catchiness, and advertising. Do not send elaborate or long entries. In case of ties, duplicate prizes will be awarded.
5. Decision of the judges will be final, and all entries become property of *The Cowles Stations* for advertising or for any purpose they choose.

**The Cowles Stations**

**WMT \* KRNT \* KSO \* WNAX**

Cedar Rapids WATERLOO DES MOINES DES MOINES VAN HORN STANLEY

**Represented Nationally by THE KATZ AGENCY**

**Affiliated with THE REGISTER AND TRIBUNE, Des Moines, Iowa**

# NBC Blue Goes to a Party

## "Information Please" has first radio anniversary



MEET THE "INFORMATION PLEASERS"

IN the swanky Grand Ballroom of the Waldorf-Astoria, the NBC Blue Network, on November 14th, went to a First Anniversary Party for "Information Please." Here are shown some of the pictures taken during the festivities. Note one thing in particular: Everybody's happy.

The principals of the "Information Please" program... the Canada Dry executives and the agency men from the Mathes Company... are all happy because they turned down the advice of opinionated radio "experts"

who told them "Information Please" would never pay on the Blue Network—and now have increased Canada Dry sales mightily, with a far smaller expenditure than would be required for any other network.

The NBC'ers pictured are happy because "Information Please" is another in the long list of Blue successes—one more outstanding proof that you can reach the important two-thirds of the country—the "Money Markets"—on the Blue at lowest cost nationally! The facts we can show you will make you a happy Blue booster! They're yours for a phone call!



Mounted on a chair, President Roy W. Moore of Canada Dry rears back to let the First Birthday candle on huge cake "have it." P. S. He blew it out! Congratulations, Mr. M!



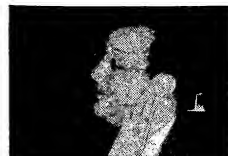
"The Blue Network?" mused John Kieran over a glass of Canada Dry. "It's where I've been hearing Bill Stern all fall. It must be the football network."



"It's where I 'Meet Mr. Weeks' on his program each week," said F. P. A., taking his eyes off the microphone in an effort to spear a "pin point" ginger ale bubble.



"It's Toscanini's outlet," stated Oscar Levant, rubbing a tell-tale circle from the piano top. "He's a good musician, too!"

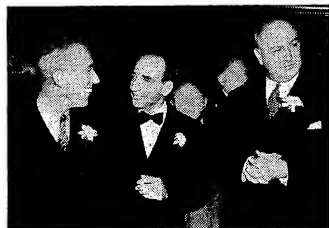


"It's our network, too, gentlemen," said Clifton Fadiman. "Nice going. We save our client ten bucks by your brilliance."

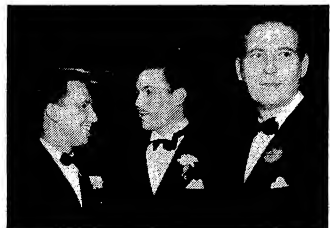


The happy smiles belong to J. M. Mathes, head of the Canada Dry Ad Agency; Milton Cross, NBC Announcer; Major Lenox Lohr, NBC President, and Roy W. Moore, Canada Dry President. The laughter, which

came just before the birthday cake was cut, is the result of a sly remark made by Mr. Cross about sweets. Later, Mr. Moore said to Major Lohr: "Speaking of sweets, Lenox, the Blue is the sweetest buy we ever made!"



Said John Kieran to Major Lohr: "Roy Moore just told me that our program on the Blue has upped Canada Dry sales far beyond his expectations." "Yes," agreed the Major. "At a national advertising cost far lower than any other network's, Canada Dry reaches the markets with the spending money on the Blue." In case you're curious, we understand the gentleman on the right—Jim Farley, works for the U. S. Post Office Dept.



Caught here in a chin-fest are Adirector W. S. Brown of Canada Dry; Fred M. Throver, NBC Sales Rep. and Radio Director W. S. King of Mathes. While Mr. King's gaze followed the rustle of an evening gown, Messrs. Brown and Throver discussed recent Blue Network technical changes that have greatly increased the network's coverage. Said Mr. Throver: "Yes, Hill—and the coverage has been increased without increasing advertising rates."

# NBC BLUE NETWORK

## Better Buy Blue

NATIONAL BROADCASTING COMPANY • A RADIO CORPORATION OF AMERICA SERVICE

## Women's Pet Hate Remains Boxtops

But Otherwise N.A.B. Code Seems to Have Won Favorable Reaction

Washington, Dec. 5. Absence of squawks and cooperative spirit turned last week's hostile between broadcasters and critical women's groups into a mutual admiration society applauding the attempt to raise program standards via the N.A.B. code. Four-hour joint meeting, following another interpretation session by the enforcement crew, was chiefly educational, with both sides explaining what is desired in the way of better service to dial-twisters.

Couscous and significant development was the small number of specific complaints, noteworthy in

that practically every organization of any size was represented and the "spokemen" fought for upwards of 10,000,000 housewives, parents and teachers. Altogether 68 outfits had a chance to lay views before the industry heads in the give and take which followed the luncheon.

Dual effort to acquaint women with the objectives and standards of the code as well as the best ways of using and enjoying benefit from radio was the chief accomplishment. In response to request from Mrs. Harold V. Milligan, radio head of the General Federation of Women's Clubs, the N.A.B. promised to assume responsibility for widespread distribution of copies of the code and interpretations together with booklets outlining the way to prepare speeches, and to huddle with small groups in effort to devise novel forms of entertainment and instruction for kid listeners. Mrs. Milligan suggested the industry should send out "kits" to acquaint club leaders with the objectives of the code movement.

Concrete encouragement for advertisers who conform with the code spirit and endeavor to raise program calibre was one result of the session. Several women promised they will urge their friends and neighbors to give visible support to sponsors whose products are plugged by radio

entertainment of better grades and who acquiesce in the voluntary curbs imposed by N.A.B. The cooperative effort will include a series of parties with groups interested in the creative aspect of broadcasting. Through committees and headquarters attaches, the N.A.B. intends to sit down with small factions interested in special problems and having novel ideas. While a delegation will be invited to sit in with the code committee at a festive gathering together for enforcement discussion.

Admission that the knowledge as to what is desirable and the use of radio fare may be harmful is wholly insufficient was one of the chief complaints. "I don't know," put across the point that in too many instances parents have been yelling about what they dislike or deem injurious, rather than speaking from factual observation. She was Dr. Alice Keilner, representative of the Progressive Education Association, who suggested both sides should make more conspicuous attempts to find out how the kids feel and observed the difficulty in measuring what kind of production may be detrimental to youthful knob-twiddlers.

### Boxtops Disliked

The chief squawks were directed chiefly at merchandising methods. Chiefly boxtops or going over the parent's heads to kids) than at the type of entertainment dished up. None of the complaints were new, and names were mentioned only on two of three occasions. A notable change from previous sessions when the women, getting together through bookshakers on hand, fired at various individual leaders.

Concern was shown by various women about the situation as far as non-NAB members are concerned. While Neville Miller conceded the body numerically represents only a percentage of the total stations, he emphasized that members account for 92% of business volume and include virtually all network outlets. He added that some members own several stations but have put only one or two into the association for reasons of economy. Though (1) expressed that NAB will set an example which sponsors and agencies will follow regardless of what stations are used, so the calibre of non-member programs is bound to be lifted. One of the chief reasons came from the code enforcement sessions, which was devoted to further discussion about the "controversial" issue problem. Pressed by numerous members for interpretations of the potential clauses, the committee decided it lacks information to make any comprehensive rulings and trended toward voluntary application of the code on a basis of state laws and customs.

### Zanesville Research

Zanesville, O., Dec. 5. Study of the effect of modern radio on children is being made in Zanesville under the direction of Dr. I. Keith Tyler, of the radio division of the Bureau of Educational Research of Ohio State university. Project is being bankrolled by a grant of \$15,000 from the Rockefeller Foundation. Three-way approach is being made to learn (1) effect on children between the ages of six and 19 in Zanesville, (2) a comparative study in four communities throughout the country, and (3) special local studies of educational programs, with Cleveland as the center of this phase. A feature of the venture has been the installation of radio receivers in classrooms of local schools.

### Little Public Patience With Straight Gab; KDKA Curbs Speakers

Pittsburgh, Dec. 5. KDKA has tabooed the 15-minute quota for straight talk programs of a civic, educational or political nature. From now on the station will allot speakers only six or seven minutes and these speeches must be spotted in the middle of established sustainers that are basically musical. Sherman D. Gregory, KDKA manager, explained that what prompted his policy was a survey which disclosed that there's little patience among listeners for 15 minutes or more of straight talk. The limitation, of course, won't apply to paid political programs.

Dewey Long, general manager, and Archie Grimaldi, sales manager, of WSAI, Cinnc, are making a swing of Eastern cities, visiting agencies. First stop NYC.

## World System Will Again Deadhead Christmas Disc

"The Man Who Found Christmas," by Walter Pritchard Eaton, and Little Friend," by Abby Farwell Brown, will become the two sides of a special holiday transcription donated to radio stations by the World Broadcasting System. Radio rights were bought through the estate of the author in each case.

Martina Atwell will direct the Eaton story, with Ruth Russell, Parker Fennelly, Clayton Colvill, Leonard, John Anthony, Effie Palmer and three boy actors, Jack Grimes, Tom Donnelly and Ronald Lee in the cast. Nelson Case announces. This is the fifth year World has deadheaded a Christmas disc to the stations. Charles Gaines, program director, supervises.

## Fight Writing on Spec

Hollywood, Dec. 5. The Radio Writers Guild is launching a campaign to eliminate speculative writing for the air shows.

Screen Writers are watching results sympathetically.

### SUMMERVILLE AT WWL

New Orleans, La., Dec. 5. W. H. Summerville assumed management of WWL Friday (1), succeeding Vincent Callahan, who recently moved to WBZ, Boston. Summerville was formerly manager of WGST, Atlanta.

Post was filled temporarily by Alford Cummings, WWL auditor, who resumes old job.

L. M. Wilson and wife to Miami.

## Code-Attackers Duck Invitation to Speak; Forum Does Floppo

Washington, Dec. 5. Both the Mutual Network and the National Association of Broadcasters were red-faced last week after the attempt to set an example by staging an open-forum discussion of the new N.A.B. code. Broadcast which was designed to show how controversial the code can be handled turned out to be a one-sided affair with everybody applauding the retrainers, including Gen. Hugh S. Johnson.

Collapse of the opposition to the pact occasioned comment which resulted in disclosure that one of the attackers would not speak unless his railroad fare was paid to Washington. David Lawrence, editor of the U. S. News and victorious foe of the limitations, wasn't victorious in appearing before the mike again. Elliot Roosevelt batted the invitation around and then decided not to get into the mule; and former Congressman Sam Pettengill, the mouthpiece for Frank Gannett, after accepting bid, declared the last minute he'd expect to be reimbursed for expenses.

**WBAL**  
means business  
in Baltimore

NO ADVERTISING CAMPAIGN IS COMPLETE WITHOUT WSM



## WELCOME, PRINCE ALBERT

Millions of loyal listeners and many new friends are now hearing a part of WSM's Grand Ole Opry over 24 Southern NBC Stations. This program, a half-hour show, is sponsored by the R. J. Reynolds Tobacco Company, makers of Prince Albert, "The National Joy Smoke".

In choosing their talent, Prince Albert first determined America's program preference. Research disclosed that despite the mechanized sophistication of today America still has a heart of homespun.

WSM's staff of 250 diversified artists are capable of putting on any type program for any product or any audience. But talent is only one product. 50,000 Clean Channel Watts, plus alert merchandising methods, are two other factors that make WSM's shows a success. A success determined only by very definite sales increase. May we show you facts and figures that will sell your product?

National Representatives, Edward Petry & Co., Inc.



## Dirt gets top billing



WBT asked Carolina farmers, 3 years ago, what was the best time of day to talk to them about dirt. "Around noon time," was what their answers boiled down to, "but give us a chance to eat first." So WBT made it 12:30, and in the 450 broadcasts since then, it's suited everyone fine. Dirt gets "top billing," now, on WBT. The job of putting showmanship into soil was a challenge, but WBT isn't the Showmanship Station of the Nation for nothing. When a Farmer Prinkle speaks on WBT, requests for his talk go into thousands. Farmer Hans Prinkle proved that strip-cropping, reforestation and terracing are no idle terms, because the layer of top-soil that supports Carolina agriculture—a billion-dollar industry—averages a bare six inches! (One WBT urban listener wrote that she was so impressed she was going to terrace her backyard right away.) Farmer Prinkle, of course, is only one of dozens of Carolina farmers who visited—or were visited (in an "on the farm" broadcast) by—WBT in this series.

WBT has made soil a major issue in the Carolinas. It can do the same job with your products. Write WBT or your nearest Radio Sales office and we'll start—right now.

**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

# NBC WOOLING CLUBWOMEN

## TAKES STEPS TO APPEASE CRITICS

**Network Exchanging Points of View with Committee of Eight Clubwomen—Also Extending Scope of Its Women's Activities Dept.**

### INVITING OPINIONS

Steps to meet and mollify clubwomen criticism of radio programs are being taken by the National Broadcasting Co. Several symptomatic occurrences of the past fortnight all unite to underline the direction of NBC planning.

One gesture is the creation of a committee of eight clubwomen under the chairmanship of Mrs. Harold V. Milligan. This creates a clearing house for the exchange of points of view between the women and the network. Another recent act was the bringing together at a luncheon of such clubwomen leaders as Mesdames Dorothy McFadden, Rita Mockheimer, Nathaniel Singer, Dorothy Gordon and Alice V. Kellner for the purpose of meeting Mrs. Knox Reeves, of the Minneapolis advertising agency of that name, which has supervision over General Mills' 'Jack Armstrong' program.

Last week's session in Washington, D. C., when clubwomen flung questions at Neville Miller and Ed Kirby, of the National Association of Broadcasters, concerning the code of appropos of the whole development.

Meantime, the Women's Activities Department of NBC, which produces some 400 programs a year, is extending its scope still further, adding new programs, revising old ones. In particular, it is to team with the National Council of Women and the General Federation of Women's Clubs.

#### Peggy Wood's Job

Peggy Wood, the legit actress, steps into the picture in paid (by NBC) moderator of the 'Quitting Bee,' which starts Dec. 20 in a tie-up with the National Council of Women, which has designated Luella Laidin as its liaison with NBC. 'Quitting Bee' will consist of four or five women talking problems over. Representatives of organizations with 'something to say' will be invited to sit in as they apply. Test of their availability will be national character of the organization and national importance. And the soccer-style approach to the ideas is expected to inject a little liveliness into the programs. Organizational staff is prone to be as dull as the 'other side' on a phonograph record.

Relationship of NBC to the co-sponsoring organizations with which it cooperates varies as to sharing of

the expense and work. In the General Federation of Women's Club program, 'Echoes of History,' which goes on the blue network Wednesday (starting today) at 2:15 p.m., the continuity is the responsibility of Mrs. Milligan. NBC provides and pays any actors, announcers, production, etc. 'Echoes of History' will include the ten commandments for democracy of leading feminine personalities. Idea is an offshoot of the much-publicized creed enunciated by Mrs. Herbert H. Lehman, wife of the governor of New York.

Another NBC starter is Alma Kitchell's 'Streamline Journal,' which will be backed up by Irving Miller's music and include sundry 'magazine' features, including a 'Miss Gadabout,' a 'Bright Idea Box' and 'The Cover Lady' (a twist on woman of the week). Miss Kitchell con-

tinues her other program, 'The Brief Case,' Fridays at 6:05 p.m.

June Hynd, the colleague of Margaret Culbert, director of the Women's Activities Department at NBC, will confine her 'Let's Talk It Over' to Thursdays. It was formerly three-a-week. Her 'Guest Book' show also goes on. Miss Hynd has made some significant discoveries apropos women's programs. Beauty and fashion has little appeal to the ladies, or, at any rate, fails to evoke any appreciable reaction. In the order of their interest to women, the most effective radio program themes appear to be:

Children.  
Household.  
House life.

How to be happy.  
Fundamentally the clubwomen are

principally concerned with kid programs. This is the rallying cry of most of their criticism of commercial radio. They object to the cliff-hanger stuff, to the 'simpli scenes for melodramatic effect' that have no cohesion with the broad sweep of the series. In fact, the clubwomen say the kid programs have no sweep at all and that's one thing that's wrong.

#### 'Bouquet of The Week'

Seattle, Dec. 5.  
Dorothy Mason, local free lance, has debuted 'The World of Women' under sponsorship of RyTak over KOL, in daily 15-minute sections. No menus, no recipes, just keeping out of the kitchen with tomorrow's fashions, today's problems, women in the limelight, visiting fenners, drama and the art of living.

## WHN SELLS TWO SHOWS

WHN, N.Y., has sold two full hours commercially. Polident, false tooth cleaner, has taken over A. L. Alexander's Arbitration program Fridays at 9 p. m. Brown & Thomas is the agency.

'The Bovey Mission' has been sold to Restland Memorial Park through the Hudson agency. It's on Sundays at 3.

Bah Reed now directing Basil Rathbone's Sherlock Holmes series instead of Ted Hediger.

AND ON TOP  
OF EVERYTHING ELSE  
OUR NIGHTTIME POWER  
WILL BE RAISED TO...  
5,000 WATTS

WE'RE "TOPPING ALL RECORDS" AT WSAI

- ★ MOST BUSINESS IN HISTORY, and
- ★ MOST POWER—with three new towers, better located, to give
- ★ MOST COVERAGE WSAI HAS EVER HAD

THE NEW WSAI • Cincinnati's Own Station 5,000 WATTS NIGHT and DAY

### 4 NETWORK HITS!

**PAUL SULLIVAN** REVIEWS THE NEWS  
CBS Network—39 Stations  
Every night but Sat., 11-11:30 P.M. E.S.T.  
for RALEIGH CIGARETTES

**UNCLE WALTER'S DOG HOUSE**  
NBC Red Network—65 stations  
Tuesday nights—10:30-11 P.M. E.S.T.  
for SIR WALTER RALEIGH TOBACCO

**AVALON TIME** featuring also BRETHERN  
NBC Red Network—71 stations  
Wednesday nights—8:30-9 P.M. E.S.T.  
for AVAALON CIGARETTES

**PLANTATION PARTY**  
NBC Blue Network—76 stations  
Friday nights—9:30 P.M. E.S.T.  
for BUGLER CIGARETTE TOBACCO

Presented by  
BROWN & WILKINSON TOBACCO CORP.  
Louisville, Kentucky

## All Five Daytime Only Starters on Texas Web Now Have Full Time

San Antonio, Dec. 5. With KRRV, at Sherman-Denison going to full time operation, the Texas State regional web has all of its 24 stations on full time schedules. At the time the web was organized over a year ago five of the affiliates had licenses for daytime operation only. One by one they have received permission to add night time programs to their schedules.

KRRV will boost its power from 250 watts to 1000 watts and shift its frequency from 1310 kilocycles to 880.

## 'Homely Companion'

San Antonio Dec. 5. "The Women's Homely Companion," an early morning chin-up program, is starting on KTSA.

Low Lacey, who comes here from KYA, San Francisco, is the companion by name.

**NED JORDAN**  
"SECRET AGENT"  
"IT'S ALL ABOUT ME"  
"THE KEEF RADIOPHONY"  
Exclusively on  
**KFEEL**  
WBS  
DENVER

"COME ON IN, MY FRIENDS, AND TEST  
THIS NEWEST SOUND THAT'S FAR THE BEST!"



## ORTHACOUSTIC C

— gives transcribed programs that Live Talent Touch!

"I can truthfully say that I have never heard a transcription with any better quality than the new 'Thesaurus transcriptions'!"

That's the way Merle Tucker, Manager of KSAL, Salina, Kansas, described the new RCA-NBC Orthacoustic Transcriptions recently sent to NBC Thesaurus customers.

And you'll agree with Mr. Tucker when you hear these new Orthacoustic Transcriptions. For they give every transcribed program a new "lift." Words sparkle with life. Music takes on new warmth and color!

Orthacoustic Transcriptions literally sound like live broadcasts. Distortion is reduced — background noise eliminated.

You can give your talented programs that Live Talent Touch by communicating with us today. When you hear these Orthacoustics you'll think you're right in the broadcast studio!

**What Other User Think of New RCA-NBC Orthacoustic Transcriptions**

- "as good as local studio pickup"
- "usually gives anything we have ever heard before"
- "complete absence of surface noise"
- "absolute no distortion"
- "the NBC ORTHACOUSTIC Transcriptions are everything you promised"
- "the quality is so far superior... we are anxious to receive enough of them so we can use nothing but ORTHACOUSTIC"
- "have met with very fine approval from our listeners"

**The New High Fidelity**  
**ORTHACOUSTIC TRANSCRIPTIONS**  
— the truest recorded sound you've ever heard!  
ELECTRICAL TRANSCRIPTION SERVICE • NATIONAL BROADCASTING COMPANY  
A Radio Corporation of America Service  
RCA Bldg., Radio City, N. Y. • Marchandine Mart, Chicago • Sunset & Vine, Hollywood

## F. C. C.'s WASHINGTON DOCKET

### MAJOR DECISIONS

California: Paul Atkins was handed to Tube-Sutter headquarters of Marysville on plea for a new station to be operated on the regional frequency 1210 kc. with 1000 watt power. Council decision and order was preceded by the applicant filing its exceptions in a previous adverse finding that forbids the regulators to correct their errors or prevent the proceedings. Took the stand that the FCC was in fault in judging financial evidence "unreliable" and "erroneous," particularly when \$15,350 in cash allegedly was on deposit for construction of the transmitter.

Disputant company who quarreled with the Council over a refusal regarding applicant's failure to prove that the use of a local frequency would not be available to render more use desirable area. Council said that no notice was furnished that this question was to be placed in issue and that, for the Council to raise the question of the proposed district, constituted taking an unfair advantage of the applicant's standing in due process.

Tube-Sutter squawks were bravely replied to in the final decision. Concerning the local frequency contention, Council stated:

"As the applicant voluntarily admitted that the use of local frequencies would not be available, the applicant and not the Commission entered the issue to include this question, and the contention that the applicant was prejudiced through the Commission's findings on this subject is without merit."

Turning regarding the alleged cash deposit of the broadcast company said it "impossible for the Commission to link a definite fact that applicant had cash on hand in the sum of \$15,350 or any other sum," Council reiterated.

Amplicon, was represented by Dan S. Fink, John W. Kendall and Charles W. Smith.

San Antonio: New station for Vincennes received the go-ahead signal over loud protestations of Samuel M. Einton, intervenor.

Breaking into complaints that the Communications Act would be violated through an agreement between the applicant and the trustee, Council found substantial evidence in the record supporting financial claims of Vincennes Newspapers, Inc., the applicant. Also pointed out that competition between the applicant and the trustee would not be in the interest of bondholders, as claimed by Einton.

Detroit: Gives Eugene C. Pulliam, pres. of WIRE, Indianapolis, a station from 1210 to 1230 with 1000 watt power. Papers Inc., parent company of the applicant— a Pulliam owned station— was given the station. Council said that a majority stock interest in Vincennes Newspapers, Inc., was held by Pulliam.

According to Einton, the major liability (\$102,000) of the applicant consists of a bonded debt representing 40% of first mortgage bonds in connection with which the applicant had made a bargain, with conveyance mortgage, bridge transfer, net over and control to a trustee (American National Bank at Vincennes), all in its property, rights and

privileges. This arrangement, he pointed, constituted a violation of the law designed to prohibit any individual ownership of stations.

Councilman contention was that types of transfers which would be made by the applicant to establish its financial condition, operation or maintenance of the station or other matters, would be subject to the control of any person other than the person who has been authorized by the Commission.

Neither the foregoing provision nor any other provision in the statute would be violated in the event of a transfer of the station to the Vincennes Newspapers, Inc., as such default is a likely contingency in the face of its findings with respect to the applicant's financial condition. No legal basis for the denial of the request for a 100-watt or 1230 kc. is contained.

Applicant was represented by Paul D. J. Sorenson and J. W. Smith, with John C. Lovett appearing on behalf of Einton.

Columbus: Teller-jumps for WJBO, Brian Ruler, and WJBO (Columbus), received a tentative order on account of a greatly improved service to an increased population. While granting of both plans will limit the station's contour to a least of 41.25%. Daytime listener coverage for WJBO was estimated at 41,874, with an additional 23,306 persons added to the nighttime audience.

Station House station will up power from 400 watts to 1 kw. If the station is fully licensed, changes in frequency from 1470 to 1520 (radio ribbon) as that occupied by WJBO) will be made. Station will operate on 1520 watts night and 250 watts day, to 400 watts night and 1 kw day. No objectionable interference would result to outside transmitters through the proposed changes, Council declared.

Applicant was represented by WJBO, with S. V. Charles V. MacLennan and John W. Kendall pitching for the Commission.

Whereas: Re-litigation of stock issues and board of directors of WJBO, Inc. has paved the way for a station at Ashland to be handled by present licensee of WJBO, Inc., WJBO, Inc. Under granting of by application, the Commission will seek permission to do business with the State of Ohio, and to issue the Commission with proof of the authority and of its ability to issue the proposed stock.

Capital stock issue of 250 shares of common stock at a par value of \$10 per share was authorized under the original plan of the corporation, with 180 shares issued and paid for. The charter has since been amended and will be amended to increase the number of shares to 1000 shares or an additional 750 shares. The plan of the corporation is to issue 1000 shares of the common stock of \$10 per share. Of the 218 shares not yet paid up, 100 shares have been subscribed and the subscription is being paid in full. The plan of the corporation is to issue 1000 shares of the common stock of \$10 per share. Of the 218 shares not yet paid up, 100 shares have been subscribed and the subscription is being paid in full. The plan of the corporation is to issue 1000 shares of the common stock of \$10 per share. Of the 218 shares not yet paid up, 100 shares have been subscribed and the subscription is being paid in full.

Uncle Jim's Question Bee, sponsored by G. Washington coffee on WABC, ends its final broadcast Dec. 16. No renewal.

Bill Slater, m.c., Joseph Bell, referee, and Jack Costello, announcer, are affected.

Question Bee Dies

Flamm, Chided, ASKS FCC FOR 5 KW

Washington, Dec. 5.

Considerable head-scratching and political juggling in connection with recent application of WMCN, New York, for routine power jump to 5 kw. Because the plea was filed with the ink hardly dry on the FCC's thirty-thumbed threat to conduct a "general fitness" inquiry into the way the Donald Flamm transmitter has been operated over a period of years.

The request in conformity with new regulations was docketed more than two weeks ago but still has not been passed on. One faction within the Commission which reluctantly dropped the show-cause proceedings in connection with the cave-dropping on British and German war orders would like to use this as an excuse for an inquiry whether WMCN has been serving the public interest. Another bloc feels a hearing along such lines would be wholly unfair and prefers to scrutinize the station's record at a renewal license hearing.

Pressure from politicians is reported being exerted on certain Council figures so that a 5 kw request will go through. Similar requests were heard before the Commission dropped its revocation threat with a warning to Flamm to toe the line from now on.

Flamm has recently been holding talks with a view to a possible sale of WMCN to a retired millionaire interested in entering radio.

Harold Peary doing a role on "Fibber McGee and Molly" show on L. A.

## Podeyn, Wamboldt, Holmes Join Transcontinental; Adams Confirms Jan. Start

Stations that have worked out affiliation arrangements with the proposed new network, the Transcontinental Broadcasting System, were advised last week by John T. Adams, the TBS chairman, that the contracts would become effective Jan. 1. The TBS last week also for the first time disclosed the names of some of its execs. George J. Podeyn, who was w NBC in the late 20's, will be general manager; M. P. Wamboldt, who did production for NBC and Transamerican in Chicago, has the title of head of the program unit; while Roy H. Holmes, who was also with NBC, will have charge of traffic.

Adams letter read as follows: "The contract between you and the Transcontinental Broadcasting System goes into effect upon Transcontinental giving you 30 days' notice of commencement of operations. This is to notify you that Transcontinental intends to commence operations Jan. 1, 1940."

Transcontinental has not as yet disclosed its list of affiliated stations.

**UP TO 5000 WATTS**  
DAYS  
Coming ones cast their shadows.  
No change in programming or policy. Better service to Metropolitan New York including its 6,892,635 foreign citizens.  
No operation 1000 WATTS DAY AND NIGHT  
WBXN NEW YORK  
The Station That Sings Your Language

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

WBXN NEW YORK

**COOKIE BAKERS** prepared with **RADIO MATERIAL**  
NEW VOICES—NEW CHARACTERS FOR CONTINUED PROGRAMS AND GUEST SHOTS—ALL RECORDED  
—AT—  
**LOEW'S STATE, NEW YORK** OPEN FOR REPRESENTATION  
WEEK BEGINNING - - - - - DECEMBER 7, 1939 - - - - - 60 West 87th St., New York Phone: SC. 4-8343

# MORE COMMENT ON DAYTIME

Aspreos last week's story in *Variety* meant growing criticism within the radio trade that an unbalanced daytime schedule (all dramatic serials and weepers) was a matter of concern to broadcasters further comment is awaited.

## JOHN GILLIN, WOV

True, there is considerable talk about too many script shows on the air. The problem is one between network and agencies. Too many script shows in any radio day will have tendency to cut audience appreciation over period of time. Also so many of them sound so much alike routine is bound to narrow audience and is definitely poor programming.

"Better problem is to find program which will do as good a job as scripts at no great increase in cost."

## JOHN SHEPARD, 3D, WYAC

"While I agree with you this looks like poor program balance. Nevertheless, on all surveys which we have made they all seem to have a big audience, a considerable portion of which is lost usually when you go into a musical program following these. Therefore, it seems listener want these serial dramas or what have you."

"There has been no particular recent increase in these on the red network because for several years they have used about all available daytime hours for this type of show."

## HARRY STONE, WSM

"With 16 serials each day have long since lost program balance. While I think situation extremely bad an nevertheless grateful for sale of daytime periods and believe public reaction which now is being felt will eventually correct situation."

## 'GIVE, BABY, GIVE' DOUBTFUL TO NBC

NBC last week held up the clearance of the tune, 'Give, Baby, Give,' pending further study of the song's lyrics and consideration of the title itself. Song is a current rider in the Mills Music, Inc. catalog.

Later scrutiny of the number's verses led the network to the conclusion that there was nothing in them that could be deemed objectionable, but there was still the question whether the title might strike some listeners as suggestive. Gladys Shelly did the lyrics.

## Sponsor Own Spieler

Denver, Dec. 5. Fred Davis Furniture Co. has taken the local sponsorship of the 'Show of the Week,' Mutual network soap program.

Davis, head of the firm, will personally make the commercials.

## DICK RICHARDS' SENTIMENT

Makes Arrangements That 'Mother's Album' Continues Always on WJR

Detroit, Dec. 5. 'Mother's Album,' 15-minute Sunday noon program, which is just starting its ninth year over WJR here, may be America's lone endowed broadcast. Duncan Moore, station's special events man, is in charge and reads poetry in front of piano, violin and 'cello music.

Program is endowed and personally paid for by George A. (Dick) Richards, prez of WJR, WGAR (Cleveland) and KMPC, Beverly Hills, Cal., in memory of his mother, Mrs. Stella R. Richards, for 'mothers everywhere.' Richards, who's been convalescing for past two years in California, set aside sufficient sum of money so that program will be carried on indefinitely and to insure that program wouldn't be cancelled for any reason by his own station.

'Album' was repeated at midnight last spring on Richards' 50th birthday, Richards being in California.

## OBOLER SEES CAGNEY

Hollywood, Dec. 5.

Dalton Trumbo war shocker, 'Johnny Get His Gun' is to be produced by Arch Oboler Dec. 16 for NBC sustaining.

James Cagney is wanted for the lead since John Garfield had to pass it up due to Lux commitment.

## Sidestep Nag Issue

Washington, Dec. 5. Federal authorities are still passing around the hot potato which represents question of legality of radio station reports on horse racing. Neither the Justice Department nor the FCC seems willing to tackle the delicate question whether flashes on the results and pay off figures are 'in the public interest' or part of a 'lottery.'

Sensitiveness is beginning to be laughable.

## RUTHRAUFF & RYAN STRENGTHENS SEATTLE

Seattle, Dec. 5.

F. G. Mullins, vice-president of the Izzard agency, has disposed of his interest in order to assume management of the Ruthrauff & Ryan agency branch in Seattle. R & R is out to strengthen itself in Northwest and go after some larger accounts that have developed in this area recently. Mullins has been handling most of radio accounts with Izzard since he moved in but has also developed handling of food, auto, perishable food and marketing while in the offices.

## Question: What Next in Tele?

### FCC Report Analyzed—Industry Seemingly Expected to Take Initiative

Washington, Dec. 5.

Next move in framing a licensing policy and acceptable allocation plan for television transmitters is up to the industry, which generally appeared encouraged by the FCC committee's report recommending 'limited' commercial use of video facilities. While agreeing that some of the proposed rules and formulas might be improved, the commission group is waiting for reaction and helpful criticism before pressing for a decision on its numerous recommendations for carrying the act into its second developmental phase. Document is considered an implied invitation for experimenters to come forward with any alternatives they may have, except on the matter of keeping restrictions against profit-making.

Even though the document did not agree with the position taken by RCA on the matter of selling time, most parties were inclined to subscribe to the implication that the licenses should not be trifled to make profits from their facilities until more is known, particularly

about the economic consequences. The lawyers generally go along on the idea that the effect of video operation on newspapers, magazines and motion pictures should be measured more definitely before all curbs are removed.

### Clarifying

Careful analysis of the report tended to remove much of the bewilderment caused by apparent inconsistencies in the rules, especially on the matter of commercialization. Especially the remark that 'while no regulation constituting an artificial barrier to natural economic processes can retard scientific progress for any length of time, it (committee) is of the opinion that the public interest can best be served by eliminating any television regulation which has any possibility of interference with proper business economic processes.'

John Beeson, research engineer for WHO, Des Moines, has been to the use of spotters in broadcasting football games.

Local advertisers know the best way to cover local markets. Their choice of a radio station points the way for ALL radio advertisers who want to cover the same market.

# AGAIN IN 1939 BOSTON ADVERTISERS PREFER WEEI

We knew that Boston advertisers prefer WEEI over every other major station. In an effort to determine the exact extent of their preference, we have made another of our practical down-to-earth studies.

The schedules of the three major Boston stations were checked and tabulated every minute of every day from station sign-on to midnight during the week of October 15. Every spot announcement, every participation, each minute of station time was listened to, listed and analyzed and again the verdict was overwhelming. WEEI had:

**34% MORE** local advertisers  
**THAN THE OTHER TWO MAJOR BOSTON STATIONS COMBINED**  
**120% MORE** local advertisers using program time  
**THAN THE OTHER TWO MAJOR BOSTON STATIONS COMBINED**

These advertisers who know Boston best bought 34% MORE program time on WEEI than on the other two major Boston stations combined. Their overwhelming preference mirrors WEEI's dominant popularity among one million New England radio families living in 32 counties that stretch from the Canadian border to Cape Cod... a popularity built and held by brilliant CBS shows plus a roster of top-flight local programs.

The details of this study will be off the press shortly. Shall we reserve a copy for you?

590 KILOCYCLES • 5,000 WATTS (DAY)

# WEEI ★ BOSTON

Operated by the Columbia Broadcasting System. Represented by  
RADIO SALES: NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO • LOS ANGELES

*America's*  
**PIONEER  
RADIO  
STATION**

Radio station WWJ was not only the first station in America, but it has maintained its position as the first station in listener interest in Detroit since it was established,—a fact proven by every survey that has ever been made!

**WWJ**  
Owned and Operated by  
The Detroit News

National Representatives  
Geo. F. Hollingsbery Co.  
New York, Chicago, San Francisco, Atlanta

## WOAI High School Band Contest to Be Sponsored By Liberty Mills in '40

San Antonio, Dec. 5. With WOAI's successful "Community Choir Contest" having run its course, Liberty Mills, the sponsor, has played program to follow. On Jan. 7 and for 19 Sundays thereafter, there will be an invitational high school band radio competition festival with competing units from neighboring cities. Weekly cash prizes as well as a grand award.

Each week two bands will compete

against each other. These bands will be judged by radio performance alone. The winner each week receives \$30 and the loser \$20.

Besides this a contest will be conducted at each school with students writing a 250-word essay on "What I Like About My Town" with the winner being given \$5 and the winning essay read over the air during the period its band is heard. Each band will pay all of its own expenses to the contest at San Antonio. Besides mail vote three judges who are active or have been active in army band circles have been selected.

M. M. Mondaine promoted control room supervisor at WOAI, San Antonio.

## ALLOW BULOVA TO RETAIN WOV TITLE

Washington, Dec. 5.

Consolidation of the three Adair Bulova outlets in New York, giving the watch magnate a full-time metropolitan plant, was ratified last week with issuance of the old WOV call letters for the new outlet that will use the 1100 kc channel with 5 kw. Although three-letter calls are discouraged, the commit put the old label on the new station because of its "good-will" value, noting that only 84 broadcasters now have three-letter tags.

## NBC'S EDUCATIONAL RALLY Chicago Few-Wow With Affiliates Paying to Send Delegates

Chicago, Dec. 5. Initial NBC Educational Rally starts today (Tuesday) preceding the three-day national conference on radio education which is under the chairmanship of Harold Kent, chief of the Chicago Public Schools Radio Council. Representatives of NBC come to the Chicago at the Drake hotel.

In due (all paying own expenses) are: Clarence Moore, KGO, Denver; Russell Gohring, WSPD, Toledo; John Jones, KWK, St. Louis; Harry Burke, WOV, Omaha; T. C. McGray, WTCN, Hartford; H. C. Metzger, WTAM, Cleveland; Harry Kaufman, WDAF, Kansas City; Gayle Grubb, WKY, Oklahoma City; Frank Tooke, WOWO, Ft. Wayne; Robert De Haven, WTCN, Minneapolis-St. Paul; Woody Woods, WHO, Des Moines; Edward Lineham, KSO-KRNT, Des Moines; Harry Stone, WSM, Nashville; S. D. Gregory, KDKA, Pittsburgh.

Expected from NBC in New York are president Lenox Lehr along with Walter G. Preston, Jr., Franklin Dunham, William Webb, Earl Mullin and Dr. James Angell who will preside at the afternoon session.

## Would-Be Schenectady Station Incorporated; Papers Uninformative

Albany, N. Y., Dec. 5. Van Culer Broadcasting Corp. has been chartered with the state to conduct a radio broadcasting business subject to FCC sanction in Schenectady. Authorized capital stock is \$50,000 with shares of \$100 par value. Directors, none of whom is listed in incorporation papers as shareholders, are: Mayor L. Cramer, Mason W. Hall and Frank Vanderpool, of Schenectady. Subscribers, each owning one share, are: E. J. Knorr, secretary of The Corporation Trust Co.; Herbert W. Burmaster and Grace L. Gilliland, listed as local employees of the company. Frank Scott, Washington, D. C., was filing articles.

Mason W. Hall, one of directors, was in Citizens Broadcasting Co., which sometime ago tried to obtain a license for a Schenectady station. This was at about the time the Troy City group and Harry Wilder's Troy Broadcasting Co. applied for permits. In the greenlighting by FCC of the WTRY (to be located in Troy), the other two were blocked out, although Tri-City appealed to the courts. Hall is head of a local shoe store and owner of an office building. He has a son said to be ambitious to crash radio broadcasting.

M. L. Cramer, the second director, is district distributor of RCA, which has for several years sponsored a WGY sports program. Third director, Frank Vanderpool, is proprietor of a garage.

George Nelson and Tiny Leighton, of the advertising agency bearing their names have also filed for a radio station in Schenectady.

## Vick Shift Pacific Serial

Yok's thrice weekly serial, "Beyond Reasonable Doubt" has been shifted on the NBC Pacific blue from 8 to 9 p.m. EST.

Account figures to encounter less competition for its program through the move.

KUTA, Salt Lake City, has added Miss Bunty Fabian to program dept.

## 1,800 TEXAS SCHOOLS TUNE IN CBS' SHOW

San Antonio, Dec. 5. More than 1,800 Texas schools are participating in the "American School of the Air" program heard over KTXA every Friday. In addition schools from 15 other Texas towns so far have been invited to take part in the program by discussing the various subjects treated over the air.

## Mayor LaGuardia Insists On Solo Before Mike

Mayor LaGuardia, of New York, will appear Dec. 8 on NBC's "Yesterday's Children" program, but refused to be interviewed by Mike Douglas Gordon, the m.c. Hizoner insisted on it being between himself and the m.c. with no liaison.

Charles Warburton has replaced Frank Dodge as the program's director.

## Hal Burnett to Boston For Billy B. Van Show

Chicago, Dec. 5. Hal Burnett, formerly with WBBM here in charge of publicity and recently on promotion for WISN, Milwaukee, has joined the Neisser-Meyerhoff agency here and goes to Boston to handle merchandising and promotion for new Wrigley regional show in downtown territory.

Burnett will supervise exploitation and merchandizing for Billy Van show tagged "Making New England Famous."

## SANTA CLAUS THE YEAR ROUND with a WARD SOUND SYSTEM

You'll think there's a Santa Claus around somewhere every time you see a Ward Sound System. For you'll see the Ward Santa Claus, you'll hear him sing, you'll see him dance, and that's just the beginning of the fun and excitement that goes on year in and year out.

## COMPLETE EQUIPMENT FOR

Amplifiers • Speakers • Microphones • Phonographs • \$100 to \$1000

Specialties designed for the show business. Complete sound systems with a 400 watt battery or a 100-watt electric line unit. You can buy them, take them home, and work them in a truck, and you're ready to go!

No experience needed. Field out with so many successful shows are making more money with a Ward Sound System—now it's your turn for "Free Sound System Catalog."

Write for your FREE Sound System Catalog. MONTGOMERY WARD & CO., DEPT. RM-54, CHICAGO, ILL.

Montgomery Ward & Co., Inc., 535 North Dearborn Street, Chicago, Ill. New York 100 Bell Street

IN BALTIMORE IT'S

WBN

NATIONAL REPRESENTATIVES EDWARD PETRY & CO.

ON THE NBC RED NETWORK

DON'T MISS PALMOLIVE'S

"HILLTOP HOUSE"

STARRING BESS JOHNSON

By Adelaide Munster

Dedicated to the women of America. The story of a woman who must choose between love and the career of raising other women's children.

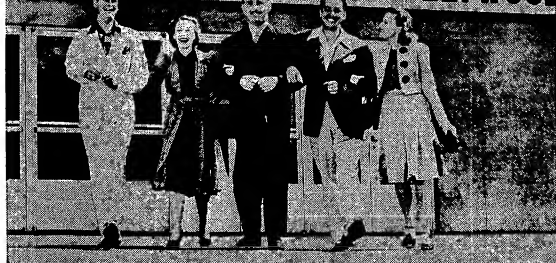
WABC-CBS-1030-1045 A.M. E.S.T.

78 Stations Coast-to-Coast

Direction BENJON & BOWLES, Inc.

Management ED WOLF, RKO BUILDING, New York

## HORMEL MAKERS OF SPAM IT HAPPENED IN HOLLYWOOD



John Hiestand, Helen Troy, Eddie Dumastier, John Conte and Martha Mearns—tolerant on the CBS Program, "It Happened in Hollywood," for Hormel's SPAM.

## It Happened in Hollywood

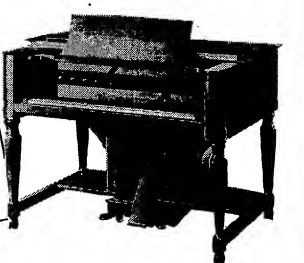
...and it's happening right across the Country! Radio Advertisers... Stations... Agencies...

Composers... Artists... Theatre and Restaurant Owners... Leaders in the Entertainment

World—are tuning to the HAMMOND Novachord

"A valuable contribution," says Mr. Wayne Tins of WBOO, about the Novachord on "It Happened in Hollywood."

"...we are the first network commercial program to use the Novachord as an orchestra as well as for a solo instrument... We found the instrument so interesting that we bought one for our exclusive use rather than rent the instruments owned by Columbia. It proved to be a valuable contribution to the program and Eddie Dumastier builds many of his arrangements for his orchestra around the Novachord. We have had many comments about Eddie's solo."



Add the Novachord—the musical instrument that's NEWS—to your entertainment

a simple turn of Tone Selectors will add the musical effects of violin, trumpet, cello, flute

—or dozens of other faithful tones!

Try the Hammond Novachord!

Visit your Hammond dealer...

write for more information:

Hammond Instrument Co., 2947 N. Western Ave., Chicago...

Or go to the Hammond Organ Studios—

In New York: 50 W. 57th St.; In Los Angeles: 3328 Wilshire Blvd.



See...Hear...Try...

THE HAMMOND

Novachord

It's the NEW Idea in Music... by the makers of the Hammond Organ

# 15 Best Sheet Music Sellers

(Week ending Dec. 1, 1939)

South of the Border.....	Shapiro
Scatterbrain.....	BVC
My Prayer.....	Shapiro
Oh Johnny, Oh.....	Forster
Lilacs in the Rain.....	Robbins
El Rancho Grande.....	Marks
Blue Orchids.....	Famous
In an Eighteenth Century Drawing Room.....	Circlo
Over the Rainbow ("Wizard of Oz").....	Feist
Good Morning ("Babes in Arms").....	Chappell
Goody Good-Bye.....	Olman
Last Night.....	Feist
I Didn't Know What It Was ("Too Many Girls").....	Chappell
Beer Barrel Polka.....	Shapiro
God Bless America.....	Berlin
Christmas.....	Product 2

## S.P.A. Ultimatums Publishers to Sign By Dec. 11; Given Choice of 2 Contracts

Songwriters Protective Association yesterday (Tuesday) served notice on the music publishers who have not signed contracts with the association that unless this was done by Monday (11) the SPA would proceed to annul the mechanical rights of members who have recently placed manuscripts with such firms.

The ultimatum letter gave publishers the choice of accepting either of two contract forms, namely, the one negotiated by Metro-Robbins last week or the one that the Warner Bros. group accepted Oct. 2.

The SPA takes the position that the two contract forms are pretty much the same and doubts the belief expressed by publishers that the existence of two contract forms will result in much industry confusion.

Metro-Robbins publishing group and the SPA last week got together on their new standard writers' contract and the only thing remaining to make it a binding arrangement are the signatures of the SPA's special attorneys, Julian T. Moore, Metro-Robbins counsel, and John Schuchman, SPA lawyer, will be made available to other publishers who haven't already signed up with the SPA.

The Abels-Schuchman document became the second contribution to this field. The Warner Bros. group negotiated its own standard agreement with the SPA several months ago, and this same contract was later signed by the Max Dreyfus group and Mercer & Morse, as well as several firms whose members are likewise SPA members. A lawyer representing the major music publishers declared Monday that he would advise his clients not to accept either of the available agreements, but to let him negotiate one of his own.

Under the terms of the covenant negotiated by Abels, publishers are obligated to charge a minimum royalty of 2c for phonograph records. They are likewise barred from making a deal on special fee for discs used in coin-machines without consulting the SPA.

Johnny O'Connor, as general manager of Words & Music, Inc., accepted the contract from the SPA last Friday (11). His was the Warner Bros. form.

### RESERVE DECISION ON RCA-WNEW MOVE

U. S. circuit court of appeals in New York Monday (4) reserved decision on RCA Victor's motion to dismiss the appeal taken by WNEW, N. Y., from a lower court decision restraining the station from using Paul Whiteman's phonograph records. Victor argued that WNEW had already obtained a license to broadcast the recordings, which it added, constituted an admission that Victor controls such rights.

WNEW was the original defendant in the restraining suit brought by Whiteman, but when the trial took place the station put in no defense. With the result that Victor, which had meanwhile intervened, and Whiteman remained the lone contestants in the suit. WNEW now is being backed by the National Association of Broadcasters.

### Not Co-Maker

Music publishers' professional men now have an excuse for refusing to endorse finance company notes for band leaders. They can point to the contract between the contactmen's union and publishers which, in the unfair practices clause, taboos such loans or any 'other subterfuges.'

Endorsing the note of a plug source could be interpreted as coming within the purview of 'other subterfuges.'

### Willie Horowitz Buying Joe Davis Catalog In Partnership With Silver

Willie Horowitz and Abner Silver have signed contracts for the purchase of the Joe Davis Music Co. and the deal will be consummated Friday (8) upon their delivery of a stipulated amount of additional cash. Proposition includes the payment of royalties to Davis on numbers he wrote outright or through Metro-Robbins for a period of years. Among the numbers in the catalog are 'Supposin', 'Basin Street Blues', 'I Ain't Got Nobody', 'After You've Gone' and 'Keepin' Out of Mischief.' Davis will continue in business as the Georgia Music Co., and he may resume the business use of his name after two and a half years.

Horowitz was with Robbins Music Corp. for about 10 years, coming to New York from Chicago a year and a half ago to handle the Miller catalog. Silver is the songwriter.

Will Bradley's orchestra at Baker Hotel's Mural Room, Dallas.

# MUSICIANS ANGRILY ASSERT IBEW FOSTERS MECHANIZATION FOR COIN-OPS

## Sommerer Promoted To Head All Victor Plants

Camden, N. J., Dec. 5.—Harry L. Sommerer, former assistant to executive v.p. of the RCA Victor, has been appointed manager in charge of manufacturing in all RCA plants. A veteran of 30 years in RCA-Victor employ, he will be in charge of the plants at Camden, Harrison, N. J., Hollywood and Indianapolis. His headquarters will be here.

In 1930 Sommerer went as managing director of the Victor Talking Machine Co. of Japan. When the company was sold to a Nipponese syndicate, he returned to Camden to take charge of the motion picture sound recording department.

## SHOTWELL PRO, CON WEIGHED

Number of leading publishers will face a battle within a week be faced with the question of supporting or opposing the Shotwell copyright bill when the National Association of Music Publishers' Professional Association meets this afternoon (Wednesday). After a barrage from the publisher faction the board of directors of the American Society of Composers, Authors and Publishers last week voted to support the bill.

The opposition to endorsement at the ASCAP board meeting was led by Saul Bernstein, of Irving Berlin, Inc., who charged that the copyrightability and copyright on creation phases of the bill are bound to work out to the serious detriment of the publishing business. Louis Bernstein, of Shapiro, Bernstein & Co., also voiced his opposition. Herman Starr, head of the Warner Bros. group suggested that the publishers permit the Society to go on record as favoring the bill and if they wanted to express publishing industry opposition they could do it through their own trade organization. He stated that he couldn't see anything inconclusive in voting for something that he thought was good for ASCAP and later on opposing the same principle when it came to publisher interests strictly.

The argument over the Shotwell bill at the ASCAP meeting lasted for about four hours. The enforcement was interpreted as conveying ASCAP's belief that the bill constituted a substantial advance in the theory of copyright protection in the United States.

## Declare Coin Machines Used in Hotels Are Served by IBEW and 'Union Label' Then Used Against the Musicians

### Triple Bromide

Because his appearance... the show and subsequent date each evening on the bandstand of the Waldorf-Astoria Hotel, N. Y., are so closely timed, Benny Goodman cannot take a curtain call for his part in 'Swingin' the Dican' at the Center theatre. N. Y. Leaves the show each night with about five minu' to get to his location stand at the hotel.

Saturday's schedule for Goodman is one reason why band-leaders go crazy. Starting at 10:30 p. m. reads like a train time table. That hour the show's matinee begins and lasts till 4:45. At 5 there's a two-hour rehearsal for the Camel program. Hour and half later, or 8:30, back for the evening performance of 'Dream'. Camel show airs 10:10-30 p. m. and at 10:38 he has to be back at 'Dream'. At 11 p. m. he starts at the Waldorf, where the band finishes at 2 a. m.

Goodman leaves 'Swingin' the Dream' Jan. 1. That was his original agreement with Erik Charell—just four weeks.

## Mixed Orchestra Cuts Special Discs in N. Y. For English Swingophile

Leonard Feather, English swing critic and writer now in this country, has gathered a small mixed combo of all-stars and signed 'em to record for Victor. Colored and white personalities group includes Hazel Scott, colored femme pianist-jazz. They cut four originals by Feather Friday (1).

Group includes Danny Polo, clarinet leader; Alfred Harris, guitar; Pete Barry, string bass; Pete Brown, sax; Arthur Herbert, drums; and Miss Scott, piano. Polo, Harris and Barry recently returned from playing with Ambrose's band in England and are white. Polo plays with Joe Sullivan's mixed band at Cafe Society, N. Y., currently, and Miss Scott sings there.

Pete Brown has his own small band at the New City Club. N. Y. Herbert is drummer for Coleman Hawkins' band now at Arcadia Ballroom, N. Y.

American Federation of Musicians will call this week on the heads of the International Brotherhood of Electrical Workers to do something about curbing the part that IBEW members are playing on the west coast in the wholesale replacement of musicians by coin-operated phonograph record machines. The coin-machine operators, it is charged, have been able to extend their field to even private parties by cutting off IBEW members on the proceeds used to confuse the issue at the same time by the representations, has gathered much data on the situation, with the most pertinent part of it coming from the federation's San Francisco local.

The west coast AFM locals complain that the coin-machine distributors have succeeded in making tremendous inroads on spots which formerly used union musicians and that these distributors have artfully frustrated the musicians' protests by picketing and by employing members of the IBEW's sound division to service the machines. Through this device, states the union, the distributors have availed themselves of a retort to the musicians' claim that the record machines are cutting them out of the work. The electricians point out that they certainly cannot be accused of anti-union behavior since a union man is member of the IBEW) is employed on every one of the machine placements in hotels, taverns and private parties.

According to the San Francisco local, the remuneration of the IBEW musicians is about 10 per cent, or 20% of the machine's take. In some cases, such as hotels where the management is made up of the coin-depositing, the IBEW men gets a flat nightly fee of \$10 and \$1 extra for each room in which the record equipment has been extended from the master mechanism. While most of the musicians are in the IBEW local, rate as mere sidelines for the IBEW members, the tieup between the two groups of musicians has sufficed to frustrate any counter measures attempted by the musicians.

The AFM and IBEW are fellow affiliates of the American Federation of Labor.

## Lou Diamond Scores ASCAP Ratings Given Famous and Paramount

Lou Diamond, head of the Famous and Paramount Music Corp., appeared Monday (4) before the publishers availability committee of the American Society of Composers, Authors and Publishers to protest against the ratings of the two firms. The discussion developed into an exchange of personalities between Diamond and Louis Bernstein, a member of the committee.

Diamond questioned the ability of the committee's members to determine the value of an old number any better than he himself and historically scored the methods used by the committee. Decision on his application for rating increases was reserved.

## Billy Moon Badly Hurt

Rochester, N. Y., Dec. 5.—William Moon, apparently a mid-western orchestra leader, seriously injured here last week when his car crashed into a tree. He was taken to Strong Memorial hospital, where his condition was reported critical, with probable fracture of the skull, left arm, right leg, right wrist and face and body cuts.

Deputies investigating the accident found a picture in the car of the 'Billy Moon's orchestra' and records of musicians. Driver's license had a Detroit address and an Ohio Michigan plates. Effort was made to trace relatives.

# Band Parade of '39 Leading Maestros Best Sellers of 1939

in forthcoming

## 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. Martins Pl.

## On the Upbeat

Manie Sacks, of MCA, speaking on name bands before the International Assn. of Fair and Expositions, in Chicago.

Jean Wald's femme group out of Pittsburgh at the Equaire Club in Miami. Went there from Shawnee hotel in Springfield, O.

Al Wasei into New Penn, Pittsburgh, for a two-week stay replacing the Lee Barrett outfit.

Nelson Maple now at Hotel Henry, Pittsburgh, for month's stay. Checked out of Pines, Pittsburgh, for new spot, Ray Engler band replacing at the Pines.

Maurie Stein orchestra goes in as second band at the Ch'z Paree, Chicago, on Dec. 11.

Hal Kemp plays two deb parties Dec. 20-21. First is at Ritz-Carlton

Hotel, N. Y., and second private affair at Providence, R. I. Plays Junior Women's Club at Larchmont, N. Y., Dec. 23 and signed at Ansley Hotel, Atlanta, Ga., for two weeks.

Dee Orr has taken leader spot with Andy Anderson band at Show Bar, Forest Hills, L. I. Anderson died Nov. 24.

Lenny Hayton band now at Leon & Eddie's, N. Y., signed to record for U. S. Records' Varsity label.

Benny Goodman will have an answer interview to Artie Shaw's Saturday Evening Post story in the New York World-Telegram soon.

Spud Murphy's new band to make Bluebird records.

Teddy Fowell orchestra goes to weeks Dec. 25.

Will Bradley shifts to Jung Hotel, New Orleans, Dec. 21. Now at Baker Hotel, Dallas. Don Bestor follows Bradley at the Baker and Del Courney Jan. 19.

Nick Paul will in the future be the name of Neck Plandi. His new band is at the Coronado Hotel, St. Louis.

Vincent Travers band stops on the Milton Berle program "Stop Me If You've Heard This One" until after the first of the year.

Abe Lyman booked for the Strand, N. Y., for three weeks Dec. 22 following the current Al Donahue.

Duke Ellington plays four single dates this month for more than \$1,000. Dec. 9 at the Blackstone Hotel, Chicago, for \$1,100; 15, Pittsburgh Hotel shindig for \$1,550; 29, back to Blackstone for \$1,000 and

Dec. 31 at Sherman Hotel, Chicago for \$1,500.

Eddie Lane orchestra opens at Borsett Hotel, Brooklyn, Dec. 8.

Woody Herman goes into the Sherman Hotel, Chicago, for four weeks March 1, follows it with a stretch at Meadowbrook, Cedar Grove, N. Y., and then may play the summer at Glen Island Casino, N. Y.

Tony Pastor's new band beginning to rehearse.

Art Mooney orchestra now with Stan Zucker's new band agency.

Charles Barnet is being attended by a doctor and a nurse on his current tour at the Apollo theatre, N. Y., due to an attack of grippe that produced a fever of 102 Friday afternoon (1). Barnet's date at the Apollo is the first time a white band has been used at the house for about five years and his was the last to work there.

Glen Gray and the Casa Loma orchestra booked into Paramount theatre, Los Angeles, for one week beginning Dec. 7.

Ella Fitzgerald orchestra will follow the Woody Herman tour to the Famous Door, N. Y., on an unnamed date in January. Stand is the first location date downtown for the outfit since its eight weeks at the Park Central Hotel, N. Y., about a year ago. At that time it was Chick Webb's band with Miss Fitzgerald. Herman went into the Door last November (28) and may play a total of 13 weeks. Four inkspots join him there Dec. 12.

Lawrence Welk at Dallas' Hotel Adolphus Century Room. With him is Jayne Walton. Hotel also is presenting the dance team, Nanno and Stafford, and Ben Stein, single.

Jay Smith, Dallas radio tenor, has joined Ray Herbeck's band, late of Hotel Adolphus Century Room there.

Sonny Kendis, after almost four years at the Stork Club, New York, interspersed with engagement at leading clubs, niteries, etc., leaves to open Friday (8) at Detroit Athletic Club.

Will Osborne orchestra's, featuring Barbara Bush and Dick Rogers, take over the Cafe Rouge, Hotel Pennsylvania, N. Y. Friday night (8), succeeding Artie Shaw's orchestra, under direction of George Auld. Ralph Rogers holds over.

Tommy Dorsey to guest on the Alec Templeton show (1) as soloist, guest number. It's his second lecture on this series.

Lee Costello joins the Tommy Dorsey trumpet section replacing 'Yank' Lawson.

Russ Morgan, on one-nighter at Minneapolis Auds Wednesday (29), drew 6,000, a new attendance record for that spot.

Ersine Hawkins into 'Young Man With Horn'

Ersine Hawkins was signed late last week for the legit show 'Young Man With a Horn', based on the life of Dixie Biederbeck. He's to have the same role originally intended for Louis Armstrong, left open when Armstrong went into 'Swinging the Dream' with Benny Goodman. Hawkins will join rehearsals Dec. 12.

Ella Fitzgerald was recently set for a singing and speaking part in the same offering.

Mills Music, Inc., has obtained the score from Walter Wanger's production, 'House Across the Bay'. Songs are 'I'll Be a Fool Again' by Al Jorgel, 'Chula Chihuahua' by Jule Styne, Nick Castle and Sid Clare and 'A Hundred Kisses from Now' by George R. Brown and Irving Actman.

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

Following is a totalization of the combined plugs of current tunes on NBC (WEAF and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Nov. 27-Dec. 3). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol \* denotes film song, † legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Scatterbrain	BVC	45
Lilies in the Rain	Robbins	34
South of the Border	Shapiro	32
Swing of Heaven	Remick	31
I Didn't Know What Time	Chappell	30
Can't Help It	Remick	28
Just a Night	Remick	28
Goody Goody	Olman	27
Good Morning	Chappell	27
Make with the Kisses	Mercer	23
Are You Having Any Fun?	Crawford	22
Good Morning	Babe in Arms	21
My Prayer	Shapiro	20
Don't Say I'm Not	Remick	19
Many Dreams Ago	Harms	18
Goodbye	Famous	17
Faithful Forever	Gulliver's Travels	17
I Thought About You	Gulliver's Travels	17
It's a Hip-Hip-Happy Day	Gulliver's Travels	17
Siopli It's Wonderful	Mask and Wig Show	17
Day After Day	BVC	16
After All	Sun	15
All the Things You Are	Very Warm for May	15
Curt Bird	Paramount	15
In an Old Dutch Garden	Harms	15
Oh, Johnny, Oh	Forster	15
At Least You Could Say Hello	Feist	14
Belin	Shapiro	14
In the Mood	Remick	14
Moonlight Serenade	Robbins	14
What's New	Wilmark	14
Does Your Heart Beat for Me?	Mills	13
Goodbye Night	Berlin	13
White Lies and Red Roses	ABC	13
Bluebirds in the Moonlight	Gulliver's Travels	12
Street in Singapore	Shapiro	12
Melancholy Lullaby	Paramount	12
Big Top Wiggy Woe	Remick	12
Who Told You I Cared?	Kid Nightingale	12
Blame Me	Wilmark	11
You're a Lucky Guy	Cool Club Parade	11
Marcheta	Leeds	10
You're Letting the Grass Grow Under Your Feet	Auld	10

## RADIO COMMITTEE DUE TO REPORT

Board of directors of the American Society of Composers, Authors and Publishers will most likely hold its final meeting of the year on Thursday, Dec. 21, instead of the scheduled final Thursday of the month, which this time falls on Dec. 28. It is understood that the special radio committee will at this meeting turn in its completed report as to the recommended policy and terms for the new contract with the broadcasting industry.

Royalty checks for the final quarter of this year will be mailed out at the same time for the ASCAP members to receive them two or three days before Christmas.

## YESTERDAY'S HIT TODAY'S REQUEST

# I WANT YOU FOR CHRISTMAS

HARMS, INC.  
RCA Building, New York

## Now! EL RANCHO GRANDE Next!

## DON'T MAKE ME AUGH

EDWARD B. MARKS MUSIC RADIO CITY NEW YORK  
FRANK HENNIGS, General Professional Mgr.

A SWELL SWEET SONG

## HONESTLY

Getting Bigger and Bigger Day by Day  
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# 3 MEN ON A "CITY CLUB" SCORE

NORMAN FOLEY FOR WITMARK    JOHNNY WHITE FOR REMICK    MACK GOLDMAN FOR HARMS

YOU'RE A LUCKY GUY    LOVE'S GOT ME DOWN AGAIN    IT'S MY TURN NOW

WORDS AND MUSIC BY  
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## WB's Vaude Exit in Philly Precipitates Tooters Union Threat to Picket Houses

Philadelphia, Dec. 5.

Warner theatres here, which predominate, may be picketed by the musicians union as a result of the circuit dropping vaudeville after failing to come to terms with the tooters on a new contract. WB shuttered the Earle, its ace and vaudeville here, on Friday (1) and took stage show out of two nabes, the Allegheny and Oxford.

A meeting was scheduled this afternoon (Tuesday) by the general membership of the musicians' local. It is believed that picket lines will be thrown around all Warner houses and resolutions passed asking the members of the International Alliance of Theatrical Stage Employees to back them up in what the union termed a lockout by Warners.

There are reports that Warners would invoke Attorney General Thurman Arnold's ruling against the union, on the grounds that it was engaging in monopolistic practices in its demand that Warners hire musicians in all theatres in which they were engaged prior to the expiration of the contract. Warners seeks to contract for musicians only at the Earle.

Ted Schlanger, zone head for the chain, said he hadn't heard about the Arnold angle. He said the circuit was still willing to employ musicians in theatres pursuing a vaude policy.

"The union says it doesn't matter whether we need musicians or not," he said. "We were told we'll have to take the extra musicians, or the Earle won't get any. So we had to close."

Schlanger said that for the last few weeks musicians were paid at the Fox and several of the nabes without working.

The Earle was closed Friday after getting, last week, one of its biggest grosses with a show headed by Louella Parsons' Stars of 1940 troupe.

## Carmen Miranda, at 26, To Double Into Chi Nitory

Chicago, Dec. 5.

When 'Streets of Paris' opens here, Carmen Miranda is set to double into the Colony Club for four weeks. Expected to be around Feb. 15, or thereabouts. She'll receive \$2,000 a week at the nitory.

Al Borde, of the local CBS Artists Bureau, in association with Jack Bertoli, of CBS in N. Y., set the deal.

## NITERY NOISE NO TOMIC TO DRAMA

Pittsburgh, Dec. 5.

Threatened battle between management of Nixon theatre and owner of Nixon Cafe downstairs was averted last week when Tony Conforti, operator of the nitory, agreed to sound-proof his walls and ceiling with cork compound. Harry Brown, manager of legit house, claimed band music from cafe was seeping up into theatre during quiet shows and ruining them for customers.

Said he had a flock of complaints and promised to take action with building owners to stop cafe from having any dance music at all during progress of regular plays.

Conforti then agreed to sound-proof the place, but not until Nirdlinger estate, which controls theatre building, had given him a new five-year lease on the cafe. His present one runs out next May. Conforti has operated steadily at same spot since 1922.

Mack Gordon claimed 'Who's the Beau of the Belle of New York' for the 20th-Fox picture, 'Little Old New York', in five hours.

## •15 YEARS AGO•

(FROM VARIETY)

Rudolph Valentino's only b.o. competition on Broadway was the new dog star, Peter the Great, played at the Cap in 'The Silent Accuser.' Valentino was at the Strand in 'The Sainted Devil.'

Henry Miller severed connection with 'The Magnolia Lady,' starring Ruth Chatterton, which he produced at the Shubert, N. Y. Ownership passed to Miss Chatterton and Lee Shubert. Just a case of constant disagreement.

With the decline of the vaude boom in Britain, players were increasingly turning to picture work.

Theatre managers were in bad straits in Berlin, with bankruptcies and salary cuts on the hike. However, Maria Jerrika refused to accept an opera cut, and so returned to America.

After a week at \$11 top, Max Reinhardt's new repertory theatre, the Comedie, Paris, dropped its scale to \$5.50. The prices were still too high for the small-cast farces presented.

AFL convention in El Paso adopted resolution favoring every form of amusement on Sundays, excepting ticket, inclusive of musicals.

Increasing number of dance halls in Greenwich Village operating as tea rooms or cabarets are giving New York cops somewhat of a problem.

The Mutual burlesque wheel was entering its second leg of the season with 34 shows and 33 weeks of booking. The circuit reported to have averaged \$4,500 weekly in gross.

George Pierce Baker, founder of the '47 workshop at Harvard, severed his connection with the Johnnies for Yale, where he was to head the new department of dramatic literature. He had been at Harvard 38 years.

## Millinder, Buck-Bubbles Unit for Brandt Houses

An all-colored unit, topped by Lucky Millinder's orch and Buck Bubbles, has been set for two weeks in the Brandt New York houses. Show opens Dec. 14 at the Flushing, Brooklyn, with the Windsor, Bronx, immediately following. Deal arranged by Jack Kilots of Nat Nazario's office.

Other acts will be Berry Broops, Trump Band (8) and the Edwards Sisters.

## TA IN \$1,000 PREZ BALL SETTLEMENT IN WASH.

The Theatre Authority, through Alan Corelli, last week effected a settlement with the President's Birthday Ball Committee of Washington on coin due from last January's charity affairs in the capital amounting up to \$1,000. TAA's original request of \$5,000 proving overestimated.

Corelli met with the committee in Washington early last week. Sitting in were Carter Barron, of Loew's; Hardee Maskin, of HKO; Nelson Bell of the Washington Post, and James Hagen, Commissioner of the District of Columbia. A check on the book resulted in the \$1,000 settlement.

"In order to facilitate payments to the TAA, Corelli is now trying to affect a deal whereby the national committee of the President's Birthday Ball celebrations, rather than the local groups separately, will kick across. He admits, however, that there appears little chance of such a maneuver going through."

## Tony Pastor on Own

Tony Pastor, vocalist and saxophonist, who recently withdrew from what had been the Artie Shaw unit, is slated to head up his own band with Shl Shribman doing the financing.

Members of the ex-Shaw group, which has gone cooperative, couldn't agree with Pastor on what his share of the income should be.

## ONLY 1 WINNER WHEN BURLEY GODIVAS MEET

Detroit, Dec. 5.

When Lady Godiva rushed her strip act and rode a white charger through the streets of Coventry centuries ago, she had long hair. This historic fact was noted in court here when two modern strippers came to legal blows over who was entitled to the billing.

"The Golden Godiva," Trouble started when Marlene Sloan, 21, who has 46-inch, red tresses, came in to the Gayety and found that Mary Jane Reynolds, 21, who has shoulder-length hair, was at rival burley, National, under the same blurb, "The Golden Godiva." To add to the confusion, Marlene found her rival billed as "Marlene."

Yelling "copy-cat," Marlene rushed over Circuit Judge Theodore J. Richter, who, being a guy who dug on his legends, recalled that the ancient lady was cloaked by her long tresses on an historic ride. He didn't even bother to let Miss Sloan take down her long locks to bolster her case, but handed her the decision.

Mary Jane, of the more modern bob, said she didn't even know who Lady Godiva was until she came to Detroit and found her "It billed under the name. Anyway, she said, she usually was billed as 'The Texas Glamour Girl' and liked that better."

While "The Golden Godiva" stuff is out for Mary Jane, court said it was ok to call herself "Marlene" if she wanted to.

## Kemp Sets More Units

Charlotte, N. C., Dec. 5.

T. D. Kemp, Jr., has set several more units for tours of southern houses, chiefly one for two-day dates.

Isham Jones' band will begin a 10-day theatre tour at the Plaza, in Asheville, N. C., Dec. 10. Joe Mower's 'Manhattan Revelers' opened Sunday (3) at the National, Richmond, on a route of seven weeks. Ted and Art Miller will open house, week tour Dec. 13 at the same house.

Gerald Clark and his Calypsonians started for a series of recordings for Eli Oberstein's U. S. Records.

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Records"**

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VOCALION RECORDS General Amusement Corp., New York



Before and after the game the crowd thronged eateries, taprooms, theatres and night spots, shelling out about \$1,000,000, according to veteran sportsmen. It was the first time since Saturday in amusement areas since the grid class was moved here from Chicago six years ago.

The Ritz Carlton hotel opened its Empire Room, one-time gathering place of the social register set in pre-war days, for the night of the game. (1) Just in time to get a chunk of the Army-Navy bid. The room is under the direction of Gregory, maitre d'hotel. Murray Stewart's orch provides dance music. Fashion shows and specialty shops are open every day afternoons.

West:  
HARRY GREBEN

# Unit Reviews

## LA VIE PAREE (MINNESOTA, MPLS.)

Minnesota, Dec. 2. A. B. Marcus unit, 'La Vie Paree', with Ben Miller, Roberts, Jones, Howard Boyd and Jiggs (4), Ben McAtee, E. C. Shaw, Ruth Dunell, Bob White, 'Finger Bennett', Singing Sextet, Candy and Flower, Show Girls (24), Jack Malerich, 'Heroes in Blue' (Mon).

This 4,000-seat dispensance with its own m. c., line of girls, orchestra and usual four vaude acts this week in favor of the A. B. Marcus La Vie Paree unit. The elaborately impressive and costumed review, running mainly to spectacle, seemed to be the director ordered, except for the intrusion of occasionally bluish gags and stories and dialog plus one song that seems in very poor taste. It's stuff that's out of line in how catering considerably to family taste.

'Paree seemingly is the most lavish, colorful and dazzling of the Marcus shows offered here. Producers has plenty of money and the production numbers, while they may not be artistic, are bettering interest. Garish costuming provides a veritable riot of colors. And the stage is densely populated with the time to create an impression of bigness.

With the orchestra overtone eliminated, Jack Malerich, house leader, leads himself in a song, and requests numbers from the Wuritzer, and he plays them well. The show proper, which runs 70 minutes, stands mostly with its parades of showgirls in kizart, colorful and revealing costumes and the stepping by the chorists. It gains no momentum gradually, however, and quite properly, the classic features are reserved for the final portion, creating enthusiasm out front and sending customers away well-satisfied.

Best of the production numbers has a group of chorines swinging from and disporting themselves on trapezes. Outstanding comedy is the knockabout act, offered by Howard Boyd and 'Big Saw', Roland Romas, Art Stanley and Spooky Ray. Their clowning, tumbling and stunts go over big. Boys figures in the simplest and old burlesque prizetight. Ben McAtee is another comedian, most of whose stuff is simple, including in old burlesque standby, the all-aces poker game.

Merrit playing are the fine dancing of Lora Miller and the five acts of the Six Little Girls and boys who live up to the proceedings not only in the line of plenty of laughs, too. Ruth Dunell, prima, sings well. There's also a mixed

singing sextet that handle its numbers neatly. Roberta Jonay, announced as 'Mrs. Roosevelt's personal dancer', does a novel exotic peacock dance. Rest are so-so. Jiggs stands on her head. With a singer and Floyd Bennett a 'straight' act. The San is a 'bronzed' man and woman, have a comedy act and the fireworks are a good body doubles at various times. The show is not a bad bargain for the 40c top. Near capacity at the first Saturday matinee performance. Rec.

## DAVE APOLLON CO. (PAR, ANDERSON, IND.)

Anderson, Ind., Dec. 1. Dave Apollon Orch. (14), Sue Ritten, The Coltons (2), Ben Carter, George Bayliss, Malone, Marvin & Malone, Carl Manners, 15 Glamour Girls, 'Little Accidents' (4).

Dave Apollon broke in his new unit, 'Hitting High', here Wednesday (29), before taking the road for a 10-week tour of the southwestern cities. Two-day stand opened cold with Apollon actually unknown here, but built steadily to near-capacity at this 2,000-seat theatre. The final show Thursday (30). Show was immediately rebooked for a return weekend, Saturday Dec. 9-10.

New unit finds Apollon not sparing their efforts on the stage. The new unit, here, accustomed to semi-name bands with one or two supporting acts, had never seen anything like the entertainment outlay presented by the veteran maestro.

Show opens with a number by the line (12), followed by Apollon's standard 'Dark Eyes' medley with his Filipino Band. Ben Berl, juggler, gets into with a ready ball-and-clap routine. Line is back for a number seguing into turn by the Aspiter trio of Malone, Marvin and Malone, brief.

Carl Manners, semi-operatic singer, heavy on looks, leads off with operatic selection, followed with 'Over the Rainbow' and 'Whisper' 'em with a swing version of 'Chiribito'.

The Coltons, semi-operatic singer, heavy on looks, leads off with operatic selection, followed with 'Over the Rainbow' and 'Whisper' 'em with a swing version of 'Chiribito'. The Coltons, semi-operatic singer, heavy on looks, leads off with operatic selection, followed with 'Over the Rainbow' and 'Whisper' 'em with a swing version of 'Chiribito'.

Apollon himself works hard and in disguise, practically throughout. Engaging line of chatter does much to build a heavy stand-off.

## Saranac Lake By Happy New Day

Saranac, N. Y., Dec. 5. The 'Dual Thanksgiving' holiday gave the gang a break in the Colony. Those who missed their turkey on Nov. 23rd, managed to gobble a mess of the gobble on the 30th.

Charles Broom and Mrs. William Chase, of New York, bed-siding relatives at the Rogers.

Jean Ryan, who oozed here for one year, got her final oink and left for St. Louis, home.

Dr. Jack Ross, who came in from N. Y., is the new Will Rogers house dentist.

After three solid months of strictly in bed, Forest Glenn gets O.K. to be up for one meal a day and added mild exercise.

Dr. George Wilson acting medic-in-chief of the Will Rogers, staged a supper at the Lodge and 45 medics attended.

Thanks to Dot Maxwell, Mrs. Ella Perry and James (Worcester Gazette) Lee for books, mags and papers to this Colony.

Steve Gregory, local musician, handing out version skeats to any and all of the Colony who will find a spot to have them broiled.

Rocco Fox, formerly of the Fox Bros., hooding act, belting the gang. Write to those you know who are ill.

## New Acts

### NITE WITS (6) Comedy Club, N.Y.

Three boys and three girls thrown together doing novel entertainment on the borscht circuit, this sextet is one of numerous similar groups which have mushroomed recently. Outstandingly successful bunch, and the one which no doubt outshined others, was troupe which began at the Village Vanguard, Greenwich Village spot, and burlied from there to the Rainbow Room in Radio City earlier this season.

Like the others, members of this crew provide all original material. Principal writing is by Sylvia Marks, who wears a recently-awarded Phi Beta Kappa key from NYU. She's aided by Arthur Laurens, who does lyrics, while Kieve Kieve provides the music. The accompaniment. Others are Sherie Kalin, Dorre Lyons and Mervyn Nelson.

Nite Wits, in their present state, are extremely unpolished, both as to performance and writing, but provide a neat novelty as attested by the audience. Audience attention they hold at Leon & Eddie's through nine sicks and seven minutes of bit of merriment, running about 30 minutes in all.

Majority of the satirically comic sketches are mild, running from outer corniness to extreme sophtical, falling in of sail on both sides is needed. There is also a tendency to put the jokes, really funny to the few in know, but make a mystery to the majority. One example is a 10-second sketch by Miss Marks who, all by herself, applauds 'Milton Berle's' mother.

Basic thread of the skits is that they represent New York City. Better ones include the group in bathing caps going through routine from Billy Rose's Aquadance, strip tease bit by Miss Marks in which she gets every innuendo in with removing anything, and various night club with Mervyn Nelson the m.c. in each. 'Moon Over Flushing' is best tune.

### MADGE MARLEY 11 Min.

Show Bar, Forest Hills, N. Y. A wealth of radio warbling is paying dividends to this attractive dancer, who rates as the best act to play this niterly in several years. Miss Marley, strictly a class number, came in after 13 weeks with Al Pearce and a guest shot on the Ford Sunday Hour. Previously, she sustained on NBC for three years and recently made 36 records for Victor.

In addition to a flawless mix technique, she has excellent diction, good range, precise attack and pleasant tone. The result is a solid edict in a spot where vocalists usually die. When caught, she opened with 'Clatterbox' (written by Sam Brannin, house band pianist) and followed with 'Beguine' for a hearty solo. She encoored with 'Oh, Johnny' in a duet with Dee Dee (house maestro) and 'Small Fry' the former being especially well-interpreted in a special arrangement. Glib.

## Portland Civic Theatre Folds After First Try and About \$2,800 in Red

Portland, Me., Dec. 5. Maine Civic theatre, Chamber of Commerce - featured vaude-vaude-vaude here, closed Saturday night (2) 'for reorganization' after dropping a reported \$2,800 on its first legit try. 'Of Mice and Men', a Ben Stein production featuring Guy Robertson and Iris Adrian. Attendance numbered 225 on the opening night (4) and bit failed to pick up markedly as week progressed.

Veteran showmen here distributed blame for the bustup between failure of the management to organize audiences, the poor choice of an operetta, and unfavorability of the stage for new theatrical enterprises.

Robertson, the leading player in 'Mice', is credited with a major honor in having shown up 30 minutes late at a midweek Rotary luncheon, where he was scheduled to speak, and thence launching into semi-bibulous defense of John Steinbeck's play against the 'charge' of obscenity, remarking that the average radio and film production must be legitimately so labelled.

Robertson, none of whom had uttered a peep relative to the drama's moral worth, responded in kind to what

they took to be hostility on the part of the outsider. Idea behind the actor's appearance had been to bolster the lagging fortunes of the Civic's occupant, but results are figured to have been the reverse.

A vaude show, booked by A. B. Dow, of New York, was scheduled for the coming week, but that's off now.

## Pardo Will Conduct 12 From Late Ivy Rose Band

St. Louis, Dec. 5. Tony Di Pardo is planning to reorganize the orch balanced by the late Irving Rose and start with local engagements. Pardo will start with 12 members of the band. He is expected to come to St. Louis within the next few weeks.

## Butterworth to P.A.

Charles Butterworth is to make a number of personal appearances in the east, dates being arranged by Jack Curtis.

Comic will work with Judy Starr.

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# Variety Bits

NEXT WEEK (December 8)  
THIS WEEK (December 1)

Numerals in connection with bills below indicate opening day of show, whether full or split week

## Loew

### NEW YORK CITY

**State (7)**  
Gwynne  
Rita & Johnson  
Pauline & Johnson  
Lester & Johnson  
Lester & Johnson  
Lester & Johnson  
Lester & Johnson

### PITTSBURGH

**State (7)**  
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### CLEVELAND

**State (7)**  
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### Paramount

### NEW YORK CITY

**State (7)**  
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### PITTSBURGH

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### CLEVELAND

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### Warner

### NEW YORK CITY

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### PITTSBURGH

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### Independent

### NEW YORK CITY

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### PITTSBURGH

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### CLEVELAND

**State (7)**  
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### Cabaret Bills

### NEW YORK CITY

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### PITTSBURGH

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# THEATRE'S SHOW BUSINESS

## Legit Noncommittal About N.Y. Fair's 2d Year; New Regime More Friendly

Last season at this time there was growing interest along Broadway in the possibilities of the then coming World's Fair, but currently there are comparatively few commentaries on how or by whom the fair will be managed, or whether it will be a show business when the Fair resumes in late next May. Those managers who were clipped during the first month of the exposition, when grosses dived towards the vanishing point, are hardly enthusiastic, while others, who benefited during October, the Fair's final month, appear unable to express definite opinions. As for the second season of the Fair under a new controlling regime, which took over during the final months, there is a change of front. Instead of the 'hard to get' stand-offish attitude of last winter, there is a cordial atmosphere that is bound to win back the friendly co-operation that show business gave before the big show opened. Reversal of form was first registered in the Fair's attitude towards the press and the department of public relations has already won back the newspaper people, who resented the treatment originally accorded them.

**Managers Fooled**  
One means of support which will be set, for the time being, is in the guide book. Managers of shows who were hopeful of drawing Fair visitors and who were featured in the pamphlet, can hardly be expected to be fooled again. Some of the attractions represented on the Fair boards soon after the Fair started. Cost of space averaged about \$350 a show. Shows were also given space in out-of-town publications through tourist connections. Show business was not only felt that was affected, for it is recalled that (Continued on page 52)

## IRVING BERLIN ANGLES FOR MOORE, GAXTON

Depending on the future fate of 'Leave It to Me,' Irving Berlin would like to meet Victor Moore and William Gaxton from that show, currently in Chicago, for his new musical. Meantime, Hildergard alone is set for the Berlin production, 'Louisiana Purchase.' Another forthcoming musical, Harry Kaufman's (Shubert's) 'Keep Off the Grass,' is fraught with 'if' possibilities. Jimmy Durante and the Hartmanns are for it, but Kaufman also has his eye on other talent, currently in other shows, which may or may not last.

## Grip Got More Than 3 Actors, So Rep Co. Folds

Minneapolis, Dec. 5. Auger Bros' 'reputable company,' attempting to pull over the line of out-of-town exhibitors at Alvin here, gave up the ghost after six weeks because of high operating costs. It was revealed that a single stagehand was receiving as much as was paid to three of the actors. Occasionally, management explained, actors skipped pay entirely, the enterprise being run on credit, what along co-operative lines. Stagehands got \$60 a week and extras.

## De Kobra's Dramatizations

Maurice de Kobra, French author, twenty came to the United States, is currently working in New York on a dramatization of 'Serenade' to the Hangeon novel, which he wrote about nine years ago. Another of his books which he dramatized since came out several months ago, 'The Widow With Pink Gloves,' is to be produced on Broadway. He has also completed an original play, 'All Change For Happiness,' dealing with the end of a world.

## ALCAZAR, FRISCO, HAS DATE WITH WRECKERS

San Francisco, Dec. 5. Alcazar theatre, which recently went dark, has been sold and will be torn down next month to make way for a parking lot. House was built in 1911 by the old theatrical firm of Beineke & Mayer. Later it was the home of Henry Duffy and his stock company, and last year it was occupied by the local Federal Theatre Project. Alcazar's boards were trod by many of the country's best known stars.

## Butterfly McQueen 1st Colored Pro to Achieve Equity Life Membership

First colored professional to become a life member of Equity is Butterfly McQueen, currently appearing in 'Swingin' the Dream, Center, N. Y., who was in a couple of George Abbott shows, managing casting her 'for luck.' She walked into the association's offices and put \$180 on the line, requirement for life membership being payment of 10 years dues in advance.

Formerly Equity did not proselyte for colored members and attractions such as colored revues ('Shuffle Along' and others) operated outside of Equity regulations. With the coming of 'The Green Pastures,' Equity was asked by leading colored players for recognition and since then all colored pros in B-way shows are required to join. 'Dream' is completely Equitable and so is 'Hot Mikado,' while the forthcoming 'John Henry' has all colored players with one exception. 'Latter' attraction's chorus, through the chorus branch, received higher pay at the Music Hall, World's Fair, than the chorines in the Aquadale. Although Equity conditions apply on Broadway and the road, colored shows in Harlem are outside of Equity requirements.

## MAY FORCE SOME AGENCIES TO QUIT

No Penalties Agreed Upon, But 'Enforcement Authority' and Impartial Trial Board Can Impose Severe Fines—Managers Can Be Put Out of Biz If Suspend

### NO APPEALS

With 'teeth' in the revised ticket code agreed on by the League of New York Theatres and Equity, ticket control is expected to be tightened up along Broadway immediately. It is anticipated that a number of agencies will either suspend or combine and, with such development, the number of tickets sold at excess rates should decline. Some brokers, including several who signed the code originally, say they cannot afford to sign the revised code, since one infraction and a heavy fine would force them out of business anyhow. Whether they can survive outside the code by doing hit and run theatre trade, and depending on other attractions, is a guess. Code is confined to legit shows.

The code was up for final consideration by the managers Friday (1), but was finally agreed on Monday. Stated that while there were a limited number of showmen present Friday, enough proxies were on hand to adopt the code.

Tuesday Equity finally okayed the code and extended the basic agreement one year.

An unusual, if not unique, proposal has been outlined for some brokers. They say they would be willing to observe the code to the letter in return for tickets regularly allotted to them, but should have extra privileges with any others that they may obtain without code restrictions. Such an idea is hardly possible of receiving consideration by the League or Equity, since the intent of the code is to hold down premiums to 75c for the lower end and 50c up to 75c.

One radical regulation concerning balcony tickets had been written into the code, but stricken out at the suggestion of some brokers.

(Continued on page 52)

## Failure of H'wood-B'way Pact Said to Be Fomenting Breach In Ranks of Dramatists Guild

## CANTOR ANGELS NEGRO MUSICAL ON COAST

Hollywood, Dec. 5. Eddie Cantor is reported putting up \$50,000 for production costs of an all-Negro stage musical, with cast to be lined up by Clarence Muse. Plan is to open the show in Los Angeles and move to New York. Among the possible members of the cast are Paul Robeson, Bill Robinson, Eddie (Rochester) Anderson and Ethel Waters.

## 'Madam's' Postponement Puzzles Legit Circles; Pic Stymies Hardwick

Show circles were somewhat puzzled over the action of the Playwrights' Co. announcing that Cedric Hardwick to follow George M. Cohan into 'Madam Will You Walk,' then postponing the play until next summer when it developed the British star could not secure a release from picture commitments. It was stated that Hardwick was the original selection for the play and that two other English players were considered, one being Claude Rains. Explained by the Playwrights that the lead in 'Madam' is subject to two interpretations. Part may be played by an intellectual type, or by an actor of unusual charm such as Cohan. Later preferred to withdraw, although the Playwrights sought to convince him that his characterization was a definitely acceptable performance. Immediately upon his return to the city after a two weeks try-out of 'Madam,' Cohan revised plans for the presentation of 'Musical Comedy Man,' which he set aside for 'Madam' and which is said to be biographical.

Cast of 'Madam' expressed disappointment over the postponement and asked Equity if there were any redress. It was pointed out, however, that the case is merely one where pictures have interfered with the stage.

Dramatists Guild meeting held recently at the Adelphi theatre, N. Y., was rather sparsely attended, but a proposal, which was soft-pedaled, may have important repercussions in the authors' organization. From the floor there came a suggestion that the associate membership might operate to better advantage if such writers had their own organization, rather than continue under the present setup. Associate members do not have the privilege of voting.

Owen Davis is said to have intervened with an observation that the proposal sounded like a good idea. Elmer Rice, the new head of the Guild, was unprepared for such a development during a session designed to better the craftsmanship of young authors. He tabbed the matter to the next meeting. Later, Davis was intimated that Davis, who was instrumental in the signing of the Guild agreement, was when they were at odds three years ago, might become leader of the lesser known playwrights, but such reports were discounted.

There is little doubt that the associate members are dissatisfied with the new agreement adopted by the Guild. They contend that the new, or amended, pact was supposedly designed to secure a good deal of backing for legit production, but with the film companies dissatisfied with the agreement there is slim prospect that such results will be achieved. Owen Davis, who claims that the Guild will get their claims produced because of this, was only one of the many playwrights—Warner—being active at present.

### Mrs. Nix Agreement

Second development was the refusal of the managers to okay the amended agreement. No action was taken Friday (1) when the League (Continued on page 52)

## PLAY TELECASTS APPEAR BACKED

Telecasting of stage plays from the Broadway boards appears to be indefinitely off, although prior to the season's start such broadcasts were anticipated and expected to have a valuable promotional stamp. Report on a new scale of pay for television work by actors, submitted to Equity last week, made no mention of legit telecasts.

If and when plays are televised from the stage the regulations and added pay will be determined by a three-way advisory board made up of people from Equity, Screen Actors Guild and American Federation of Radio Artists. Equity still stands a rule calling for a full week's pay for a single telecast, but such a prohibitory requirement will definitely be dropped.

If casts or portions thereof are used in television studios and required to rehearse along the lines of present telecasts, the rate of remuneration will probably exceed that to be established on a per hour basis. Artists, who are not in theatres and players are not required to devote any additional time, the rate likely to be the same as for radio under similar conditions. For latter, players receive one eighth of a week's additional pay.

Equity continues to retain jurisdiction of television as originally claimed. The sphere of legit is in the situation for at least six months. At the end of that period Equity will have to be determined by the other stage unions, or a means to divide jurisdiction with the other will be determined. Telecasts of plays from the NBC studio employ lighters almost exclusively.

Legit in 1939  
in forthcoming

## 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. Martins Pl.





## Literati

## Broun Set By N. Y. Post

Heywood Broun, whose "It Seems To Me" column has been one of the New York World-Telegram and other Scripps-Howard dailies for the past 20 years, will be leaving the paper to go to the New York Post. According to the columnist, a one-year voyage to Europe was delayed by the illness of his wife and publisher George Becker, who recently bought the sheet from the N.Y. Mirror. Broun has intimated for some time that his contract with the Telly would not be renewed. Differences of opinion between Broun and Roy Howard are said to account for the severance.

Broun's column has also been appearing in a number of papers outside the Scripps-Howard system, including the United Feature syndicate, an S-H subsid. Understood that the Post will syndicate the column in the future, although some other deal on this point may still be worked out. Later this month the column title will go with the switch as Broun has been using it since 1928, when he was with the former World, which was later to become the World-Telegram when the World-Tribune was merged into the paper in the six times weekly column. He will also contribute byline stories to the New York Herald Tribune and also for other current news events.

**'Country Lawyer' Film** By "Country Lawyer," by Bellamy Partridge, on which Paramount on Dec. 12 (2) took the option, has had distinction of heading national best-seller non-fiction list almost since the date of its publication last August. It's considered most important non-fiction film since the 1934 gangster story "Scarface" and Vincent Shearn's "Personal History" of some years back.

The book had been under consideration by Par for some weeks and was purchased by eastern story department. The deal was made in New York story rep, currently on Coast confabbing with company executives. Book contract for film rights around which Par figures on weaving a story.

**Connolly Quits Hearst Post** Effects of his recent illness, which had caused him to resign from his duties as general manager of the Hearst oratorical News, Connolly has caused him to quit the post. His successor is J. D. Gortawsky, former assistant who had joined the new general manager at a meeting of the board of directors of the Hearst Consolidated Publications in San Francisco.

Connolly, who had general management of the Hearst enterprises and concurrently presided of King Features, International News Service and International Photo Service, will actively resume that post.

**Bibbing Mike Halloran** Minneapolis newspaper, a gang going kick out of the picture, "Tidal Wave," which showed at the Minnesota theatre last week. One of the film's characters, Mike Halloran, is a newspaper political writer and he's referred to as "writing the news." The Mpls. Star-Journal actually ridiculed a writer, who was called Mike Halloran, a veteran, capable and respected newspaperman. On the same line, the Mpls. Star-Journal and plenty of telephone calls, but he took it all in good stead.

**Dallas Daily Sold** Karl Hottelbald has sold to J. M. Wynn, sons, Hottelbald Dallas Dispatch. Dallas's name change will be reflected in the Dallas Dispatch-Journal. Same management will be retained. Dallas Dispatch-Journal was formed some 15 months ago by merger of old Dallas Dispatch-Journal and the afternoon edition of the Dallas Morning News.

**New Masses Vs. Coughlin** Charges that an editorial in Father Coughlin's Social Justice magazine constituted "incitement to riot" were made to the Post Office department by the Department of Justice. Joseph North, editor of the New Masses, on Monday (4). Liberal sheet has recently been running a series of editorial pieces by John L. Spivak on the Detroit riots.

Editor of the lead editorial "Red Mud" in current Social Justice, to which North objects, read "Inaction for the sake of the Jews." Father Coughlin, we recall, took the cord of his garment and physically lashed the movie-changers out of the door of the sacred Temple in Jerusalem. Was

Christ prelate? Are we to be more 'Christian' than Christ? What then are we waiting for? Let's revolt! Let's go!

North declared that the editorial, which was published at a time said to be a "front" for Communists, is a "clear and unmistakable call to violence." He was charged with the duty of the N.Y. Times Group? Prevails. Reputed efforts to wear direction of the American Press Society away from the "front" of the Times group failed to materialize, with recommendation of Oliver Holden and O.D. Tamm, both of the Times, for the posts of executive director and treasurer, respectively. Renomination is held tantamount to reelection.

Charges of an anti-American Newspaper Guild attitude of Holden and Donaldson, together with N.Y. Times' bias against the A.N.G., are said to have resulted in dissatisfaction among a part of the membership.

Other A.P.S. nominees for 1940 are Robert A. Erwin, of the Washington Evening Star, for president; Paul J. Hirsch, of the New York Herald Tribune; Dorothy Thompson, special writer for the New York Times; and J. Edgar Miller, foreign news editor, Pittsburgh Press; Henry R. Luce, of the New York Times; Press Television, and Cary B. Wilmer, Jr., Atlanta Constitution, v.p.'s. Hirsch is the present pres. of the Society.

**Mull Fax. Edition of Mirror** Long favored by its editor, Jack Lait, as an exploitation idea, the N.Y. Mirror is to have run a Florida edition this winter.

Heretofore the Mirror New 300 dailies to Miami during the season.

## NEW PERIODICALS

**Hobby Parade**, mag for those with hobbies, to appear quarterly, published in New York by Albert O. Silverman, editor, with Fred S. Bakum, managing assistant. Editor, Fred Silverman, Long Beach, Calif. Press Television, and Cary B. Wilmer, Jr., Atlanta Constitution, v.p.'s. Hirsch is the present pres. of the Society.

## LITERATI OBITS

Frank Corbit, 59, advertising man and former newspaper editor and mag exec, died Nov. 24 in Brooklyn, N.Y. He was 59, and his death he was assistant sec. of Doremus & Co., advertising agency.

Charles B. Smith, 71, prominent publisher and literary critic, died Nov. 28 in New York City. An editor of the Encyclopedia Americana, he had been a former assistant managing editor on the old N.Y. Evening World, and had been in the Philadelphia North American and managing editor of the original N.Y. Herald Tribune. He had served on papers in Washington, Knoxville, Tenn., and Macon, Ga.

Robert Brainerd, 77, before writer, editor and publisher, died Nov. 30 at the Mt. Vernon, N.Y., home of his wife, Mrs. Brainerd. He was publisher of the Ring, fight mag, to which he had contributed pieces for the New York Herald Tribune for a number of New England papers, Phillips had contributed to the New York Herald Tribune for a number of years.

Ernest S. Bates, 60, author, critic and editor, died Nov. 28 in New York City. He had been a former assistant managing editor on the old N.Y. Evening World, and had been in the Philadelphia North American and managing editor of the original N.Y. Herald Tribune. He had served on papers in Washington, Knoxville, Tenn., and Macon, Ga.

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Chilton Co., New York publishers, died Dec. 1 in a Columbus hospital after complications following an operation. Surviving are widow, son, daughter and four grandchildren.

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## OBITUARIES

**MAX GRUBER**  
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of the major resort in St. Louis County, died Nov. 30 in St. Louis after a heart attack while driving.

Accompanied by his wife, Guyot suddenly became ill and collapsed. He was treated by a doctor at the residence.

**DELBERT S. WARD**  
Delbert S. Ward, 85, retired actor, who claimed to have played every line in the Shakespearean canon, died Nov. 30 in St. Louis at home of his only daughter, Mrs. Clarence N. Ferguson, of Coldwater, Mich. His widow, Emma, also survives.

**WILLIAM (BILLY) CLARK**  
William (Billy) Clark, an old-time blackface comic in vaude and with road talk, died Nov. 26 in Grand Rapids, Mich. He had toured with the Hammer and Fields Co. and was also once in an act billed as Armstrong and Clark.

A sister, Mrs. Edgar B. Delano, survives.

**Maurice V. H. Johnson, 61, vet**  
Ohio balloon operator, died Nov. 28 in a Columbus hospital. He had been a partner in the Glick Johnson Co., which operated N. Y. City's first balloon ride on the Lake for 22 years. Widow and daughter survive.

**Mela Maye Markov**, former leading lady for the old Barney Wolfe Stock company, Wichita, who had

**In Memory of**  
**JULES MASTBAUM**  
December 7, 1926

played with several other stock companies prior to going to California to live several years ago, died in San Jose last week.

**Mother, 70, of Maxie Rosenblum**, former light-heavyweight champion and more recently a film comedian and Hollywood actor, died Nov. 28 in the Bronx, N. Y., Nov. 30. Also surviving are her husband and five other children.

**Los Angeles, 23, with companion** with Gus Meyers, Connecticut Colnals, died Nov. 28 at WACC, Bridgeport, died of pneumonia Nov. 28 at New Haven hospital.

**John Perry Fielder, 72, pioneer** southern fair promoter, died Nov. 30 in his home in Spartanburg, S.C. He had been secretary of the Spartanburg Fair Association.

**John P. Gaskill, 52, cellist**, who played with orchestra in various Albany theatres for years, died Dec. 2 in the N. Y. state capital.

**Warren C. Ripley, 71, father of Fred Ripley, v.p. and general manager** of WSYR, Syracuse, died Nov. 28 at his home in Cleveland.

**Kate Hohenbagen, 72, mother of Carl Hohenbagen, CBS arch leader**, died Nov. 28 at her home in St. Louis. Louis hospital. Husband also survives.

**Max Kimble, 70, father of Al** Allen, assistant to vaude agent Ed Kimble, died Nov. 1 in Boston after a long illness.

**Della King Adams, 61, head** of Cecil B. DeMille research department, died Nov. 28 in Hollywood.

**Frank S. Franklin, 84, father of Clyde Franklin**, New York actor, died Nov. 28 in Newark, O.

**"LET ME FORGET"**  
**EDWARD LEROY RICE**  
Oscar, 61, actor, died Nov. 28 at his home in New York City. He was 61, and his death he was assistant sec. of Doremus & Co., advertising agency.

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## MARRIAGES

Betty Lou Reed, professionally known as Sonia Orloff, to Serge B. Y. Alt, in New York City. Both with Ball Russé de Monte Carlo.

Adrienne Parsons, former WOV script show entertainer, to Soren Munkhoff, WOV news department, in New York City. Both with Ball Russé de Monte Carlo.

Peggy Hunter to Stanley Blackburn, owner of Mainstreet theatre, in New York City. Both with Ball Russé de Monte Carlo.

Doris F. Schulman to Bernard L. Schubert, in New York City. He is also with Ball Russé de Monte Carlo.

June Woodworth to Gunther Lessing, in Las Vegas, Nev. Nov. 25. Both with Ball Russé de Monte Carlo.

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## Broadway

Low Cantor on from the Coast. O. H. Parody club becomes sea foodery.

Rosemary Lane flew back to Coast Saturday (2).

Pauline Newman nursing a bad cold and sinus attack.

Harry Blair has set up his own publicity agency.

Joe H. Briggs, president of the Coast tomorrow (Thursday).

'Tommy' Nick back in New York. Had a dance school in Evansville, Ind., for a spell.

Warner Club is having a Christmas party at the Warner Bros. studio, Brooklyn.

Mike Connolly, of the Screen Actors Guild eastern office, back from a month's stay in Miami.

O. H. Briggs, president of Pathe Films, to the Coast to finish negotiations for new law in Evansville, Ind. (Bill's 'G' '90s) becoming loss of two valuable scrapbooks, going only to himself.

Glover and LaMae, dancers, shift into the Beverly Hills Hotel, Dec. 7.

Harry Hartwell, tenor, reverting to his old name, David H. Brown, of Oppenheim, for concertizing.

John C. Gehagan (John C. Mohr Doves) is looking for a legit play, and has two in mind but nothing is set.

David Gould, Metro's manager in New York, recuperating from a cold, would go to the Coast to handle a doublet operation at French hospital.

Jack Ellis, who got hitched a couple of weeks ago, is stalling the honeymoon until later when he goes south.

Charles Rifkin, one of the Rifkin circus in Massachusetts, walks to nalar with Lee Adaskin, non-pro, non-actor.

Monie Prosser back to the Coast line tonight to operate the Warner-Cromber spot in the Winter Garden on Dec. 23.

Johnnie Birdwell planned out for New York for the Coast Monday (4) to handle the "Gone With the Wind" ballets.

James J. Van Dyke, actor and independent contractor, has been booked by the Coast for \$1,000 and is leaving for the Coast Dec. 7.

W. Ray Johnston, who flew to Phoenix, Ariz., last night (5), will probably spend the night here today on the Coast.

John's new restaurant, built and occupying two former brown-brown buildings, will be ready to open on Dec. 23.

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ment, has postponed production of any new shows until spring, when he expects to proceed with "The Old Sweet Song," new Saroyan play. Meanwhile the author has completed still another new one for him.

## 3 Bands, 30c.

Continued from page 1.

fold back roof for slarlight during the night.

Project is the idea of Richard M. Decker, now operating, who has been married in 1937.

the past four years. On claims he already has offers from several mid-western cities.

with assured financial backing. With a high rental cost of operation, the show, which, however, is not, etc., talent and other expenses, such a spot is more of a hit or miss proposition than most.

Under the combo-avette method it has to draw heavily in order to get off the nut. Door top is 60c, weekday evenings and 75c Saturday, Sunday and holidays.

There's a Saturday matinee show, 5c, 10c, 15c, 20c, 25c, 30c, 35c, 40c, 45c, 50c, 55c, 60c, 65c, 70c, 75c, 80c, 85c, 90c, 95c, 1.00, 1.05, 1.10, 1.15, 1.20, 1.25, 1.30, 1.35, 1.40, 1.45, 1.50, 1.55, 1.60, 1.65, 1.70, 1.75, 1.80, 1.85, 1.90, 1.95, 2.00, 2.05, 2.10, 2.15, 2.20, 2.25, 2.30, 2.35, 2.40, 2.45, 2.50, 2.55, 2.60, 2.65, 2.70, 2.75, 2.80, 2.85, 2.90, 2.95, 3.00, 3.05, 3.10, 3.15, 3.20, 3.25, 3.30, 3.35, 3.40, 3.45, 3.50, 3.55, 3.60, 3.65, 3.70, 3.75, 3.80, 3.85, 3.90, 3.95, 4.00, 4.05, 4.10, 4.15, 4.20, 4.25, 4.30, 4.35, 4.40, 4.45, 4.50, 4.55, 4.60, 4.65, 4.70, 4.75, 4.80, 4.85, 4.90, 4.95, 5.00, 5.05, 5.10, 5.15, 5.20, 5.25, 5.30, 5.35, 5.40, 5.45, 5.50, 5.55, 5.60, 5.65, 5.70, 5.75, 5.80, 5.85, 5.90, 5.95, 6.00, 6.05, 6.10, 6.15, 6.20, 6.25, 6.30, 6.35, 6.40, 6.45, 6.50, 6.55, 6.60, 6.65, 6.70, 6.75, 6.80, 6.85, 6.90, 6.95, 7.00, 7.05, 7.10, 7.15, 7.20, 7.25, 7.30, 7.35, 7.40, 7.45, 7.50, 7.55, 7.60, 7.65, 7.70, 7.75, 7.80, 7.85, 7.90, 7.95, 8.00, 8.05, 8.10, 8.15, 8.20, 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LOVELY SKIN IS IMPORTANT—TO WIN ROMANCE AND HOLD IT!

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**H**OLLYWOOD STARS use Lux Toilet Soap because its gentle **ACTIVE** lather does such a *thorough* job. It gives million-dollar complexions protection they need to help them stay soft and smooth.

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**OLIVIA DE HAVILLAND**  
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# THE NEW YORK TIMES

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## THE NEW YORK TIMES

### Claim 'Phone Surveys No Accurate Gauge on Ultra-Modern Radio Dive

Managers of dance bands and their booking offices are of the opinion that the ratings given swing combinations on commercials cannot constitute a true index to their listener popularity because of the way the system used by these program-checking organizations. They think that the only way that an account or agency can obtain a bona fide count on a swing band's listening power is by restricting the checkups strictly to coincidental phone calls, and to pass up the recall method entirely.

According to the managers and accountants, most of the sponsored swing units go on the air at an hour when the checkers have already ceased their coincidental phone calling for the evening and therefore have to depend on what they were told the next morning for an insight into last evening's late listening. Practically all those who answer the phone in the morning are housewives and unless they are of the young matronly element it isn't likely that they will recall that the late evening's listening had included a swing band or two, because the choice had undoubtedly been that of the young people in the family. Mothers, say the band reps, may readily recall the sweet style of a Guy Lombardo or Wayne King but the chances of her memory having been impressed by the hot licks of one of the latest jitterbug idols are very slim.

### Lunts Let Hollywood First Nitters Have It For Bargaining in Late

Los Angeles, Dec. 12.

Opening of "The Taming of the Shrew" at the Biltmore turned into "The Taming of the Luntz Family" from Hollywood, with Alfred Lunt and Lynn Fontanne wielding whips of sarcasm. Tardy aristocrats from the film colony were greeted with gentle chiding as they strutted down the aisles, while the protest of upstairs regulars ended in the chastising.

"Film players are people. Some of them observe the amenities of civilization and some insist on enjoying 24 hours a day. The muggers are left to stage players and generally delay the rise of the curtain until 9 o'clock, to give them time to be ruined by whispers as an ermine wrap muscles in and tramples over a row of buttons in the third row. In walks Miss Mink and Mrs. Emerald, accompanied by oh's and ah's, and the drama goes on with a flat tire."

"I, who popularized the dip in the parade days, whittling a dip at the expense of a late customer. John Barrymore has been bearing down on them in his Chicago show, and now come the Lunts, sprinkling (Continued on page 53)

### Payoff on Peace

New York bonifaces look to New Year's eve for a big killing this year, the first time they've spoken so optimistically of the situation in many a year.

The American psychology of being grateful that it's all happening over there seems to be interpreting itself already via advance reservations for the big night.

### Bankers' % Idea Anew for H'wood Stars; Economy

In an effort to uncover any reasonable new proposition, whereby production overhead in Hollywood may be reduced, Wall Street bankers presently are toying with the idea of urging production companies to realize their star and feature player salaries along percentage lines. The French idea of paying screen players on a percentage basis is being advanced most freely.

Another proposition taken out of the malthusian is that of having the player and the producer's plan provides that a player's income is largely spread over two years, thereby materially reducing the total amount he must pay the Government in taxes and surtaxes. Another strong feature of the percentage plan is that it would prevent the burning up of talent and eliminate the crowding of playdates on films having the same stars.

Further advantage to the screen player, as presently viewed, is that it would prolong his life in pictures. However, the outright percentage arrangement is being advanced as being a logical solution for both the player and the producer. This idea has been advanced before but never viewed with much favor.

### NEW STRAUS OPERETTAS

Celebrating French Citizenship with One Dedicated to Allies

Paris, Dec. 12.

Oscar Straus is planning an operetta with a military theme to be dedicated to the Allies in celebration of his recently acquired French citizenship.

He is writing some new songs for Allied soldiers to sing, has a recently written operetta with a military theme opening soon in Zurich and another debuting shortly in Bordeaux.

### FANCY FEES FOR GIBB GABBERS

Interest in World Events Catapults Platform Performers Into Their Top Season — Mrs. Longworth at \$1,200 a Talk — Eve Curie's \$1,000 — Dorothy Thompson Refuses \$3,000, Too Busy

### RADIO CAUSED IT

By HERB GOLDEN

Serious trend of world events during the past few years, pointed up by radio commentators, has catapulted the platform lecture industry in the United States to boom proportions. Shown into the limelight by the radio are such insightful orators as former First Lord of the British Admiralty Alfred Duff Cooper, military expert George Fielding Eliot, and such expatriate names as Archduke Felix of Austria and William Patrick Hill, nephew of Herr Adolph. (Both of the latter are anti-Nazi in their speech.)

With the business this season in its biggest boom since pre-war days, Dorothy Thompson is causing many a new to tear their hair. In far greater demand for rostrum appearances (Continued on page 55)

### Equity in Move To Investigate 4 A's, Its Parent Union

Equity has moved to investigate its parent union, the Associated Actors & Artists of America. While the purpose of the action isn't disclosed, Philip Loeb, chairman of the probe committee, has informed Four A's officials that Equity desires to study the revisions in the Four A's financial setup, particularly in regard to Equity's relations with its parent organization.

Matter may come to a head at the meeting this afternoon (Wednesday) of the Four A's international board, on which Loeb is an Equity representative. Expected that as chairman (Continued on page 53)

### Harry Carey and Kids' Act

Hollywood, Dec. 12.

Harry Carey has the road in two weeks with his son Dabney, 17, and his daughter Cappy, 15, in a stage skit written by himself.

Four opens in Dallas, Texas, and carries through the south, midwest and east.

### Griffith-Lillian Gish Cavalcade Film, By and With Them In It

### 50 Years Off

Philadelphia, Dec. 12.

Gilbert Seides, chief of television for CBS, speaking at the fifth annual Variety Club banquet here Sunday (10), said television would never replace pictures as they are different entertainment media.

"About the same time that they'll be making pictures in New York," was the remark of former Gotham Mayor James J. Walker, who acted as toastmaster.

### Radio and Band Names in Putsch For Fair Dates

Chicago, Dec. 12.

Standard agencies, handling radio, variety and orchestra talent, made their biggest push into the fair and outdoors field last week, putting on a terrific drive for business and bookings at the annual convention of Fairs and Expositions here. Such offices as Music Corp. of America, William Morris, General Amusement and Consolidated Radio Artists had setups at the Sherman Hotel to show their wares and were getting in fair secretaries to get them to sign for radio, orchestra and vaude talent for their grandstand shows instead of the traditional circus and outdoor attractions.

Fair secretaries were not unresponsive, manifesting a decided leaning toward the more publicized, nationally-known variety talent as a replacement for the rather nameless circus acts with their strict emphasis on acrobatics as entertainment.

MCA and the Morris agency made considerable progress in snagging (Continued on page 53)

### BERGEN IN THE COIN

Options Have Mink's Representative's Salary to Ventriloquist's

Hollywood, Dec. 12.

Edgar Bergen's new option with J. Walter Thompson for the Chase & Sanborn program will net him around \$6,000 a week even though the java show will have its running time cut in half starting Jan. 7. Understood another boost in 1941 will put him in the top cow bracket with Jack Benny.

Bergen will do his customary two spots with Charlie McCrithy on the new half hour set-up.

Screenplay which will be a combination history of the motion picture industry and a biography of David Wark Griffith is being written by Lillian Gish and Griffith. Miss Gish declares that the director and producer, now 69, will appear in the film, and that she may take a role in it also.

Arrangements for production have not been completed yet, according to Miss Gish, but it is possible that she and Griffith will be co-producers. Distribution for the picture, to be called "Silver Glory," hasn't been decided.

Work on the screenplay is about half completed. It was interrupted when Miss Gish came east about a month ago in connection with the engagement of her sister, Dorothy, for "Mornings at Seven," legitaire currently on Broadway. Writing will be continued when Miss Gish returns to the Coast shortly. Myron Brining, pro scribbler, is aiding Miss Gish and Griffith on the technical end.

The former screenplay declared that the history of the industry, as unveiled by the activity of Griffith, will be handled in a much more serious vein than 20th Century-Fox employed in the recently-released "Hollywood Cavalcade." She said it will start back with Griffith in his youth in Kentucky, carrying him through his first job as a mail-room helper on his brother's newspaper, his work as a reporter on the Louisville Courier-Journal, and then his introduction to stock, by which path (Continued on page 14)

### Paul Whiteman Orch With Rooney-Garland For M-G Filmusical

A Metro filmusical is in the brewing whereby Paul Whiteman and his orchestra join Mickey Rooney and Judy Garland as co-stars. Abe Lastfogel (William Morris agency) has been handling the preliminaries. Whiteman would take his entire crew to the Coast including Joe Edwards and Bob Hannon, latter a new man succeeding Clark Dennis.

The maestro's last major film work was "The King of Jazz," a pioneer sound picture a decade or so ago for Universal.

Warner Bros. has set Whiteman for four weeks in Hollywood starting Feb. 5 in combination with "The Fighting 69th," figuring on the two to offset "Lent." The booking is presently with an eye to beat the Easter imports, counting on a full month of box office and picture.

Whiteman is set for other vaude-filmers right after Jan. 7 following the bond days. Feb. 10 drops Whiteman's completion of its last Metro Yorker, N. Y. engagement. Bob Crosby succeeds at the Hiitz hostelry.

# 'Messy' Universal Pictures Labor Case Comes Up Before the House In Probe of the Wagner Act-NLRB

Washington, Dec. 12. Airing of strange procedure in Hollywood labor problems is on the schedule for the House of Representatives probe into enforcement of the Wagner Act and Operations of the National Labor Relations Board.

Initial mention of film matters came Monday (11), without detailed explanation, when the Congressional investigators led by Representative Howard Smith of Virginia received a memorandum from NLRB files terminating the "Universal Pictures case" as a "messy" affair, and "under unhealthy conditions." The office communication was authored by Dr. William E. Leiserson, newspaper editor who took the seat formerly held by Donald Wakefield Smith, a one-time counsel for American Society of Composers, Authors and Publishers.

Just what Leiserson referred to—even what case he had in mind—remained obscure as the New Deal choice to stripshout out the NLRB muddle opened a series of star witness and chief complainant. Attachments of the board proposed to lack knowledge of the industry, and they ever saw the memorandum dealing with irregularities in administrative procedure.

"U. Case Smelled" "I have nothing to add to my memorandum of July 26 except to say I agree with what was said at the conference Wednesday afternoon that the Universal Pictures case smelled like a rat. I have written board chairman J. Warren Madden on July 26.

The reference could be to several matters, but there was no way of knowing since the interrogation did not get around to this document. The case was settled by committee sleuths. It was noted that Leiserson did not join the NLRB suit nearly a year after the biggest film case, that involving petition of Screen Writers Guild for recognition by major studios, was settled. No single case against Universal could be recalled, while NLRB spokesman said he would search the records to discover all possible instances which could have been meant.

With the Smith Committee due to sit for 10 days, it is expected various film labor matters will receive attention. For all files of the Los Angeles regional office, containing numerous complaints from studio unions, have been subpoenaed by undercover men who also have been digging for months into NLRB hearing records. Hearings on the West Coast later in the winter have been tentatively scheduled, and more exhaustive discussion of producers' difficulties under the Wagner Act is due then.

## POMMER TO COAST TO START HIS 1ST RKO

Erich Pommer, who has been in New York for nearly a month looking over scripts and making plans for the Coast over the weekend to start the first production on his contract with RKO.

Pommer and Charles Laughton, who are in partnership in Mayflower Productions, their new organization in England, signed separate producing and player pacts with RKO several weeks ago.

## Metro New-Deals Borzage

Hollywood, Dec. 12. Metro gave Frank Borzage a new director contract. He takes a vacation before his next assignment.

## H'wood's Chest Contrib

Hollywood, Dec. 12. Motion picture division of Community Chest campaign, headed by Harry M. Warner, has turned in contributions of \$100,000 to the drive. Further subscriptions will be turned over to the Chest as fast as they are collected.

## KENT, WOBBER REVIEW 20TH SELLING PLANS

Hollywood, Dec. 12. Sidney Kent, Herman Wobber, Sydney Towell, treasurer, and Charles E. McCarthy arrived at the 20th-Fox studio Monday (11) for confab with Darryl Zanuck on other exacts on forthcoming productions; roadshow plans for "The Blue Bird"; and releasing arrangements for "Grapes of Wrath" and "Little Old New York."

Next season's product won't be ready until the next session after the first of the year.

## ZaSu Pitts Brings Up Another Knotty Tax Problem for U.S. Court

Washington, Dec. 12. Another legal headache involving technique used by film couples to simplify their marital and monetary problems is on the docket of the U. S. Supreme Court. Review of rulings by the Treasury and the Tax Appeals was requested by ZaSu Pitts (Woodall) in latest move to do away with deficiency assessments totalling \$15,000.

Correctness of rulings by the Ninth Circuit court was questioned by the comedienne, whose trouble with the Service was caused by Thomas S. Gentry, Los Angeles sports promoter to whom she was married. The case, which is presented in appeal of Corinne Griffith, who is now in California, community property law.

In the latest plea of film colony litigation, the highest court is asked to rule whether an oral agreement to split earnings can supersede a written pact under which each member of the family is given full right to his own earnings. Mrs. Woodall signed a property settlement in 1932, anticipating her divorce, providing that separate income would be shared equally. But later they agreed to put all earnings into the same pot even though they were waiting for the decree to become final. Held that since she and her ex-husband were living apart, the money could not be lumped.

Throwing out the individual returns in which combined earnings were divided, the Internal Revenue Bureau demanded the actress pay an additional \$15,151 for 1932 and \$8,864 for that part of 1933 before the divorce became final.

In arguing that the Government's construction of the law was wrong, counsel for the actress said much of her income was used to pay Gentry's expenses, while the bulk of money in enterprises he promoted.

## Sturges' Par Deal

Hollywood, Dec. 12. Preston Sturges bowed as a Paramount writer-producer in "Down Went McGinty" hit camera yesterday (Monday).

Film also brings out Brian Donlevy as a star.

## Laemmle Estate Sued

Los Angeles, Dec. 12. Claim of \$214,000, based on six promissory notes, was filed against the Carl Laemmle Estate by the Bank of America. Estate's executor has approved the suit. The bank is secured by 19 U. S. Treasury bonds with a face value of \$200,000. The estate's claim is based on a mission to sell 450 shares of common stock in five corporations at the current market price, about \$200,000.

# Kennedy Sees 85% Coin Withdrawal From England Under New Agreement

## Metro's 'Florian' Film Keeps Baronova in U. S.

Irina Baronova, premiere ballerina of Col. de Basil's Ballet Russe, is not coming to the U. S. under the new agreement. Metro's "Florian" is currently working in Metro's "Florian" on the basis of a trade agreement with other members of the ballet last week. It has previously been figured she'd finish the film in time to go with the others.

Now planning to stay in the U. S. after "Florian" is wound up, Mrs. Baronova is understood to have received overtures to join the Ballet Russe de Monte Carlo if she doesn't do any other pictures. She was with the Monte Carlo troupe after the de Basil outfit split off from it. "Florian" is her first career effort.

## Heavy Selling Campaign In U. S., Par's Answer To Foreign Shrinkage

Hollywood, Dec. 12. Heavy selling campaign in the U. S. to offset the shrinkage of world picture markets was approved by Paramount biggies at a meeting attended by Barney Balaban, Stanton Griffis, John Hicks, Jr., Russell Holman, Frank Freeman and William Le Baron.

"Experience has taught us," Balaban said, "that newspaper and magazine advertising, in connection with in-theater advertising, brings the biggest returns, both for the studio and for our exhibitors. This is particularly true of the new advertising policy of coordinating advertising and distribution. Under this policy the showing of our pictures is offset by the advance of general release enables us to judge our product and intensify advertising behind each picture for boxoffice results."

Paramount prez also checked and approved plans under way for construction of the new studio in west Los Angeles.

## L. A. T. O. N. Y.

Barney Balaban. Mickey Blank. Nate Blumberg. Jack Cobb. Claudette Colbert. J. Cheever Bowdin. B. V. Durling. Harry Edington. David Fletcher. Corry Field. Barney Gerard. Stanton Griffis. Edith Head. John W. Hicks, Jr. Jack Hively. Russell Hovde. Charles Leonard. Fred Meyers. Jimmy Mott. James Roosevelt. James Saphier. Orson Welles.

## N. Y. to L. A.

Laurence Baleson. Harry D. Buckley. Pat Casey. E. W. Durling. Paul Gratz. Edmund Granger. Louis Harbo. George Harbo. Joe Johnson. Sol Leiser. Fred Pelton. Erich Pommer. Jean Rogers. Frank Swann. Norbert Fox. Danny Winkler.

## SAILINGS

Dec. 14 ('New York to Genoa') Al Miranda, Alexander Korda, Basil De Sille. Dec. 6 ('Los Angeles to Sydney') Tamara Tounanova, Taliana Barchinskaya, Paul Petroff, David Luchinsky, Natscha Sobinova, Alexandra Denisova, Ludmila Lova. Grand Andahay, Boris Belsky. Antal Dorati, Alberto Alonso, Viloslav, Serge Imsaloff, Tania Orlov, Igor Schezoff, Max Goberman (Mariposa).

Removal from England by American film companies of as high as 85% of their current income is seen as the basis of the new agreement. Metro's "Florian" is currently working in Metro's "Florian" on the basis of a trade agreement with other members of the ballet last week. It has previously been figured she'd finish the film in time to go with the others.

Now planning to stay in the U. S. after "Florian" is wound up, Mrs. Baronova is understood to have received overtures to join the Ballet Russe de Monte Carlo if she doesn't do any other pictures. She was with the Monte Carlo troupe after the de Basil outfit split off from it. "Florian" is her first career effort.

Speaking of the quota provisions, Kennedy said that definitely be no change for six months. (B. of T.'s recent ruling declared no change to be made, at all, until April 1). A relaxation is possible after that, he declared, but it will depend on how high the quota goes at that time. He said it is not at all impossible that American film companies will be able to turn out more product in Britain despite the war as the English government, he added, is doing everything it can to get on with the necessary manpower from the army and provide other facilities for production. He pointed out that several English companies now working are not experiencing too much difficulty in the operation of running the war becomes more routine, film production will be still easier.

## Hays Greets Kennedy

The ambassador was met at the trans-Atlantic seaplane base in Washington, D. C., by Will Hays and a delegation from the Motion Picture Producers and Distributors Association. He is a former film exec and has been active from the start of hostilities in attempts to restore order in the distribution and distribution in England.

Kennedy said he would return from England in the near future. He is done and, inasmuch as he has a deep interest in films, it is not constructed there, it's viewed as good as being taken into the industry. He was vague about future plans, however, saying that he might be tempted back into the industry. He was vague about future plans, however, saying that he might be tempted back into the industry.

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## Costs Paid Viewed As OK

While the \$17,000,000, maximum amount the seven U. S. major companies can expect to take out of Great Britain this year starting last October, is considerably short of the full amount realized from distribution there, it's viewed as good as being expected considering the war problem. Also, it's an improvement over the 20% allowance in the past, allowing only 20% net withdrawal.

The \$17,000,000 maximum amount remaining frozen in England may be used for various purposes, including film production, it is understood by the British department executives in N. Y. The British government may make rulings, however, that the money be made for the benefit of the industry.

It is entirely possible that part of the money be loaned to various American majors, with official government aid, may be used to finance production in Great Britain. This angle is held responsible for revival of talk that 20th-Fox or Paramount might resume negotiations to obtain control of Gaumont-British, which has extensive holdings in England.

## Rep. Monn Calls Deals

Although not definitely set, it is probable that both Republic and Monogram, the two independent distributing companies not included in the stipulation of the British government on frozen movie income, will be able to get some of their average take from Great Britain over the last three years. The agreement in Great Britain by Pathe Pictures, Ltd., while Republic has British Lion, as its representative.

## ARRIVAL

Robert T. Kane.

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# Neely or Not, Single Pic Deals

## On the Upbeat in Twin Cities

Minneapolis, Dec. 12. Major distributors here are apparently getting further and further away from blockbooking, even without Neely bill passage. Never before has there been so much offering of individual pictures for sale. Independent neighborhood exhibitors in the Twin Cities are going out to see "Mr. Smith Goes to Washington" and "Gulliver's Travels" singly; and while top prices are being asked, the deals nevertheless are being favorably received by the trade.

General feeling among the indies is that they can afford to pay considerably more for outstanding films, and are better off doing it, if they don't have to get the whole deal in order to get the pictures in question. Price set by Columbia for "Smith" is \$100,000 for the complete run in the Twin Cities. The exhibitor must pay a sum equivalent to the largest amount that the next expense-free release of any company has carried.

The arguments of Harry Brandt, president of ITCO of New York against the Neely bill at the recent conference in Chicago failed to make much impression on W. W. Cullen, president of Northwest Allied, and three other officials of the organization who attended the meeting.

With Northwest Allied already "strongly" on record in the bill's favor, there will be further action by the body at this time, Steffes believes.

### Ne Like 'Wind' Terms

Charging that Metro is attempting to "dictate" how they should market their pictures, independent exhibitors are protesting the rising prices and their rate of return, and also trying to impose a 40 per cent percentage on the Twin City independent exhibitors. Metro of Northern Illinois has gone on record to refuse to buy "Gone With the Wind." Called to the president of the exhibitors to take a stand, they declared themselves "unilaterally" opposed to Metro's announced "dictation" conditions. A resolution unanimously adopted stated that "We, individually, will refuse to play this or any other picture, sold on similar terms and conditions."

Independents reaffirmed a stand to make no further exception, after this season, of Metro in the line of four 40 per cent pictures on the regular contracts, but to buy product flat, the same as that of every other company or not at all.

In their discussion, the indies contended that "the new development" may be an ultimatum from the distributors that return on their investments should be limited to 45 and that high percentage pictures would be the rule rather than the exception. Metro of Northern Illinois "Gone With the Wind" demand.

Steffes asserted that he would call for membership joining after Jan. 1 to join the Twin City section in its stand.

### One of Brandt's Group Buys WB Independently

In the midst of an attack upon Warner sales policies by Harry Brandt, president of the Independent Film Owners Assn. of New York, the Kaybern circuit has broken away from Brandt and closed a deal with ITCO for the 1939 season.

Brandt, through ITCO, buying power, has been handling the purchasing of this circuit up to now. The Kaybern chain, headed by Ben Knobbe and Joe Katsh, took the entire, shorts and feature films, are Eagle, Park Lane, Schuyler, DeWitt, all in New York. Liberty, Poughkeepsie, and the Embassy, Mt. Vernon, N. Y.

Ed Schnitzer, eastern district manager for Warner Bros., negotiated the deal with Katsh.

Brandt broke down against Warner, taking a strong stab at Grad Sears, "company's" policies for "39-40 seasonally, and the forthcoming Sears sales drive, to begin Dec. 25, is, in his

(Continued on page 18)

### Guilds and Neely

Hollywood, Dec. 12. Eddie Mannix, Metro studio chief, conferred today (Tuesday) with heads of the three talent Guilds on the necessity of their cooperation in the producers' fight against the Neely bill. Harry Brandt, prez of Independent Theatre Owners of New York, who is visiting here, explained the Neely setup to the

Among those present were Frank Capra, rapping Screen Directors Guild; Kenneth Thomson, Screen Actors Guild; Ralph Block, Screen Writers Guild. A meeting of union will be worked out, it was said, for a united front to block passage of the Neely measure at the next session of Congress.

## RELEASE BIOFF; EXTRADITION STALLS

Los Angeles, Dec. 12.

The writ of habeas corpus on Willie Bioff, wanted by the Illinois state attorney, in an extradition hearing, was dismissed today (Tuesday) here by Judge Wilbur Curtis. The writ of habeas corpus was granted on Springfield, Ill., the local court freed the film labor leader. He has been out on \$10,000 bail since his arrest Nov. 23.

Former Illinois state senator Abe Marovitz, Chicago counsel for Bioff, came here to represent him. Judge Curtis ruled that, not having been served with the necessary papers by the State of Illinois, he must release the film labor leader.

Judge Curtis observed it evidences that the Illinois authorities are not interested in extraditing Bioff, as was first presumed.

### Stalling Bioff's Extradition

Chicago, Dec. 12. State Senator Abe Marovitz, attorney for Willie Bioff in his fight to serve the remainder of his six months' prison sentence on a pandering conviction, is due back here this week after a lightning trip to Los Angeles to huddle with his client. The reported purpose of his Coast trip was to arrange for the necessary authorities to refuse extradition.

Before going to Hollywood, Marovitz met Governor Joseph W. Carter of Illinois for a hearing on the Bioff matter before he signed the writ of habeas corpus. Marovitz is requesting the return of the film representative to serve the balance of his prison term. It was at first understood the State's attorney's office feels that this hearing, set for Dec. 15, will be later turned to now, but Bioff never was returned to prison to serve the balance of his sentence. Marovitz has been vying to get him avoided going back to jail.

### Stoll Prez of W. E.

Clarence G. Stoll was elected president of Western Electric at yesterday's (Tuesday) meeting of the board of directors, succeeding Edgar S. Bloom, who retires Dec. 31. Stoll has been v.p. in charge of operations since 1928 and has, with W.E. for 35 years.

## Small's Prod. Curtailment Keynotes

### UA Unit Roster; Expect Fewer Films Than Promised Due to Conditions

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### Schenck's Coast Visit

Hollywood, Dec. 12. Nicholas M. Schenck arrived here for "Gone with the Wind" press preview tonight (Tuesday). Studio confabs are also scheduled before he returns east.

## J. ROOSEVELT'S PREZ TITLE; SOLD SOON

Hollywood, Dec. 12.

James Roosevelt was elected president of Samuel Goldwyn Studios, Inc., in addition to his current job as v.p. of Samuel Goldwyn Productions, Inc. His option has been lifted for one year.

Roosevelt refused to comment on the report that he intends to become an indie producer, but Goldwyn is known to be negotiating to bring two more production units into the picture. He is said to be one of these units will be Roosevelt's.

Elliott Roosevelt is not interested in films, but merely came in on an endeavor to get the Warner Bros. station to affiliate with his network.

The Goldwyn Studios operating company handles studio rentals strictly and has nothing to do with production. He's due in New York next week and will probably announce his new production affiliations then.

### HAWKS' HEMINGWAY YARN FOR INDIE PIC

Howard Hawks planned last night (Tuesday) for Florida, where he'll huddle with Ernest Hemingway about an original screen story the latter has tentatively agreed to do. It's an indie venture by Hawks.

During his week's stay in New York the director had several story confabs with Ben Hecht. No contracts were signed on the latter's part and Hawks stated that the picture might or might not be made in the east, where Hecht and George Jessel are planning a film producing setup.

Hawks has no future commitments at present, but hopes to get something underway after the holidays, with the radio and related work to be decided later. He'll plane to the east, where Hecht and George Jessel are planning a film producing setup.

### Hays Meeting to Appraise Foreign Film Situation

December quarterly meeting of the Hays office directorate is scheduled for next Wed. (22). It will be the first time directors of the Motion Picture Producers & Distributors Assn. and a chance to give a appraisal of the foreign situation since Great Britain decided to freeze 50 per cent of films collected and sent by distributors on the British Isles. Uncertainty's terms are regarded as "good" and can be expected under the circumstances.

Will Hays, head of MPDPA, arrived from the Coast the middle of last week.

### BOTH HOLDS POWER

Hollywood, Dec. 12. "Tyronne Power was handed a two three-year contract by 20th-Fox. His current picture is "Dance With the Devil."

Commitment by Edward Small to do six films for United Artists released in 1939-40 calendar year will not be carried out, it was said this week, a condition which seems likely to prevail also with other UA producers. At least one and perhaps two films on the Small schedule will be carried over to 1940-41. Producer hasn't delivered any films for the current season as yet.

Studio is now at work on "My Son," which will be completed shortly. It is also shooting "Kit Carson," with "Son of Monte Cristo" to follow in January or February. Stories haven't even been selected beyond that, and it is held unlikely that more than one or two additional films will be turned out.

Small income due to the war in Europe is said by the Small office in New York to be responsible for the cut in promised quantity. With financing, under the independent producer setup of UA, made difficult when domestic income can't be guaranteed to cover costs, slash is the only thing possible except for the indies of the industry.

Unless conditions in Europe change, prospect of other UA producers following Small in whittling down their promised turnover seems very likely. A number of them are considerably behind schedule and unless there's a sudden spurt in early spring 1940, they won't put him in a position to fulfill commitments. Seem likely that the total UA output will come in at about 10 per cent less than the 39 promised from 11 producers. Latter figures include four Lasker-Loeb pictures, made under the Hal Roostor banner.

### How They Line Up

In almost equally behind-schedule state as Alexander Korda's "Scott" with five promised and only one delivered, "Lion Has Wings." He's about to start another feature in the English fleet, however, and "Thief of Bagdad" will be completed in two months, which won't put him in a condition considering difficulties of working abroad. Sol Lesser-Ernest Lubitch unit have promised three and only start work on "Our Town" (Continued on page 14)

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## C. J. Ryan, Jr., LaGuardia's Film Aide, Establishes H. Q. in Radio City

editorial last week, pointed out that the old Black Diamond studios were located at Forty Fort, a suburb. As early as 1896 Lyman H. Lowe, Wilkes-Barre theatrical man, was

The Record observes, 'What Wilkes-Barre did before in the film

# BAN ON STOCK

## Hollywood Scabbed Miffed at Actors For Ducking Their Yarns on Guild Show

Hollywood, Dec. 12. Film writers are mildly miffed over the treatment of their past pain inflicted by big name actors making radio appearances for Guild-Screen Guild series. Writers were originally solicited for originals, to be developed for radio by advertising agency scribes. Of late film writers have been given a discreet go-by. They make no bones about where the blame lies. It's the picture stars who have become fussy about what literary company they travel with.

Recently when Robert Montgomery drew a bid from the Guild he chose Noel Coward's "We Were Dancing" as his vehicle. Later Helen Boyce drew a bid with an Arthur Wing Pinero piece, Gertrude Lawrence and Herbert Marshall decided on Samson Raphaelson's "Accent on Youth," and Charles Laughton demanded "The Beachcomber," more to get a plug for a recent film release. Norma Shearer is due to revive "Smilin' Through" on the Dec. 17 broadcast.

Originals from studio scribes have been frowned on by the same players. They contend that since the Guild broadcast free grants they at least should be accorded the privilege of picking their own plays. Although Young & Rubicam story buyers say that the discrimination against studio contributions would add up to important expense, they are trying to squelch the practice. Too many headaches in reaching the author for clearance and the thing is spreading. The recent Tallulah Bankhead publicity about "these gals' smear" did not help matters.

Studio writers like the idea of permitting producers to take credit and also the possibility that it might be developed into a film. Many writers are at least a dozen ideas for a play that never sees daylight. It's not then a total loss when it's performed on the air even in non-commercial venture.

## SAG CONFORMS TO THURMAN RULING

Also Throws Into Discard Its Policy Requiring Producers to Issue Standby Checks to Extras Where Waivers Issued by Guild

### DUMMIES OKAYED

Hollywood, Dec. 12. Ban on the use of stock shots in film production is being lifted by the Screen Actors Guild. Actors are setting the pace for other Hollywood unions and guilds in revamping operating policies to conform with five-point ruling of Thurman B. Arnold, special assistant U. S. attorney general on violations of Sherman anti-trust law by labor unions.

Majority of proposed changes are based on Arnold's statement that it is unlawful for labor unions to attempt to force an employer to pay for or use more labor than he needs. Government's No. 1 trust-buster indicated that labor tops could be prosecuted for conspiracy to violate anti-trust laws.

Another important SAG rule to go into the discard required film companies to issue standby checks to extras in certain cases where waivers are issued by the Guild. This applied particularly where waivers were granted for use of football teams and other specialty actors.

### Can Use Dummies

The actors are also dropping demands that companies use live talent instead of dummies in war scenes, etc. The SAG has already dropped its protest on use of dummies by Selznick-International in Atlanta battle scenes for "Gone With the Wind." Actors had named extras were entitled to standby checks for each dummy used and had filed claim with Producer-SAG standing committee.

(Continued on page 22)

## Atlas (Odium) Submits New RKO Underwriting Plan—\$3 Per Share, A Cut of \$1 Since Aug 3; the War!

### Carroll Pic Stalled

Hollywood, Dec. 12. Paramount postponed shooting of "A Night at Earl Carroll's" for two months. Carroll is busy organizing two new stage shows for Christmas opening, which activities would interfere with filming.

## Allan Jones' 3-Month Concert Tour, Then Back To Par for 2 Musicals

Allan Jones, currently at the Paramount, N. Y., in connection with the showing of "The Great Victor Herbert," will make a three-month concert tour opening Jan. 9 in Montgomery, Ala., and calling for three dates a week. When he winds up his present engagement next Tuesday (19) he'll plane to the Coast with Irene Hervey (Mrs. Jones) to spend Christmas with their children. He goes to the Chicago theatre, Chicago, for personal with "Herbert" beginning Dec. 29.

After his concert tour, which is being handled by Charles L. Wagner, the singer is set for "The Court of Luxembourg," slated to start April 1. He's committed for two pictures a year with Paramount. The second for 1940 will probably be a modern musical, which is being written for Jones and Mary Martin.

Miss Hervey has a two-pictures-a-year deal with Universal, but has no assignment at present, so she'll accompany Jones on his tour until the studio schedules a production for her.

The Atlas Corp., proponents of the RKO plan of reorganization, yesterday (Tues.) submitted an underwriting agreement on the new RKO common for the purpose of giving the company additional working capital. The agreement, approved by the majority of the board of RKO yesterday, calls for the company to issue 500,000 shares of full paid, non-assessable common stock at \$3 a share to the holders of unsecured allowed claims and to Rockefeller Center, Inc. This is a reduction of \$1 a share from the agreement of \$4, made in 1939, which allowed to expire.

The new agreement provides that no holder of unsecured allowed claims is entitled to subscribe for fractional shares, and those shares not subscribed to will be sold to Atlas at \$3 a share. The offer by RKO of this stock must be made before Dec. 31, and must be picked up by 30 days after the offer is made.

Atlas also listed its compensation, which is in two parts, and provides for a sum equal to 1-3c for each common share offered for each day the offer is in existence. This amounts to \$1.750 daily.

Atlas will also receive 25c a share on each, unsecured share of stock, making the amount they have to pay on those shares not subscribed to \$2.75.

### Sleeper Clause

A sleeper in the agreement declares that if the U. S. Supreme Court, in its decision on the appeal before it (which refers to the appeals taken by stock and bondholders), should decide that the plan, if Atlas should so desire, is a delusion. (Continued on page 55)

## Sorrell's Plan To Insure 42 Wks. Work Yearly

Hollywood, Dec. 12. Herbert Sorrell, business representative of Motion Picture Painters Local 44, has submitted a plan to Joseph M. Schenck which would call for producers to guarantee workers 42 weeks employment a year. The occasional workers would receive 10% above the scale. Sorrell asked that the producers appoint a committee composed of Pat Casey, Charles Boren and Fred Myers to study the proposal. Schenck promised his full cooperation.

Sorrell meets with producers this week to discuss his demands for 15% pay increase for the painters.

Society of Motion Picture Art Directors has submitted demands to producers calling for a closed shop, improved working conditions and pay increases for art directors. The art directors also are seeking unification of screen credits. But one of the major studios has given the art directors screen credit, and some of them listing both the director and his associates.

The Screen Cartoonists' Guild is now an affiliate of the Brotherhood of Painters, Decorators and Paperhangers of America. New charter to the Guild was installed by Ray Gelstein, international organizer.

### WEBB'S MONO RIDERS

Hollywood, Dec. 12. Monogram signed Harry Webb to handle production of a new series of Jack Randall sagbrushers.

For 34 years Variety has served show business as the leading medium of its news and advertising.

Outstanding figures in whatever field of endeavor — as artist, manager, or agent — have gained and held their prominence first through talent and ability; second, by exploiting themselves to their professional associates.

Competition demands greater showmanship today than ever before.

Advertising forms closing soon for

VARIETY'S

34th Anniversary Issue

USUAL ADVERTISING RATES PREVAIL

Advertising copy may be sent to any Variety office

NEW YORK 154 West 46th St. HOLLYWOOD 1708 N. Vine St. CHICAGO 51 W. Randolph St. LONDON 8 St. Martin's Pl.

## Stirn Takes His RKO Reorg Beef To U.S. Sup. Ct.

Washington, Dec. 12. More of the latest RKO reorganization affairs were laid before the U. S. Supreme Court Monday (11) when Ernest W. Stirn of Milwaukee asked a review of his continued litigation with Atlas Corp. It's all part of a long-raging feud which has resulted in numerous intricate moves in state and Federal courts.

Stirn describes himself as a Class B stockholder and a challenger of the legality of reorganization moves under which such securities were reduced in value and reclassified. Squawked that Atlas, which had no legal standing at the outset of the RKO financial house-cleaning, did not recognize the A paper.

Claim was made that after amendments to the certificate of incorporation "purportedly adopted" Dec. 14, 1931, were improper because less than 100% of all A investors voted. These amendments scaled down the securities. In the brief, the Supreme Court is told that Stirn bought certificates for 1,224 shares at \$3.590 between April, 1930, and September, 1931, but experienced great difficulty in having the actual securities transferred to his account.

Raising questions about both the Maryland corporate statutes and Federal bankruptcy laws, the Milwaukee investor asked the court to decide the Second Circuit Court of Appeals in one phase of his legal feud with Atlas. The case involves both state and national court decisions. Wants the highest tribunal to state among other things, whether lower courts erred in failing to limit the claims of Atlas and Rockefeller Center, Inc., against the film company.















# 1940's SENSATION OF SENSATIONS!...

Showmanship's most daring dreams come true in the picture too tremendous to believe until you see it!...Spectacle..Drama .. Romance .. Comedy .. Mystery .. Suspense .. Excitement .. Action!...15 staggering climactic sequences!...100 name roles by featured players in a cast of 3621!...2 hours of unbroken thrill and wonderment!...Ten times a thousand thrills in **RKO RADIO's** all-time show of shows!...**BACKED BY NATIONAL 24-SHEET CAMPAIGN** of the most strikingly novel **SERIES** of posters you've ever seen!

*Charles*  
**LAUGHTON**

# THE HUNCHBACK OF NOTRE DAME

*with*  
**SIR CEDRIC HARDWICKE  
THOMAS MITCHELL  
MAUREEN O'HARA  
EDMOND O'BRIEN  
ALAN MARSHAL  
WALTER HAMPDEN  
KATHARINE ALEXANDER**

Produced by **PANDRO S. BERMAN**

Directed by **WILLIAM DIETERLE**

Screen Play by Sonya Levien

Adapted by Bruno Frank

**R K O  
RADIO  
REUTERS**

**BIG BEYOND WORDS! THRILLING BEYOND BELIEF! MAGNIFICENT BEYOND COMPARE!**



## British Monetary Quota Plan Sought

By David E. Rose; Par Setting Prod.

proposed arrangement whereby Hoyts would operate the Capitol is taken to mean the disappearance of Par from exhibition in the commonwealth.

Par has deal with Dan Carroll whereby his house is used as the company's show window in Sydney. Bowout of the Capitol would leave only Metro, of U. S. firms, actively engaged in the theatre field, with seven theatres in key spots.

Trek of three French picture producers to the Coast over the weekend looms as a forerunner of foreign independent film production in Hollywood and possibly in the east.

Paul Praetz, Raphael and Robert Hakim, French producers, all have U. S. ideas.

Australia to the U. S. would be best handled by investing in governmental or war loan bonds until the end of hostilities. Their coin would be perfectly safe in cold storage, but such a position may not be too acceptable to U. S. producers in need of finance for advanced production schedules. Apart from any curb on coin flowage, there still remains the exchange problem to overcome, plus increased taxation.

Trek of three French picture producers to the Coast over the weekend looms as a forerunner of foreign independent film production in Hollywood and possibly in the east.

Paul Praetz, Raphaël and Robert Hakim, French producers, all have U. S. ideas.





"Cheer up! It's a  
HARDY CHRISTMAS!"



"Wishing you a  
HARDY CHRISTMAS!"



"I want to tell  
you HARDY!  
CHRISTMAS!"



"a HARDY CHRISTMAS  
to you!"



"HARDY CHRISTMAS  
TO YOU..."



**"JUDGE HARDY AND SON"** will play in approximately  
350 simultaneous holiday spots. Get ready for sensational busi-  
ness. It is the best of all the happy Hardy hits and the one  
picture that will bring out whole families to laugh and love it!

(Nationally advertised Life, Satevepost, Collier's)  
with **LEWIS STONE** **MICKEY ROONEY**  
**CECILIA PARKER** **FAY HOLDEN**

Original Story and Screen Play by Carey Wilson  
Directed by **GEORGE B. SEITZ**  
**M-G-M's "HARDY XMAS"**  
**PRESENTATION!**



# Paramount's "The GREAT VICTOR HERBERT"

## Tops All Broadway with the Biggest Pre-Holiday Week-end Business in 6 years...

**Proving that Broadway's heart belongs to ALLAN and MARY**  
**Walter Connolly**  
**and Susanna Foster**

Child star discovery... who has the New York Paramount audiences cheering her terrific voice!



**DON'T FORGET, BOYS...**  
**"REMEMBER THE NIGHT"**  
 ... due Jan. 19 ... the picture Hollywood is raving about!



***You NEED*****'THE OLD MAID'— *You NEED*****'DUST BE MY DESTINY'— *You NEED* CAGNEY'S****'THE ROARING TWENTIES'— *You NEED* DAVIS and****FLYNN in 'ELIZABETH and ESSEX'— *You NEED* 'DRESS****PARADE' ('DEAD END' KIDS)— *You NEED* MUNI'S 'WE****ARE NOT ALONE' (by the author of 'Mr. Chips')— *You NEED*  
'THE RETURN OF DR. X'— *You NEED* CAGNEY, O'BRIEN, BRENT****in 'THE FIGHTING 69TH'— *You NEED* 'INVISIBLE STRIPES' (George****Raft, Jane Bryan, William Holden)— *You NEED* OBERON and BRENT in****'WE SHALL MEET AGAIN'— *You NEED* FLYNN in 'VIRGINIA CITY'****(Miriam Hopkins, Randolph Scott)— *You NEED* 'A CHILD IS BORN'****(Geraldine Fitzgerald)— *You NEED* 'YEARS WITHOUT DAYS'****(Garfield, O'Brien, Ann Sheridan)— *You NEED* 'BROTHER****RAT AND A BABY' (Priscilla Lane, Jane Bryan, Eddie****Albert, Wayne Morris)— *You******NEED* ROBINSON in*****You NEED*****"FOUR WIVES"*****For Xmas*****The Sequel to 'Four Daughters'!****The same cast—but an  
even bigger story!*****You NEED*  
WARNER  
BROS!**





**THE GREATEST  
NEW YEAR'S ATTRACTION  
IN THE HISTORY OF  
SHOW BUSINESS!**

**SWANEE  
RIVER**

in  
**TECHNICOLOR**



Don <sup>and</sup> Andrea Al  
**AMECHE · LEEDS · JOLSON**

**FELIX BRESSART  
CHICK CHANDLER  
RUSSELL HICKS  
GEORGE REED  
HALL JOHNSON  
CHOIR**

Directed by Sidney Lanfield  
Adapted from the Broadway Musical by George M. Cohan  
Produced by Twentieth Century-Fox  
A Twentieth Century-Fox Production  
Distributed by Twentieth Century-Fox



THE KEYSTONE OF YOUR FUTURE

## NBC Runs Television Ball Providing Talent, Cameras, Debs and Glass

RCA-NBC has the valves tied down to make a big whoopee of the Television Ball in New York City this Friday (13). City Morgans is masterminding the exploitation with the several involved NBC departments considerably engaged. The affair is for charity, the social register, better television sales and the Goodford Neighborhood Centre. Mrs. Gordon Rentschler, related to the National City Bank, is the chairwoman of the ball.

NBC is handling the ball all the way, including the talent, the publicity, the society and the class. Has guaranteed that the television cameramen will wear dinner jackets, when television is on. Waldorf-Astoria's main ballroom on the gala occasion. Guests will not only be relevant but can see themselves on screens nearby.

As part of the campaign NBC has been pointing its publicity cameras at nearly every debutante in town. The first deb has yet to run away from the lens. A special telecast preview of the fashion parade was emceed by Esmé O'Brien. Everything else has halted for the ball. NBC talent for the evening will include the ball will include Jane Murray, Fairfax the magician, Peter Harbison, the Harbison, Arthur Murray, dancers, Jack Whiting, Grace McDonald, Hiram Sherman, Loretta Cooney, John Boyd and Frank Black orchestra.

Burke Crotty, Edward Padula, Loretta Cooney and Raye are among the engineering crew with plenty of worries.

## TEX-WEARERS STUDENTS AT NBC

George Engels, v.p. in charge of the NBC Artists Service, is currently head of a training course for young men who will hereafter be introduced into the organization. One of the students, 13 in number, are employed as pages, guides or other capacities at NBC and the first day in school recently, the students, by mutual agreement, showed their executors. Engels favored the tux as being a case of getting used to their future uniforms, as many of the boys will be sent to radio and concert. Group went en masse to the Metropolitan opera last week under Engels' guidance and hung around backstage to get the operatic flavor. On a previous session the Met's artistic director, Edward Johnson, did a guest lecture and was surprised by a student framed by Engels, wherein the student singing of the tenor role in 'Girl of the Golden West' was recorded via a recording. Amplified by a loudspeaker, it had Johnson asking, "What's that?"

Personages doing a schoolmaster routine for Engels' scholars (who are now on-line) are the students, in colors and honorary co-eds) have included John Horton, Edgar Kobak, A. H. Morton, Nellie Revel.

## ANGELL POINTS TO DUPONT 'CAVALCADE'

Chicago, Dec. 12. Chief speller at last week's NBC gabfest on educational radio was Dr. James Rowland Angell. He discussed general education situation and particularly stressed the importance of the Dupont Educational commercial show, 'Cavalcade of America' as an important step toward the combination of sponsored time with education values.

At the Radio Council Conference, the profit of time was devoted to actual demonstration of utilizing radio in classroom work, with the public schools. Angell gave several demonstration periods to point out Chi method of using radio to aid teachers in classrooms.

## Add Agent's %

San Francisco, Dec. 12. Roma Wine Co. awards \$30 to each employee who becomes a full agent, mother. Last week's Linkletter, recent of Roma's World's Fair, is being paid and promptly sent bill to J. B. Cella, President of Roma.

The bill was for \$24.50—the extra \$450 representing Linkletter's regular 15% commission to his radio agent, Renzo Cesari.

## DISC SERIAL TOPS SATURDAY SURVEY

According to latest C. E. Hooper survey the top daytime serial is not one on the networks but a transcribed show, 'Judy and Jane', which has been on the air since 1930. The disked 'J&J' consistently unrivaled. Hooper's survey currently on 25 stations in the middle west. With the Hooper survey top daytime on the networks is 'Ma Perkins' with a rating of 10.3. Lord & Thomas the agency. 'Perkins' is on the NBC-red and plugs P&G Oxydol.

Agency men are mystified by the sharp drop in contest and boxtop returns which daytime serials have been experiencing during the past several weeks. The top rating shows have been maintaining a fairly satisfactory level in this respect but the general run of daytime dramatic linings are reported as feeling the decline in mail responses in a big way.

With the exception of the few leaders, the drop has ranged from 30 to 50%.

## Governor of Ohio To Present 'Variety' Plaque; Kroger Prez Presiding

Cincinnati, Dec. 12. WLW, Cincinnati, will receive its Variety showmanship plaque next Tuesday (19) at a banquet in the Netherlands-Plaza Hotel. Presentation will be made by Foster Crosey, Jr., by Gov. John W. Brinker of Ohio in the presence of Senator Taft, Secretary of State Earl Griffith, James Stewart and C. O. Sherrill, mayor and some 200 guests.

Albert Morrill, president of Kroger Grocery, will be emcee. Joe Kolling, the ballet lover, will make a public appearance in tuxedo.

## NBC's Hollywood Package Plan

### Will Waive Commission to Regular Agents—Take Profit on Entire Deal

George Rosenberg leaves the staff of Edington-Vincent, Hollywood agents, Dec. 31 to specialize in picture name representation. Columbia Management of California, Inc., a CBS subsid, Rosenberg's entry is part of a general plan worked out by Bill Lewis, CBS program head, to go in heavily for the building of picture name shows.

While these programs will be centered around screen personalities, the picture name shows will be in close co-operation with the celeb's regular agents. Indications have been of a general plan to waive the splitting of commissions with such agents and instead look for a share of the sale of the entire package to an advertiser.

Murray Murphy is the executive vice president of the network. Rudy Polk, another v.p., heads up the picture department of the wire.

## Another Kate Smith Tie-Up for Bacher?

Young & Rubicam is still discussing with Bill Bacher the idea of doing another 'Nightie Night' on Kate Smith (CBS) Dec. 29. Bacher went back to L. A. last week. The production would be 20th Century-Fox's 'Swanee'.

## Luckies May WOR Test Orrin Tucker and His Vocalist, Bonnie Baker

Orrin Tucker and his vocalist, Bonnie Baker, will be tested as a commercial program by Lucky Strike, if when a deal is being negotiated between Lord & Thomas and the Music Corp. of America is closed. The test will take place over a Mutual hookup, consisting for the start, of WOR, Newark, and WGN, Chicago. As happened in the case of Kay Kyser, Tucker and Baker were cut in the 'Hit Parade' from Texas last Saturday night. The two women garnered heaps of attention recently on the radio in the case of 'Oh, Johnny, Oh Johnny,' an oldie in the Foster catalog.

## FOX NOT SERVING LANGLOIS-WENTWORTH

Harry Fox, agent and trustee within the Music Publishers Protective Association, has advised Langlois & Wentworth that he will cease his musical clearing service for this transcribed firm as of Dec. 13. Under the arrangement between Fox and the research work on numbers that L&W had slated for recording.

The L&W library is composed exclusively of compositions that are in the public domain.

## Ironized Yeast Takes Lifebuoy's CBS Spot

Ironized Yeast takes over the half hour on CBS Tuesday nights vacated by Lifebuoy and the Walter O'Keefe review. Yeast will sponsor a probable ring-around-rose called 'Court of Missing Hires.' Ruthrauff & Ryan is the agency.

Hookup is 61 stations. 'Court' was tested on regional stations emerging from WBBM, Chicago. Ironized Yeast will continue also its 'Good Will Hour' on Mutual Sunday night spots.

Same agency has picked up its option on the Milton Berle 'Stop-Me-Before-I-Go-Down' show (NBC, Saturday nights) for Quaker Puffed Oats, effective Jan. 6.

## Claire Trevor Deal Up

Hollywood, Dec. 12. Parliament agencies has deal pending with Claire Trevor to head new radio drama show (NBC, Saturday nights) for Quaker Puffed Oats, effective Jan. 6.

## O'Keefe Handles Dennis; Joan Edwards Staying On

F. C. (Corky) O'Keefe has taken over the personal management of Clark Dennis, who was formerly on the Chesterfield show with Paul Whitman.

Arrangements with O'Keefe will not affect Dennis' contract with the NBC. O'Keefe will be in charge of Joan Edwards remaining with Whitman. Her 65 weeks on Chesterfield is something of a record for a female singer. Previous high was Kay Thompson's 52-week stretch.

## WIRE Sets New Day

Chicago, Dec. 12. George Hollingbery company appointed a new sales rep. WIRE, Indianapolis. Effective as of Jan. 1.

## 'Friend at Court Saved Account

Sidelight on the peculiarity of advertiser-agency relations was reflected in recent incident which preceded a sudden change in the radio setup of an important network account.

The advertiser agency, not knowing that anything was afoot until a suggestion from the sponsor end was laid together with a couple of the account's v.p.s for lunch.

During the table chat the agency's president remarked that the combine's board of directors had been doing some heavy thinking about radio and he outlined some of the reasons for the thought had taken. The account v.p., then suddenly advised the advertiser of the agency's plan, but not before the agency's president had seen the light of the trip.

Several days later the agency recommended to the account's board of directors that they make changes in its radio economic structure. The board readily accepted the recommendation. The timely action sufficed to keep the whole account, which runs into millions annually, from being placed in serious jeopardy as far as that agency was concerned.

## COURBOUN TOO COSTLY NBC DENIES ASKING TUMS CHANGE

Baltimore, Dec. 12. A group of 74 Negro students organized by Lelewyn Wilson here will be sponsored over WBAL by the National Brewing Co. of Kay Kyser, a fairly expensive brand of beer and has been gradually extending its distribution into scattered metropolitan markets.

Sponsor has been mulling radio for some time. Recently contacted by Kyser's Koller, of New York City for Dr. Charles M. Courbin, the concert organizer, but decided this was too expensive to set up a radio program.

Following the WBAL test there is possibility other markets may be added, but probably not over six in all.

## Kyser to Colonial On Miller Tape From MBS Taken Off NBC Line

Mutual will feed a recorded program of Kay Kyser's Koller, of New York City, to its affiliate the Colonial network, which is to begin its regular broadcasts second week in January. It may do the same thing in behalf of some other radio stations. The recording is by the Miller tape method and the source is the live version which clears the NBC-red Wednesday nights.

The Colonial Network will get the program at the same time as it is being aired over WOR, Newark, which has been carrying the Miller tape takeoff for the past 16 weeks.

## TRANSAMERK'S STAFF HUDDLES WLW EXECS

Cincinnati, Dec. 12. Members of the Transamerica Insurance and New York staffs were here over the weekend for a big huddle with execs of WLW, for which they are sales reps. Two-day session was topped off with an excursion Sunday (10) to Kennerly with Jim Shoss, general manager, and Bob Dunville, sales manager, of Crosley's radio and record guides.

Eight of WLW's men were in Chicago last week. Joe Ricks, educational director, and William B. Smith, coordinator of television and shortwave activities, attended the Shoss' Brookline of rural entertainment features, was at the Fair Managers' powwow. John Merrifield, Cincinnati, stations' agricultural department, handled daily broadcasts from the International Livestock Exposition. He was assisted by Ed Mason, farm announcer, and Morton Emmert and Charles Christman, contact men with Bob Smith, engineer, caring for the technical aspects.

## Satepost Using Spots

Saturday Evening Post is putting on a spot announcement test in eight markets. It will be nine announcements a week for 13 weeks. Maguire is using the spot announcement device in particular sections mentioned in a current issue's article. The new campaign will be national in character and plug the issue generally. B.B.D. & O. is the agency. The Post has been figuring on implementing its 'Cavalcade of America' show, which opens the NBC-red line, with chairman's announcements but this idea is now out.

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NBC denied Monday (11) a strong report that it had asked the Lewis-Hove Co. (Tums), through its agency, the Richmond-Goble, to produce another program for 'The Pot O' Gold.' Report also had it that the Pot O' Gold is simply covered by a clause in the Lewis-Hove contract.

The program has been skyrocketing in lissener policy. Its latest C.B.A. rating is over 20, a record of its kind for a weekday program that has been on the air only 10 weeks.

## Trying to Get Sponsor Might Be Part of Course In Radio How, What

FL Worth, Dec. 12. Nine Fort Worth high schools institute a course of study in radio technique at the beginning of the spring semester in February. Part of its kind to go into the local curriculum. Covers script writing, newsreading, sports announcing, radio drama, radio censorship, advertising, management and even a smattering of technical operation. Mary Sweet of the schools, G. L. Anusius and Elbert Holing hatching.

Station KCRG launches a series of weekly Saturday morning broadcasts Jan. 13 which later will serve as a guide for the students in the program. Each high school gets a Saturday in turn to put on a 30-minute program of general interest and presented by the students themselves.

Open forums, debates, quiz and musical programs already are in prospect. Whether these student program managers will be allowed to go out and sponsor for themselves hasn't been determined yet. Getting one (a sponsor) might be good practice, too.

## CHARLES BOYER BACK ON NBC JAN. 3

Charles Boyer, who was recently released from service in the United army, returns to Woodbury's NBC Wednesday program Jan. 3. His contract with the network runs until July. Boyer was scheduled to resume last November, but at the outbreak of war he was called to the front.

Lennen & Mitchell, agency on the account, has worked out a settlement with Jim Ameche and Gale Page. The settlement covers the period since Boyer's retirement from last summer, and the indications are that the network will soon have another program for them. If not, they will have the Woodbury assignment next summer.

## Ben Bernie Renewed

Ben Bernie has been renewed by Half-and-Half (American Tobacco Co.) for another 13 weeks, starting Jan. 7. It's the second 13 and his second season.

He'll be on CBS Sunday afternoons with Lew Lehr, Buddy Clark, Mary Small and the Bailey Sisters.

# STORIES SEEM DOUBLED

## Don Ross Will Open Doors for His Own Saleswomen to Sell Cosmetics

Don Ross has acquired the U. S. distribution rights for Jeanne Pouchet, Parisian cosmetics line, and will bankroll himself over a series of smaller eastern stations to plug sales. Similar wrinkles have been worked before, notably by Billy Van France, a make of toilet soap, but it's not common practice.

Starting about Jan. 15 in Hartford, Ross will do five 15-minute stanzas a week for a couple of weeks, then move on to another town, leaving a handful of femmes on hand to follow up sales pulled in by the program. Baritone will stress romantic songs and use a sugary spiced airtone at each housewife listener along the line of you-were-so-wonderful-last-night-darling. Only other talent on the show will be a local organist and cut-in announcer to dish out the 'free scientific treatment in your own home' offer. Saleswomen following up the leads will work on a straight 35% commission basis.

After foundationing the product in various towns, Ross figures ultimately to elter his program over a national network, piling on the sales leads to his representatives who will have remained in each locality.

## Maxwell Curtailment Uncertain; Half Hour Audition Poses Task

Maxwell House Coffee division of General Foods has come up with a decision to make when it will reduce its Good News show on NBC Tuesday nights to a half hour, it was stated by Benton & Bowles agency on the account yesterday (Tuesday). Agency denies the report that the account may be stayed from going 30 minutes because of its long-term commitment to the program's talent. This report was further refuted by the agency's action last night in the show's performers and writers for an additional week's leeway in picking up options.

It is understood that Maxwell execs were upset too impressed with an audition of the show as compressed to 30 minutes.

## WSM TRANSCRIPTIONS USED BY ARMOUR

Nashville, Dec. 12. The first commercial transcription of Nashville will be released over a group of southern stations this month. The program, 'Uncle Jim's Cross-Roads Store', is produced for Armour & Fertilizer works. Talent is WSM's Smilin' Jack and his Missouri Mountaineers, with four instruments and three vocalists, and Lark Taylor (Uncle Jim), Lionel Ricau (Old Black Joe), Louie Buck (Armour salesman), Jack Harris produces. C. P. Clark, Inc., is the agency.

Setting is cross-roads store where Uncle Jim dispenses homespun philosophy and assorted products. WSM has made many transcription of shows, some network, to be presented over station at later time. This, however, is first commercial series subscribed locally for other stations.

## Birthday Plans Outlined; Kate Smith in Huddle

CBS will carry a quarter hour discussion Saturday (16) at 10:45 P.M. of the plans set up for this year's celebration of the centenarian's birthday on behalf of the Infantile Paralysis Foundation. Event itself takes place Jan. 30. Keith Morgan, Kate Smith, Bill Carson and Bob Trout will be heard on program arranged by Fredericka Millet, radio director of the celebration.

## Nuns Give Pledge

Washington, Dec. 12. WJSV, which is carrying a series from local orphanages, hospitals, old folks' home as plugs for community chest drive, had one scheduled from Catholic orphanage where little tots, age three and four, were to sing simple songs.

Quarried by station on selections, orphanage sisters were unable to understand meaning of 'music clearance.' Good ladies haughtily informed WJSV that station could 'be sure the children would sing no obscene songs.'

## KIRO ANTI-WAR BLAST VERY GRUESOME

Seattle, Dec. 12. Settling out to make war horrible and succeeding—KIRO program director Tommy Thomas may have also set something of a radio and propaganda line in sheer gruesome description of what happen to the bodies of soldiers when colliding with bullets, explosives, gas and general military exposure. Morbid broadcast drew so many comments the script was mimeographed for mailing to those who wanted copies. Understood here Thomas employed descriptive material supplied him from the east. Believed that many stations have received similar anti-war material.

Patrick Hamilton's hit thriller, 'Gas Light', aired with Barbara Burham producing.

## A.F.M. STRATEGY ARMED THAT WAY?

Transcription Companies See Fate Sealed by Claim Existing Rules 'Misunderstood'—Believe It's Part of Union Pressure on New Live Contracts for Industry

## BOARD MEETS JAN. 14

There was much trade speculation last week among musical conductors in New York City concerning the possible extinction in the near future of the waxed library services operated by NRC, World, Associated and, in Los Angeles, Standard. These have been a source of fairly steady recording sessions to sundry musicians for the past six years. While there was no final evidence that the American Federation of Musicians or Local 802, New York, were irrevocably decided to impose conditions tantamount to a death sentence, trade talk mentioned that what now seems to be union policy would, if confirmed by the AFM Board, doom the library end of the transcription business.

There were two threads apparent last week. One was the threat of the known facts, the other the threat of the unknown fears. It was difficult to keep them separated. Among the known facts were these: AFM was refusing to ratify contractor's papers. Reggie Childs was halted at an NBC session and proceeded under the threat that NBC might later have to pay off on the basis of a full 15-minute transcription fee for every single musical selection recorded.

The union's point of contention was the empty spaces of wax that separate each musical selection on the library players.

Finally there were two or more (Continued on page 30)

## Same Actors Double From 'Family' To 'Mystery' and Trade Deponents See Destruction of Character Values

## Another Blow

Hollywood, Dec. 12. U. S. transcription producers are faced with the loss of the Australian market because of the war. New monetary control legislation against purchases of 'non-essentials' is blow at discs. Aussie stations would be permitted to buy matrices but not American pressings.

'Hollywood platter makers fear Canada, their best market, may also clamp on restrictions.

Much comment is being heard around the trade about Standard Brands' practice of using the cast of 'One Man's Family' also for its 'I Love a Mystery' series. The doubling, it is felt, puts the food combine in the position of possibly jeopardizing the highly valuable piece of property it has in 'One Man's Family.'

In the course of the years the players in 'Family' have for millions of listeners developed to the status of almost real characters, and to hear these same voices romping around in an 'adventure' story, something to tend to break the illusion for the 'Family's' fans. Whereas in the latter show, live characters, the same set of players become merely actors when allied with 'I Love a Mystery.' The situation became particularly pointed on a Wednesday evening when over the same network (NBC-red) the same players are first heard in 'Mystery' at 7:15-7:30 o'clock and then again in 'One Man's Family' at 8-8:30 o'clock.

Carlton E. Morse writes both programs. 'Family' plugs C & S Tenderloin, 'I Love a Mystery,' Fleischmann's Yeast. J. Walter Thompson is the agency.

## RADIO STUNT PUTS DRIVERS IN JAIL

Toledo, Dec. 12.

Drivers for the Gordon Baking Co., which carries 'One of the Finest' half hour serial, over an NBC hookup, got themselves jammed up when the Toledo police last week when they undertook to exploit the show by wearing policemen's uniforms on their delivery rounds. Only item missing in their getup was the badge.

Toledo Police Department pulled in the drivers on a charge of impersonating officers, but they were released after several hours in the clink. The drivers were later permitted to continue wearing the garb with the proviso that they change their brass buttons to black ones.

## 'One Man's Family' To 8:30 Spot Sundays For Standard Brands

Standard Brands will continue to occupy the Sunday 8 to 9 p.m. spot even though the Chase & Sanborn show goes a half hour Jan. 7. The second half of this hour will go to 'One Man's Family,' currently on at 8 o'clock Thursday nights. When 'Family' moves 'Thursday's Love' (also Standard Brands) will move forward a half hour from its present Thursday 8:30-9 p.m.

The vacancy made by 'Love' will then be filled by a serial owned by another virtual processor, General Foods. Latter show is 'The Edrich Family,' now on the blue link Tuesday nights (6-8:30). The main opposition according to the present schedule is Lever Bros' 'Big Town,' while under the Thursday night set-up it will have as competitors Joe Penner (Ward Breda) and Colgate's 'Strange As It May Seem.'

## JOHN BACON TO WGR SUCCEEDING AVERY

Buffalo, Dec. 12. John A. Bacon has been named as director of WGR's 'John A. Buffalo,' effective Jan. 1. He comes from the Buffalo Times where he has been an advertising executive for the past seven years.

Lew Avery, the stations' present sales head, is joining Fret & Peters in Chicago.

## Washington Will Return Question Box Next Month

Uncle Jim's Question Box which goes off NBC this Saturday (16) will return some time in January under same sponsor, C. Washington, and Cecil & Presby is the agency.

## HERB CAEN SPONSORED

San Francisco, Dec. 12. Herb Caen, gossip columnist of the Chronicle, sponsored over KFO for a series of weekly quarter-hours by Regal Amber Beer. Caen assisted by NBC announcer Larry Keating.

Deal set by Larry Allen of Consolidated Radio Artists through E. M. Harlan Agency.

For 34 years Variety has served show business as the leading medium of its news and advertising.

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Competition demands greater showmanship today than ever before.

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## Europe-Summed Up

Rome, Nov. 26.  
Radio broadcasting in a war-torn Europe is a nightmare of scare-heads, propaganda, news bulletins, (full of colored information but not of news) pep talks to keep the populace in line, the innuendo of pronouncements from priests, ministers, military experts, political prophets and harangues by the big shots. Season this diet with lots of phonograph records and you have radio on this continent at this moment.

Tune in any country (and good sets roam Europe) and no matter what language the announcer speaks there is a program for him—propaganda.

## Aussie Radio Man Heard 67 Concerts in U. S. A.; Exec Home After Xmas

William James, federal controller of music for the Australian Broadcasting Company, is currently in New York looking over the U. S. radio industry's policies in regard to music and lining up artists for next summer's Australian concert season. He had expected to leave Friday (15) for Vancouver on the first leg of his trip home, but this week received information to remain here at least until after Christmas.

Having left Australia last May, James spent some time in New York, went to Europe for awhile and then returned to the U. S. a few weeks ago. During his two stops in New York he has heard 67 concerts, as well as numerous private auditions. Australian Broadcasting is interested only in big concert names for touring and radio there. James has recommended several names, but no contracts have been signed.

There's some uncertainty about the possible effect of the war on Australian concert business, but James believes that there'll be little change, at least for some time. The Australian concert season extends from May until October and artists brought over from the U. S. usually appear on the concert platform and also via the air.

Some criticism has been heard from commercial concert interests against the government looking artists through the Australian Broadcasting Company on the familiar basis that it is using taxpayers' money to compete with private industry, but James asserts that in general the government and commercial concert interests get along amicably.

## South of the Border

Mexico, City, Dec. 12.  
NEFO and XEJUX, municipalities of the Party of the Mexican Revolution, the country's most powerful political organization, are equipping themselves with the latest U. S. mechanical devices so as to get the maximum of coverage.

Party of the Revolution is demanding that all state governments not only establish their own radio stations, but provide commercial radio stations that the communists can be heard in the hinterlands.

According to national census figures, the Federal district which comprises Mexico City and its 1,300,000 residents, has 140 radio sets, or one to every 12 inhabitants.

## Censor's New Title

Montreal, Dec. 12.  
Walter S. Thompson, director of censorship for Canada, has been named post of Director of Public Information. Censorship duties of the Department will take over M. A. D. of the National Defence Department in charge.

Thompson's new job will be to let out "Canada's war effort."

BBC broadcast "From the Tearing Theatre," excerpts Firth Shepherd's new musical "The Tearing Theatre," starring Sydney Howard and Arthur Brooke, is breaking in before coming to London

## CAUSE OF POLES PROMOTED ON WHOM

Series of programs to promote goodwill for the Polish cause has been bought by the Polish Army Veterans' Assoc. (Legion of World War) on WHOM, New York. All shows are in English and go on for half hour each Sunday at 7 p.m., starting with one last Sunday.

Dr. Arthur Coleman, professor of history and Slavic languages at Columbia U., was on initial broadcast.

## CHARLAND PROMOTED

Montreal, Dec. 12.  
Wilfrid Charland, French-language radio producer for All-Canada Radio, has been promoted to French and Whitehall Broadcasting (Bert Hall) has been appointed to chief of production for French and English shows at All-Canada.

Charland has been given executive status as result of production of Grande Soeur (Big Sister-Ringer) and other French programs.

# Canadian Radio Editors Prefer Yank Way to Publicity From Own Country

By NORM CHAMBERLAIN

Winnipeg, Dec. 12.  
'At the present time American network and station publicity is far superior to Canadian both from the point of material supplied and service rendered.' And that, it would appear, is the considered opinion of the majority of Canada's radio editors, following canvass of the Dominion, by this VARIETY rep.

Asked to express their opinion on the output of the American and Canadian public mills Canadian radio editors presented views as widely different as the two styles of publicity. (Whereas Americans seem to prefer publicizing personalities, Canadians stick pretty close to straight program copy, sans superlatives of any type.)

While the majority voted in favor of the American type, in one way or another, some felt it only fair to point out that U. S. press agencies have rendered their present stage of perfection only after years of experience, while, in comparison, Canadian radio publicists are still in rompers. With an idea of advancing the thought that an ideal service would be a reasonable combination of the two types, practically all agreed that while Americans could be occasionally accused of sending too many Canadians can be equally accused of doing the exact opposite. One editor, following another, maintained there was no basis for comparison. Harold O. Hoggan, of the Halifax Herald and Daily Star, was of this group saying, "American networks are able to publicize personalities in a way that we control here because of the stage and screen, whereas Canadians must rely on the program itself. With J. Woodill, of the Sudbury (Ont.) Star, sums up this point: "There is no 'star material' in Canada and a build-up would be tantamount to the radio commission and his readers."

Canadian Publicist Dill Chidley, complaint of Canadian editors as regards the domestic product is that it lacks color, punch, news value and is inclined to be tawdry in the latter referring mainly to corrections.

Main difference between Canadian

## LIGHT MUSIC AS IS—BBC

London, Nov. 24.

Indignantly refuted by British Broadcasting, is official claim that light orchestras have been ditched as result of war. Listeners they claim are regularly hearing a very high percentage of combos that were top before the outbreak, and following is quoted as proof:

Manovani; Fred Hartley, with Brian Lawrence; Troise; Richard Green, Falkman, Wynford Reynolds; A. J. Powell's banjos, Harry Davidson, Palladium ork; Campoli; Alphas.

Remote broadcasts have been picked up from Hotel Victoria, Lewisham Hippodrome, Chinwick Empire (Harry Fryer), Kilburn State (Alfred van Dam), Savoy Hotel (Arthur Ashbury), Clarges's (Geiger), Eastbourne Grand Hotel (Tom Jenkins).

BB asserts, while its activities may be curbed in some directions by defence regulations, light music is not one of 'em.

## AFRA's Montreal Dance

Montreal, Dec. 12.  
Montreal local of the American Federation of Radio Artists (through annual ball at the Windsor Hotel Feb. 6. Proceeds to be used for the benefit of needy radio artists.

Flavius Daniel and Pierre Ringer ballyhooing event.

And American publicity is frequency of mailing. American stations, in fact, with a veritable snowstorm of copy while the publicity offices of Canadian Broadcasting Corp. shoot everything out in one weekly bullet. This is done, it is explained, rarely for economical reasons. The mimeographed release includes the weekly program schedule for the network and also program notes or annotations for the listed week. This CBC plan is probably modeled after the British Broadcasting Corp. which issues a similar bulletin, only in printed form.

Gladstone Murray apes BBC in nearly everything. Another difference is that whereas the American chains have a main publicity outlet, New York and Chicago, the Canadian network mails from four points, Halifax, Toronto, Winnipeg and Vancouver, these four offices covering five time zones against four time zones for the U. S. Mainline private station publicity in Canada seems still of the future, current efforts generally rating a zero from radio editors.

One point about which the radio boys have been changed is switched to the matter of special events. Here, they maintain, they are often not advised early enough. On broadcast until the last minute, it then being too late for inclusion in the column, either a listing or a notice. Listeners hear about the program from friends, who caught it purely by accident, or after the show is over, more radio fans get on the phone and squawk about 'no listing in the column.' On the other hand, they say the editors are advised immediately, via telegram by the American chains or by last minute special event broadcasts on their nets and hence are protected from that side. As chains of any last minute special checking the local stations if he has time to see if they too will be carrying the show, the answer being either 'We don't know,' or 'Sure, we knew about that yesterday.' When the answer is given they give them usually call back to confirm the query just as the paper is rolling. This means having given someone body work about it all the time

## London Calling

Elizabeth Cowell relinquishing her war job as chauffeur to the Air Ministry, to return to the BBC to become an announcer. She was formerly a television announcer there.

Lee Ephraim is to be the star of BBC's next 'Showmen of England' program, scheduled for Dec. 15. Ephraim brought to England 'Rose Marie,' 'The Desert Song,' 'Gay Divorce,' 'Rio Rita,' 'On Your Toes' (and some flops) and in this program many of these old tunes with some of the original stars will be used. Program is being written by Howard Thomas.

Eddie Pola doing mid-day broadcast once weekly for BBC.

Romey Brent playing the lead in the radio version of 'The Thin Man' in Turkish, which, in addition to English, Welsh and Afrikaans, makes 13 foreign languages.

Sir John Martin Harvey to play lead in 'The Passing of the Third Floor Back' and Henry Ainley in 'Othello.'

Press Conference, with Sir Stephen Tennant in the chair, was held at Broadcasting House, London, Nov. 26, with J. Beresford Clark, assistant controller, overseeing service, and other officials described the BBC's work in that sphere.

And had either forgotten or not thought about it. When the latter answer is forthcoming the press boys start burning and usually crack back at the other. In the matter of correction services Canadians felt that while the American ones definitely still held the lead, domestic stations and networks had greatly improved within the last year. Some felt fault with the editors, some leaving corrections (the backbone of any radio column) to the office boy or somebody else who doesn't know what it is all about.

C. C. Jenkins, of the Toronto Globe and Mail, is one radio ed with a bone to pick over correction methods of the large networks. Says Jenkins, "Last minute switching about of programs, often with no apparent reason, other than confusion, is the cause of by far the greater percentage of error in our listings." Citing Columbia as an example Jenkins added, "Columbia sends its weekly program almost a month in advance, printed closely on tiny sheets of paper. In some cases, half to one-third of the list-brochure is changed or switched—some of them two or three times before the so-called 'last minute' about the time the network editors have put on those crumpled CBS schedule sheets with their lack of margin and space between items, seems to have no effect on CBS, which goes serenely on its way. On the other hand, CBS news and publicity is good."

(CBS press department, in N. Y. from time to time, 'follo' evidently referred to in the above story is primarily intended for station, not radio editors, and has been mailed to editors incidentally.) Canadian radio eds, like their American cousins as reported in VARIETY, Nov. 1), have long been howling with no apparent effect about the commercial program listings by stations and networks. Told by publishers that even the Globe and Mail of commercialism is strictly out the scissors and paste boys spend many weary hours trying to make the program listings. Publishing these programs so that listeners and readers won't be raising the roof the next morning with

## WHY GROWS AIR MATES A BREAK

Ottawa Reports Some Cabinet Ministers Now Tend to See Canadian Broadcasting's Growth Hampered by Too Many Rules and Genuflection to BBC

## DEFEAT NEWS BAN

Ottawa, Dec. 12.

Opinion is reported crystallizing among Canadian government cabinet ministers on the question of radio which, since the outbreak of war, has been subject to the most liberal amount of 'policy.' The view is gaining that what's wrong with government radio in the Dominion is not much of this 'policy' and not enough attention to well-balanced, progressive programming that can hold its own against American comparisons and in attracting its share of American advertising.

Great store is now being placed in the appointment of a successor to L. W. Bromontage as chairman of the board, who some months ago quit the chairmanship of the Canadian Broadcasting Board of Governors, and other job will go to Brig. Gen. Victor Odom of Vancouver. Rene Morin, the vice chairman, is meantime functioning pro tem.

Cabinet ministers have apparently decided that the change of terrain hereafter to be more important, more sympathetic to the problems of broadcasting, as such, than the stamp for Gladstone Murray, the CBC general manager. More and more the latter is seen as a glorifier of the policies and attitudes of British Broadcasting Corp., where he was transferred from the terrain of Canada as a costly coverage problem by the change of a chairman, rather than from sponsorship a necessity. Murray's seeming aversion to the American model, in many people's opinion far more practical for Canada than the moody the-blazes-without sentiment of cabinet members who will be without sentimental bias.

What part in all this repeated shift of sentiment of cabinet members may have been influenced by complaints from private broadcasters cannot, of course, be known. Private broadcasters have for years nursed a sustained steady flame of ire where Gladstone Murray, in their opinion, they complained he was insatiable, refusing to go frank or to reveal his

(Continued on page 22)

claims that their favorite program either wasn't shown or was inaccurately shown. The complaint is a well known little trouble is experienced but the headaches come with such frequency that they are changed or switched where artists change from week to week. If they make too many changes, the complaint is that the climb on by those upstairs in the composing room, hence they have to try and make some (the) that will stay through the season. And it's then that the call for aspirins goes out.

## Tax Kills Press Mats

One strong squawk was heard from the press of the Dominion when subject of Canadian Import Duty was broached. (American publicity mats are sold at the rate of one half cent per square inch for Import Duty.) Practically every editor and publisher is reported in using American mats principally for this reason and as a result was dependent on the commercial program which, it is claimed, is a long way from 'being good.' Jenkins, of the Globe and Mail, is one of the whole thing up by saying, 'We had to quit battling with the Canadian press for years and means of needed time. We just cut off the picture and mat service, which become useless through delay.'

## Wax Libraries Doomed?

Continued from page 25

meetings, the last on Monday, between union officials and transcription execs and the whole matter is in abeyance until Jan. 14 when the AFM board will take up the issue in New York. Rule won't be enforced until then.

In the realm of speculation there is the expressed fear of the concerned parties that the union strategists want to eliminate waxed libraries altogether in the belief it would strengthen the case for live musicians. It is no secret that one blow within unionism has always held that preserved music is the inevitable rival of live music. This reverts to the continuous fight on mechanization.

Conductors and recording companies were ambiguously informed by union spokesmen last week that there had been a 'misunderstanding' of existing transcription regulations and that the Musicians Union had not, until now, realized the nature of transcription library selections as distinct from regular quarter hour waxes. The need to readjust 'union' rules sounded simple enough except that insiders found it hard to believe the AFM was no 'already intimately expert in every phase of music recording. Despite the inscrutable politeness of the unionists. It all sounded like preliminary spade work for a funeral to many of the involved personalities. They still won't know until Jan. 14.

If the union, declare die man-

ufacturers, persist in enforcing latest 'interpretation,' wages for recording musicians will be increased by at least 500%, which will leave the transcription companies but two alternatives, namely, either go out of business or take huge losses on their present contracts with station operators.

Representatives of the NBC Thesaurus, the World Broadcasting System and Associates Music Publishers, Inc., have sought during the past week to discuss the situation with Joseph N. Weber, AFM prez, but the latter is temporarily, under orders of his doctor, refraining from going to his office or answering phone calls. One of Weber's aides declared Monday (11) that the transcription men were advised two months ago that they were violating the intent of the agreement and that he wasn't at all concerned with the economic hardships that his construction of the provision in question would bring upon their industry. He added that he didn't care whether it led to an end of the transcription library business, since he considered the latter was responsible for the unemployment of many thousands of musicians all over the country. He denied, however, that the enforcement of the union's interpretation of the contract provision was a preliminary move in the federation's campaign to force the broadcasting industry to renew its general employment agreement with the AFM. Present coverage of the union expires Jan. 17, and there is no

concerted movement in the industry to negotiate another one.

### Selections Vs. Sessions

The clause which has caused the uproar in the transcription field pertains to the nature of recording that a musician may do during a quarter-hour session for which he collects \$18. According to the AFM, such recording must be for a single, integrated program and not consist of various selections separated from one another by gaps or intermissions in the platter. The union also demands that if music is recorded for a dramatic show the transcription company must during that 15-minute session confine the orchestra to music for that show and nothing else.

But it is the ban on gaps or breaks in the transcription that chiefly concerns the transcribers. They have been accustomed to recording several separate selections during the 15-minute session and distributing such selections over two or more sides. Under this setup the station client is able to cull his selections from various records to make up what he considers a diversified program of music. The existence of gaps also is essential for the insertion of local spot announcements.

Under the procedure now demanded by the union, they say the transcription makers, each time between gaps would have to run 15 minutes, which would serve to multiply their costs by four or five times. Even if the increase, they state, amounted to 50% the profit factor would be eliminated, and since they could not expect to get the stations to pay that much more for their library services, there

### Football Slightly Off

Network football this year averaged 33.9 in listener popularity according to C.A.B. figures. This was under 1938, when the average was 35. C.A.B. tabulations were as follows this season:

Oct. 7.....	33.6
Oct. 21.....	37.3
Nov. 4.....	35.7
Nov. 18.....	36.2
Dec. 2.....	36.0

would be no other way out but to quit business.

The new status of affairs was dramatically brought home to transcription companies last week when the New York musicians union (Local 802) stepped in on a session for which Reggie Child's band had been scheduled by the NBC Thesaurus. Child was suddenly informed that he couldn't do the job, because the local had not ratified his contract, and that there was a question as to whether the union would okay any such library engagements until the transcribers started 'living up' to the AFM's rule on confining each recording session to a single 15-minute program. Child went through with the date after NBC had assured him that it would settle for the amount eventually demanded by the union. If the AFM stands by its position, the payroll for this date may come to \$4,000, or four times as much as the price originally contracted for.

Acting under instructions from the international, Local 802 is now requiring its members to submit each week to the union a report of all

transcription recordings made by them, the time consumed and the amount received for the engagement. The report must show whether the selections for each 15-minute session were used for a single, integrated program or distributed on more than one side of a record.

There is not much the transcription companies can do if 10,000 men clouds up and rains all over them. They do not even know how to get a sympathetic hearing for their point of view. There is very little collaboration between the several competitive services.

Musicians union expresses no peace toward the usual sponsored transcription, which is not, in fact, exactly like a live broadcast, and they discredited. It is the library service, comprising some 8,000 to 10,000 musical numbers (periodically renewed), that seems to occasion the frowns. In the theory that this is, or at least superficially seems to be, part of that technological tendency to mechanization in music which the union consistently opposes.

Libraries are important adjuncts to the music business, and on the whole, do not get enough orders for transcriptions from advertisers to build up a steady income to a profitable level. Besides limiting the libraries, or attempting to prescribe how stations may use waxed music, would probably mean curtailing the music library. Many libraries are heavy on hillbills. But others employ standard and music names, among them Ray Borch, Dick Hlmer, Harry Horlick, Joe Rines, Glen Gray. It is the practice of many libraries to supply mimeographed continuities to select stations in the use of the library, and also to distribute publicity photographs of the musical units for local purposes.

## Lawyers Told Herring Not FCC's Favorite

Washington, Dec. 12. Good-natured chiding was handed radio lawyers by FCC Chairman James L. Fly crusading for more directness and honesty on the part of industry fronts, at the annual Federal Communications Bar Association dinner Friday (1). While tempering rebukes with many facetious and good-humored interjections, Fly in effect admonished the practitioners to pay closer attention to the rules of procedure, stick to the facts, and stop striving for forensic effect. They'd do much better telling an unvarnished story, giving prompt and factual answers to questions, instead of winding up for occasional dramatic demonstrations.

In pleading for better cooperation from the barristers, Fly conceded that the Commission is not immune from criticism but promised that under his direction attempts will be made to improve the operating methods, straighten out some of the difficulties, end confusion, and bring about greater uniformity.

Charles Eateough and Arthur Weaver make the latest additions to the sales staff of KJLZ, Denver. Former comes from the Rocky Mountain News, while Weaver was with the Denver Packing Co.

### WKY-ADVERTISED FOR 10 YEARS

• Yellow Cab's first broadcast over WKY was presented in 1930. By early 1939, Yellow Cab had grown to the position of WKY's biggest local sponsor...and curiously enough, Yellow Cab has become the biggest selling gasoline in Oklahoma City.

All this happened in a market that has always been highly competitive...where price wars are the rule rather than the exception. In face of such conditions Yellow Cab is the city's biggest selling gasoline and at top prices for standard grade.

Yet it is more than a coincidence that Yellow Cab's climb to top position among gasolines in its market has accompanied a constantly increasing use of WKY time.

For a cross-section survey among 803 Oklahoma City homes in May, 1939, establishes the fact that seven out of ten of those having radio prefer WKY...that station B is preferred by less than two

out of each ten homes in Oklahoma City. Listeners in the Oklahoma City market like WKY's vitalized type of programming. They show their appreciation with the kind of applause a sponsor likes to hear.

## WKY Oklahoma City

NBC AFFILIATE \* 900 KILOCYCLES

OWNED AND OPERATED BY THE OKLAHOMA PUBLISHING COMPANY \* THE DAILY OKLAHOMAN  
OKLAHOMA CITY TIMES \* THE FARMER-STOCKMAN \* MUSTLETON EXPRESS \* KFOR, COLORADO SPRING  
KLZ, DENVER (Under Affiliated Management) \* REPRESENTED NATIONALLY BY THE KAYE AGENCY, INC.

**THE SHADOW**  
Sponsored by "The Shadow"  
Author: L. Ron Hubbard  
Exclusively on  
**KJLZ DENVER**

**WBAL**  
means business  
in Baltimore

# BRINKLEY COUP REPORTED

## MEXICAN BORDER STATIONS MOVE

**Broadcasting Doctors (Baker Also Involved) Reported Ready to Jeopardize WOR, WGN, WJR and Other Yankee Wavelengths**

### MEXICANS STALL

Washington, Dec. 12. Threatened invasion of American radio wavelengths by Mexican border stations (now Canadian head-aches) alarmed and perplexed Federal authorities this week despite continued hope that the North American radio agreement eventually will win ratification below the Rio Grande. Use of two channels earmarked for United States plans has been reported unofficially as under study by the Mexicans, who have been very dilatory about carrying out pledges given at Havana two years back.

There was no information available here to confirm the report, but wheels were set in motion to check tips that the Mexicans are liable to muscle in on one or more of four stripes earmarked for Class I and II outlets in this country. Both the FCC and the State Department displayed interest, particularly since latest diplomatic reports were that the outlook for Mexican adherence has improved in recent months.

The alarming report was that XERA, Dr. John Brinkley's juice giant at Villa Acuna, and the Norman Baker plant, XEBT, at Neuvo Laredo are to be shifted. At present these use 840 and 910 kc, respectively. Gossip is that the Mexican authorities are ogling 710, 720, 750 and 1170, thus endangering WOR, KIRO, KMPC, WGN, WJR and WCAU.

Mystification resulted when the grapevine dispatch reached here. For the Havana formula gave the Mexicans 15 ribbons—presumably enough considering their population and industrial status—for Class I and II outlets. Why they should muscle in on any of the four U. S. stripes is beyond imagination.

#### Unfounded Optimism?

If the report about prospective shifts for the super-power border plants is correct, the optimism—even though it has been diminished with passage of time—about eventual ratification seems wholly without foundation. For the Mexican delegation at Havana gave this country pretty strong assurance that the borderies would not be protected and that Mexico would use the ribbons assigned to it for its own nationals. If Baker and Brinkley have pulled some wires to get Mexico City authorities thinking about allowing them to use the U. S. ribbons, the situation is far worse than had been feared.

The following stripes were tagged for Mexican Use in the treaty:  
Class I-A—740, 800, 910, 1050, 1220 and 1570.  
Class I-B—940, 1000, 1060, 1090, 1140, 1190 and 1550.  
Class II—810 and 1110.

Paul Law joined KFRU, Columbia, Mo., as newscaster, vice Ernie Roca who departed to join WHAS, Louisville.

### IMPROVES RELATIONS

**WPTF Finds Out What Local Newspapers Will Print**

Raleigh, N. C., Dec. 12. WPTF estimates that it boosted its list of co-operative newspapers by 350% as the result of a series of letters and a questionnaire that it addressed to these sources. In the first letter WPTF cited the recent Fortune survey which showed that 31.7% of newspaper readers interviewed stated they found the radio columns useful. Through the letter-and-questionnaire process the station in due time found out what materials the papers in its broadcast area would use if WPTF furnished them gratis.

### Instead of Coffee

Nashville, Dec. 11. WLAC's 'Air Traveler Airs His Views' is only special events program in country where an announcer goes into passenger compartment of sleeper plane to greet passengers, asleep or awake. Tim Sanders, interviewing passengers on their business, hobby or profession, has, in two years, never been 'stumped' or unable to chat on any subject. The locally sponsored plane broadcast attracts hundreds of visitors to airport, hoping to see and hear celebrities over public address system.

## Columbia Shifts Station Managers

**Howard Meighan New Sales Mgr. of Radio Sales, Inc.—Jocelyn to WBT, Dellar to Frisco**

Columbia has reshuffled its station management and Radio Sales, Inc., staffs. A. E. Jocelyn, sales manager of Radio Sales, is becoming manager of WBT, Charlotte, relieving Lincoln Dellar, who leaves CBS to take over the privately owned CBS station, KSFO, San Francisco. Howard S. Meighan, now on Radio Sales' N. Y. staff, moves into Jose-

ph's spot. Bill Schudt, who up until recently managed WKRC, steps into a newly created post, sales manager of the transcription division of the Columbia Phonograph Corp. Frisco move affects Phil Laskey, who has managed KSFO for its owners during the past five years. Laskey has a stock interest in KROW, Oakland, and holds the title of v.p. and general manager.

*Why They Listen*

MELODY GROVE—featuring William Show Singers and Sylvia Rhodes in brilliant vocal arrangements of popular music.



... WLW IS ATTUNED TO THE TIMES

Director Josef Cherniavsky, Producer Harold Carr and Songstress Sylvia Rhodes rehearsing a WLW commercial network origination, KARATON MELODIES.



WLW has built and holds its enviable place in the minds and hearts of its millions of listeners because it keeps attuned to the lives and times of WLW-Land.

With the highest standard in programming—over three quarters of a million dollars is being spent on local programs in 1939—WLW always endeavors to give listeners the best whether it is a service of information to farmers, a report of the news or a show purely for entertainment.

WLW's own originations, programs like EVERYBODY'S FARM HOUR, BOONE COUNTY JAMBOREE, TRULY AMERICAN, plus the best of NBC Red-Blue, and Mutual shows, have made WLW a part of the daily lives of a community of over 27,000,000 consumers.

IN BALTIMORE  
IT'S  
PAKED

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

**WLW THE NATION'S**  
most "Merchandise-Able"  
**STATION**

## WSB, Atlanta (With Journal), Sold To James Cox, Stays With NBC

Atlanta, Dec. 12. WSB, 30,000-watt and WEGG, a portable relay unit used by the station, are slated to pass to James M. Cox, Dayton and Miami publisher and station operator, as part of the deal made for the Atlanta Journal properties. WSB has filed an application with the Federal Communications Commission for permission to make the transfers. Price for the Journal's newspaper and radio properties is \$3,000,000.

Cox is also buying the Hearst Georgian and Sunday American.

WSB is affiliated with NBC and the latter network is covered by a contract which has seven years to go.

### CARNATION STILL IN BLOOM

Chicago, Dec. 12. Carnation, through Erwin-Wasey agency here, has renewed for continuation of its Monday night 30-minute show, starting Jan. 1. Show continues over the NBC red web. Program has been on the air without interruption since Jan., 1932.

## Flashes From Boston

Boston, Dec. 12.

Radio man has made the exclusive Algonquin Club. He's Harold Fellows of WEEI.

Truman Crane, formerly engineer at WBNC, New Britain, Conn., is the new control room engineer at WBZ. He replaces Dick Hammond, who resigned to become chief engineer at Charles Phelan's WESX, Salem.

Bailey Axton, tenor, is the latest addition to WAAB staff.

WBZ sports commentator-announcer Bob Evans was in Cleveland last week for his 'summer vacation'.

Some 278 people were presented over WBZ-WBZA during week of Nov. 19-25. A record which does not include repeats.

Jimmy Lunceford appeared on WORL's 920 Club last Thursday (?) as commentator when his own recordings were played.

Bill Kostka, NBC press manager, to WBZ for lookover.

Robert Summerville and William J. Hyland, Jr., of CBS, visited WEEI. Traffic manager Gordon Swan of WBZ, who began as an announcer, is back doing daily stints while continuing with his present job.

Jack Beausivis, of WEEI sales promotion department, who has been attending Boston University, has received his sixth intercollegiate advertising award.

## From the Production Centres

### IN NEW YORK CITY . . .

Stella Unger has new side, Gertruda Michaelove... Pic and Pat near new contract via Ed Wolfe. Were on Alka-Seltzer Barn Dance Saturday. Johnny Cantwell and Walter, who date way back in Vaude, are sketched for 'Horse and Buggy Days' on WJZ tonight (Wed.).

Radio City's skating pond being made twice as large... Geraldine Farrar and her make some sort of record of Broadcasting last week. F. Margaret Cutbush was NBC's observer at the N.A.B. clubwomen rally in Washington... Gordon Nigam, NBC script writer, will be married Christmas.

Sam Slater, of Phil Lord office, thought it cute for Arline Blackburn, of 'By Kathleen Norris' to step out of that 'first place' at the North Beach apartment and kiss Mayor La Guardia... Joe Sullivan's white-and-black photo of the President and his family on WJZ... Liberty magazine has taken over the handling of the patriotic cartoon contest initiated by Town Hall and is coughing up \$4,000 for cash prizes.

Illustrator Arthur William Brown made his first radio guestie with George Jessel... George V. Denny, Jr., finally got that gold mine awarded him in 1938 by the Women's National Radio Committee.

Christ Ambrosier is with the New York production staff of Benton & Bowles. He comes from Hollywood. Addison Smith, who produced for B & B on the Coast, has also been transferred to the N. Y. office... Bernard L. Schubert, of the Public Relations, is homecoming in Florida and Havana. Due back after New Years... New Jersey Telephone Co. will give its annual afternoon time off to office employees of Newark branch to enable them to sing Christmas carols over WOR, N. Y., Dec. 22... Joe Koehler, now radio rep for Lord Dunsany... Arnold Moss replaced Raymond E. Johnson on 'Valiant Lady'.

Montreal's English language newspaper in America, has switched its program from WBBC to WARD which shares time on the same wavelength (1460 kc.) because the latter has bettered its signal with new transmitter. Sherm Asch has been chosen to sing Christmas carols on this series... Keith Higgins, director of NBC's blue link, has been named chairman of the radio committee for the American Legion's New York state department... Reggie Schuchel will continue at radio end of the Blow agency after her marriage to John H. Ballard, Bulova Watch Co. prez. Red River Dave of WOR, N. Y., took his Texas Cowboys into the Village Barn, N. Y., last week for a stand until Dec. 21. Gets three Sunday shows per week... Gracie Barrie files in each week from Boston to do 'Listen America' broadcast over WOR-Mutual.

### Policy In Canada

Continued from page 23

true designs. Gradually his policies convinced the private broadcasters that as and when and if he thought he could accomplish the switchovers Murray would be found advocating the extinction of the private stations and the adoption of a government monopoly to a BBC. That Murray several times brilliantly outmaneuvered the somewhat timid and over-trusting private licensees did not increase the general management popularity. The whole question is infinitely involved in Canadian politics and financial-publication-industrial alignments.

#### News Ban Thwarted

Meaning the latest attempt by newspaper and magazine publishers to get the Canadian Government to ban sponsored broadcast news in time as a war measure, has floundered due to timely intervention of broadcasters. Reports that the Canadian authorities were to ban commercial sponsorship of news, under the emergency powers of the War Measures Act, were first mentioned by three different advertising agencies as reasons for turning down an otherwise viable program submitted by local radio stations.

Persistent rumors finally led the Canadian Association of Broadcasters to investigate and make appropriate representations to the authorities here at Ottawa.

Newspaper and magazine publishers have been trying to get the government to ban commercial sponsorship of news for many years now, but attempts have floundered. Over a year ago, New movement, launched several weeks ago under cover of a war measure, reached a point where several magazine publishers had been definitely advised that there would be an end to sponsored newscasts shortly.

Understanding is that a regulation banning sponsored news had actually been framed and would have been incorporated into the CBC rules but for the protest filed by broadcasters. Representatives of the Canadian Association of Broadcasters, supported by the Association of Canadian Advertisers, Canadian Association of Advertising Agencies, and news services such as Transradio and the Canadian Press, interviewed the general manager following submission of a brief to the Financial Committee of the CBC then in session.

Financial Committee and management of the CBC then advised broadcasters that commercial news sponsorship would not be tampered with. Further assurances that the matter would be given by Hon. C. D. Howe, Minister of Transport.

Understanding is that fuel was added to flames recently when the Eaton Company of Toronto went radio with a commercial newscast which elicited so strongly that the department store reduced its copy in the dailies.

### Order WQXR Labor Vote

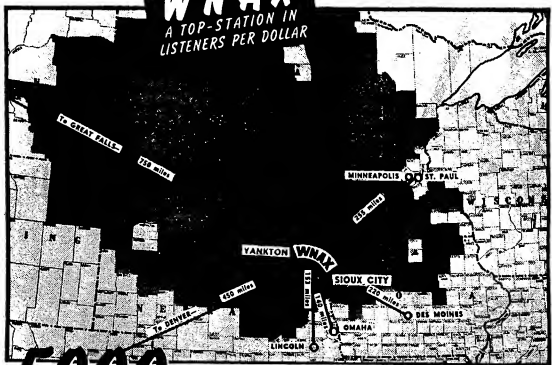
Washington, Dec. 12.

Collective bargaining poll has been scheduled for technicians employed at WQXR, New York City. Election must take place within 30 days, the National Labor Relations Board said Monday (11) in trying to reconcile conflicting claims of rival unions which want to speak for operators, engineers, and technicians.

Agent for, the help will be determined by majority vote received by Local 919 Radio Broadcast Technicians and Engineers Union, chartered by the International Brotherhood of Electrical Workers, and American Communications Association, the CIO unit. Will be the third application of the Wagner Act to the radio industry.

Dorothy Rockwell has joined the staff of WQXR, New York, as Washington correspondent and will handle daily reports and news programs from the Capitol.

FACTORS THAT MAKE  
**WNAX**  
A TOP-STATION IN  
LISTENERS PER DOLLAR



5000 WATTS THAT DO THE WORK OF 50,000

and at 5000  
Watt Rates!

Four important factors contribute to the remarkable dimensions of the WNAX primary area (as outlined in the 1938 CBS Listening Area studies). Here they are:

1. Frequency of 570 kc.—and excellent separation from other 570 stations. Nearest is Fort Worth, Texas.
2. A widening band of soil of A-1 conductivity which acts as a natural path for the WNAX signal.
3. Absence of competitive radio service... WNAX is the only CBS station between Minneapolis and Denver—between Omaha and Canada.

But, it takes buying power to make a radio station a good buy. Here are more important reasons why your program should be on WNAX. Among all Columbia stations WNAX is

A Cowles Station  
5000 Watts L. S.  
1000 Watts Night  
CBS

First in Rural Population	3,136,320
Sixth in Total Population	3,837,323
Seventh in Radio Families	750,530
Fifth in Passenger Cars	879,625
Ninth in Retail Sales	\$891,566,000

Represented by  
The Kats Agency

With its 5,000 Watt rates, WNAX is a good buy. It can help you sell your products profitably.

RADIO STATION **WNAX** 570 ON THE DIAL

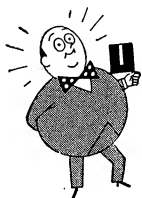
Studios-WNAX Building, Yankton - Orpheum Building, Sioux City

National Advertisers return to CFCK year after year because experience has shown that CFCK is the best place to place Canada's Metropolitan market can be reached through CFCK.

CFCK's repeaters throughout the year are the methods that really count.

CFCK and Short Wave CFCK owned and operated by **CANADIAN MARCONI COMPANY** NBC Affiliate Representative: U.S.A. All Canada Radio Facilities West & Canada

**CFCK** dominates a **BI-LINGUAL AUDIENCE** of over **1,000,000**



**SHOWMANSHIP AWARD**  
**for 1939..... WRC-WMAL**  
**NBC ..... NETWORK-MANAGED STATIONS**

## Follow-Up Comment

Kre-mel dessert (which comes immediately after Minute Tapioca on CBS) had its 'Society Girl' up in the Adirondacks as one of the program's shifting, changing locales. A handsome ski instructor from Switzerland has been hard-hearted to the girl behind the hotel desk, who is also from overseas, and they are to be married, and the ski-crazy over the ski kid. The gal thinks it's because the debutante has been doing some reconnoitering that her hot Swiss has cooled off. So she heads for the cliffs to commit suicide and society girl after her. Be sure and tune in tomorrow to find out what happened.

It's all good tabloidiana.

Virginia Ray, singing in the comparative chill of an NBC organ studio, fills in an open period early in the blue's afternoon. They call her 'one of the new stars' and say 'she'll be heard again in the new future.' Which means Miss Hayes is one to fill and given radio's most thankless assignment.

Inevitably singers under such handicaps need do themselves any good, as it is almost impossible to sound even in key, much less distinguished, with only an organ to guide.

Percy Faith, from Canada, continues, over Mutual, to come through the curtain of obscurity like an acrobat through a paper hoop. His musical setup is to happen to and for Faith. Rather a pity nobody is behind him to push.

WOW, Fort Wayne, supplies to the NBC blue an early afternoon exercise in musical energy called 'The Hoosier Hoppers' and presided over

by Hapxy Herb Hayward. The first quarter hour fades down to that stations can join or leave the network, and the second quarter then blares in anew as if it was an entirely different program.

The announcements are made so fast that the ear hardly gets them, and the program quite subordinates Fort Wayne as a city and the station as such. This seems a showmanship stunt. Otherwise the hillbillies give out in lively style good smalltime radio fare.

Musical Memory Concluded with Truete Deakin is in third year on WQXR, N. Y., and aimed at station's rhetorical music following. It's a skillfully tailored session, with an absence of hokey production doodads, and it should continue to hold its special audience.

Using questions contributed by listeners, the stanzas bring five members of the studio audience (and from the sound of the applause, there can't be many more than that on hand) to identify selections and their composers and to answer queries as to background facts, etc. Slicks mostly to standard works, but some of the questions are stummers and the average knowledge of the contestants is inclined to be high.

Deakin, who conducts the series, avoids too much gag, confining himself almost entirely to the straight business at hand, with just enough wit to ease the entire and season the questions and answers. On show caught (8) he completed eight 'minors' or 40 questions, which, with the preliminaries and windup, is plenty of action for a 20-minute program. Prizes of cash and Martinis's coffee (one of the station's major sponsors) went to all the contestants and question-concluders.

**THE SHADOW OF THE SWASTIKA**  
Unmanned Cast  
Documentary  
60 Min.

Friday, NBC, London  
This story of the Nazis makes good radio use of the British Broadcasting Corp. is running the yarn as a series, giving it a key spot Friday nights, and aiming to make it a 'collective' recital of authenticated facts. Where commentary is introduced, and in dramatic presentation of incident, events are naturally cooled to give an anti-Hitler propaganda slant, but otherwise it is a straight newsy, carefully edited, on Close-up Workshop lines.

An intriguing touch is concealing the artists behind a veil of anonymity, and while certain familiar voices from the BBC repertory lineup can be spotted, other capital characters, particularly that of Hitler himself, are apparently handled by composite unknowns.

+++++Television Review+++++

**HOLLYWOOD TELEVISION**  
With Lee Cooley, Jean Markel, Owen Jensen, Jimmy Talcott, Cetele Bush Players, D. E. Renda, Gene Howard, Bud Kelly and Jean Marlow  
One hour  
Tuesday, 8 p.m.  
Don Lee, WEXAO, Los Angeles

To showcase its recent switch to the standard favored by RCA-NBC and the Radio Manufacturers Assn, the Harry Lubcke unit, sole custodian of television entertainment out here, jelled an hour's variety release at 8 p.m. 'The Show' it included moments of promising clarity and intervals of blur and shimmer, blamed on the inevitable villain. Close-ups were often good, longshots often otherwise. Reception was nine miles from the studio.

Entertainment comprised divergent routines, running from an escape artist to a fashion show. Jean Markel, who paraded the models, seemed a distinct personality for television. E. B. Renda gave the entire hour's workout in freeing himself on the floor from various police restraints. Owen Jensen gave a demonstration in tattooing, explaining the process while he wielded the electric needle. Jimmy Talcott caricatured Emcee Lee Cooley, and the 'The Show' Players projected a comedy drama in three parts, which gave an indication of what may be expected in future adult dramatics from theatre stages. Gene Howard, Bud Kelly and Jean Marlow gagged, warbled and played instruments.

Ray Coffin, who books talent for these telecasts, seeks diversity more for the experiment than the entertainment quality. It's no great trick to get picture talent down to the studio for interviews. They're all eager to know how they'll fit into the scheme of the newest art. Helin.

## The Winnah—Wheaties

The pro football championship playoff (10), according to the account via WOR, N. Y., was finally and decisively won, not by the beef trust from Green Bay, but by a bowl of Wheaties. General Mills, the sponsor, apparently played quaterback, end and tackle, and accounted for all the scoring. What went on out on the field was a mere sideline to the blue-and-black package with its crisp, crunchy contents which contain more heat units than cooked breakfast food and which—yum-yum, and boy-oh-boy—is the regular diet of champions. Few sporting events of this or any other season have been plucked full of such lacy and violent advertising.

As for the game itself, Red Barber (WOR), Dick Fishell (WHN) and Harry Wisner (WJR) did the gabbing, with Barber having the heaviest chores. It was a good, workmanlike job and—when compared with newspaper statistics in retrospect—above-average in accuracy. Too bad the boys had to perform in this swell manner while handicapped with a mouth full of Wheaties.

**WOMAN'S RADIO DIGEST\***

With Beth Lockerie, Ken Murray

CIBC, Winnipeg

Originated and scripted entirely by Beth Lockerie (using the name of Elizabeth Zellman) this video into huts about at probably the best time of the Winnipeg day, the local tea hour, just before the kids start tearing the place apart after school. (Canadian kids are unsnicked at 4:00 p.m.)

Show is presented in the manner of a magazine with each 'page' being devoted to different subject matter. It is separated by a musical bridge. No characterization is attempted other than the part of Miss Holman (Lockerie) who is supposedly the editor of the daily journal, Ken Murray, station announcer, works straight and handles part of show himself, the balance of the time being taken up with Beth Lockerie.

On show caught program was divided into four parts, editorial; Dan

Cupid; Club Notes and At Your Leisure. Editorial dealt with current appeal of Canadian Red Cross, this section by Murray. The Dan Cupid section concerned marital elation and what has been uncovered by eminent authorities on the subject, Miss Lockerie makes no pretense at being another Dorothy Dix, she just lays the stuff out and there you are—take it or leave it.

Club Notes were just items relating to various meetings, teas, etc., of interest to women, these being read over a musical background of piano music, later coming up full for the bridge. Last named section was a satirical poem on men read over another light type of musical background.

Music for program is intelligently selected from the transcription library showing good musical taste with light concert and pop tunes being mixed. Half hour is a worthy example of hometown radio showmanship. Norm.

## MOST POWERFUL:

On November 15, W-I-R-E Increased its nighttime power to 5000 Watts, becoming Indiana's most powerful FULL-TIME station.

## NEW STUDIOS:

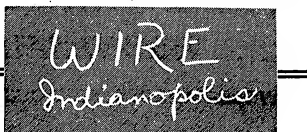
W-I-R-E will soon announce the formal dedication of new studios and offices on the ninth floor of the Claypool Hotel in downtown Indianapolis. With these new facilities, W-I-R-E will have one of the most modern and complete broadcasting establishments in the Middle West.

## THE RIGHT COMBINATION:

Aggressive local programming, intensive coverage of local special events, local community service. PLUS a full roster of N. B. C. Red \* Network shows are the reasons why Central Indiana keeps tuned to W-I-R-E.

The combination of ranking N. B. C. shows with complete local programming makes it unnecessary for W-I-R-E listeners to turn to out-of-state stations for service.

\* W-I-R-E is the only Basic Red Station in Indiana



# 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¢ (100% pure)

---

**LISTEN TWICE DAILY**

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

**IN COAST TO COAST**

DIX. COMPTON ADVERTISING AGENCY

MGT. ED WOLF—RKO BLDG. NEW YORK CITY

## Naturally We're Delighted!

### CANADIAN PACIFIC TELEGRAPHS

DIRECT CONNECTION WITH  
POSTAL TELEGRAPH & CABLE CO.  
COMMERCIAL CABLES - AMERICAN CABLES  
STANDARD TIME

BONNY TELEVISION  
TELEVISION

NA 11 37 18 26X SE NEW YORK HD 5TH 39/39

JAMES A. SHAW, STW CFCF 1231 ST CATHERINE ST. W. MONTREAL QUE.

VARIETY ISSUE DECEMBER 6TH ANNOUNCES CFCF AWARDED SHOWMANSHIP PLaque  
IN CANADIAN STATION CATEGORY STOP ONLY ONE BEFORE AWARDED IN 1936  
STOP SEVENTH ANNUAL RADIO STATION SHOWMANSHIP SURVEY BY VARIETY  
CONGRATULATIONS. ROBERT J. LANDRY RADIO EDITOR VARIETY.

CFCF is proud of this signal honour. We feel that Canada's National Company's Station CFCF has contributed towards the prestige of Canadian radio in general, because "VARIETY" has found a "Best" Canadian station for the first time since 1928.

CFCF, selected the "Best" Canadian station for 1939 in "VARIETY'S" Annual Showmanship Survey, is YOUR "Best" sales producer to reach a bilingual market of over ONE MILLION PEOPLE.

## CFCF and Short Wave CFCX

MONTREAL  
NBC AFFILIATE

Representatives: U. S. A.—WEED & CO. CANADA: All Canada Radio Facilities



## Jury Awards \$500

**John C. Leonard Had Sued WIL, St. Louis, for \$36,875—For Various Alleged Services**

St. Louis, Dec. 12. A jury in Circuit Judge Williams' court last week returned a verdict of \$500 in favor of John C. Leonard, Chicago, in his \$36,875 suit against station WIL. In two counts Leonard sought \$35,000 for services allegedly rendered in assisting the station in obtaining full time from the Federal

Communications Commission and for acting as 'radio pastor' for five years and \$1,875 for commissions on the sale of radio time.

The verdict for \$500 was on the latter claim.

### Engineer's Quizzer

Hollywood, Dec. 12. Audience quizzer, 'What Would You Have Done?', which has been kicking around here for years, goes under Engineer sponsorship over NBC blue network starting Jan. 29. Slack-Goble bought it from Music Corporation.

### GUNNAR BACK AT WJSV

Washington, Dec. 12. Still another addition to the WJSV announcing staff.

Gunnar Back, program director of WJNC, West Palm Beach, will replace Warren Sweney who recently packed his bag for the New York office of CBS.

Back is a former professor of English who taught at University of Wisconsin. Has an M.A. and B.A. after his name, in addition to call letter experience with WXYZ, Detroit; KZAR, Lincoln, Neb., and WTCN, Minneapolis.

## CHRISTMAS IN WINONA

Minnesota Town's 'E' phasis on Holiday Via Radio

Winona, Minn., Dec. 12. Christmas is being sold big over station KWGO. Opened with Santa Claus interview on Main street. Three times a day, a half hour each time, station broadcasts Christmas music given by church choirs, organists and schools. Programs are amplified over p.a. system and fed to loudspeakers in shopping district.

Community carols will be broadcast from local theatre and with the aid of a new mobile unit station will pick up midnight mass Christmas eve.

Station is joining the Transcontinental system.

## Musical Mood Wrong Before WDAS Anthem

Philadelphia, Dec. 12. Winding up its late program of symphonic recordings with the 'Star Spangled Banner' has brought squawks from WDAS listeners. The die-hard twisters claim the soothing symphony put them to sleep and they have to awake suddenly to rise for the national anthem.

But if the station stops playing the anthem it faces charges of being unpatriotic.

St. Louis Radio of Aldermen last week roared Ray C. Schroeder, 'Mr. Foul' on WFL for his 'valuable service to this community.'

## Not Like New York

Boston, Dec. 12. Since Nan Howard, account executive at WEEI, moved to the application of T-Wharf, she has disposed with alarm clocks.

The captain of a boat making daily trips by her company, she does always a whistle every morning and waits for her wave of greeting before he puts on full steam.

## KTSA Sees FCC

Seeks Right to Intervene on Economic Injury Allegation

San Antonio, Dec. 12. KTSA, denied the right to participate in the hearing scheduled on the application of KMAC, local seeking a regional assignment, has filed in Washington, D. C., asking the District of Columbia Federal Court to enjoin the Federal Communications Commission from holding the hearing until KTSA has been permitted to participate and offer evidence on economic injury lines.

KMAC application was to have been heard on Nov. 14 but has been postponed.

## Lottridge at WOC

Des Moines, Dec. 12. 'Bury Lottridge has been named manager of WOC, Davenport. He had been with the sales department of WFO, another B. J. Palmer station, in February of last year.

## TELEVISION JOB PROMISES STOPPED

Crackdown by the Federal Trade Commission on Midland Television Inc., Kansas City, has resulted in agreement by the company that it will discontinue 'misleading' advertising. It gives residence and correspondence courses in radio and television.

School agreed to quit stipulating in its ads that students are virtually assured jobs as radio engineers when they finish their course. Also must stop representing that the sole purpose of the school is to help students make more money.

## Gospel A'n'n Renews

Mutual has received another \$2. week contract for its religious commercial. Old-fashioned Revival program. This Sunday evening series uses 40 stations. Sponsor is Gospel Broadcasting Assn.

Gospel event has been on this network since Sept. 1938.

## TELEVISION GOES HIGH-SOCIETY!

During the past seven months thematic television has flashed to audiences a wide variety of programs including outstanding news events, championship contests in sports, and the finest offerings of stage and screen.

For the first time Television will bring on Friday night of this week, one of the top flight society events of the year.

From the grand ballroom of the Waldorf-Astoria—one end of which has been converted into a mammoth television studio—will be telecast all the glamour and excitement of the first Television Ball. This social event is sponsored by the Goddard Neighborhood Centre for the purpose of raising funds to maintain its social service work.

Through the cooperation of NBC, RCA and RCAM the fashion and floor show will be put on the air in sight-and-sound over W2XBS from 11 to midnight.

## NATIONAL BROADCASTING COMPANY

The World's Greatest Broadcasting System  
A RADIO CORPORATION OF AMERICA SERVICE

**WBIE**  
TOPS IN CENTRAL OHIO

5000 WATTS DAY  
1000 NIGHT

JOHN BLAIR & CO., Representatives

## THE SMOOTHIES BABS-CHARLIE-LITTLE

Recording for Bluebird and Victor  
Listen to "Myrtle" on Bluebird and "The Little Red Fox" on Victor with Hal Kemp

## POWER WHERE IT COUNTS

50,000 WATTS AT 820 ON THE DIAL SELLING A \$2,214,269,000 MARKET

BASIC CDS OUTLET  
NATIONALLY REPRESENTED BY EDWARD PERRY & CO.

See Conflict-Journal  
THE LOUISVILLE TIMES

## 'Economic Injury' Issue Nearer To Final Supreme Court Determination

Washington, Dec. 12. Final adjudication of the 'economic interference' issue troubling broadcasters and the FCC was assured this week by the Supreme Court while the District of Columbia Court of Appeals simultaneously entertained another appeal from a regulator's decision which was challenged as

Improper and liable to injure public interest. In a series of important legal moves within a few hours of each other, the U. S. Supreme Court agreed to review the Sanders case, in which WKBB, Dubuque, Ia., is seeking to stave off competition and the District of Columbia Court of Appeals agreed to a similar argument involving WOKO, Albany, Adirondack Broadcasting Co. and Troy Broadcasting Co.

The significant Sanders case goes up on petition of the commission, which was defeated in an attempt in the lower court to put over the doctrine of 'damnum absque injuria' by maintaining that economic harm does not provide an appreciable interest. Sanders Bros., owner of WKBB, failed last fall to keep the Dubuque Telegraph-Herald from getting papers for a new transmitter but won a reversal in the Court of Appeals, which sent the entire proceedings back for findings on the matter of loss to an existing licensee from added competition.

This lift will have far-reaching consequences, particularly in view of the strict way in which the FCC now is applying the rule on intervention in its own proceedings. In sending a review, the commission, with Solicitor General Robert M. Jackson signing the documents, said the Court of Appeals erred in holding the decision 'arbitrary and capricious' as well as in taking jurisdiction. Should the highest bench agree that cases of this sort are not appealable, opportunity of fighting rivals will be greatly minimized. Although the whole appeal turns on the jurisdictional point, the 'economic interference' issue is due to be settled, for the Government attorneys decided at length that competition is the 'very foundation of the radio broadcast industry' under the 1934 statute.

Owner Doesn't Count

While this airing was being promulgated, the intermediate court said in effect it will not protect pocketbooks of industry members unless they demonstrate that the public also will be hurt by more competition. Two opinions by Associate Justice Justin Miller further cleared up the confused situation, showing how present licensee holders can fight rivals and charting a course mid-way between two previous decisions which seemed in many respects contradictory.

Giving both FCC general counsel and former commission barrister George O. Sutton each a victory the District of Columbia Court of Appeals dismissed the appeals of WOKO and Adirondack Broadcasting Co., fighting a grant to the Troy Broadcasting Co., but agreed to look over the argument between parties in Jacksonville. The most important exclamation of the Jurist's views was

In the 'Troy case, where Justice Miller discussed past opinions on the interference issue before siding with the commission attorneys. Sutton was attorney for petitioners in each instance.

The intermediate court has held that appeal is possible—despite the contentions of the FCC—where the action of the regulators will 'destroy' an existing station but not where the latter's interests are affected 'only incidentally,' Justice Miller explained. Decisions are invulnerable, he added, if the FCC made proper findings that no damage to the public will result.

## Ohio Oil Co. Extends Cheriarny From WLW

Cincinnati, Dec. 12. Ohio Oil Company's Friday night 30-minute program, Marathon Melodies, originating on WLW, extended from five to 10 states this week. Present outlets are WSPD, Toledo; WOIO, Fort Wayne, Ind.; WENR, Chicago; WCBP, Evansville, Ind.; WBOW, Terre Haute, Ind.; KWK, St. Louis; KTKO, Oklahoma City; KCKO, Fort Worth, Tex., and KGBX, Springfield, Mo.

Program has Josef Cheriarny's WLW orchestra, with Sylvia Rhodes as vocalist. Listeners receive cash prizes for submitting tune titles used in making up sentences for audience participation.

Account handled by the Byer & Bowman agency, Columbus.

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# THE MUSIC BUSINESS

## Why Publishers Die Young

Blank Maestro, New York City.

Dear Blank: One can almost smell a hit, and I have one without exaggeration. It's definitely the first big smash hit of 1940 and the title is "Blank." Would you be kind enough to program it as quickly as possible for me? I will genuinely appreciate it. Kind personal regards.

Joe Publisher.

Joe Publisher, New York City.

Have been wondering about the peculiar odor around my office. Now that your view regarding the smelling of a tune has definitely cleared up this mystery I am sure you back past haste one "Blank," which, you so aptly pointed out, stinks. Sincerely,

Blank Maestro.

## Songwriters' Ultimatum Got Action

### Leading Publishers Chose Warner Contract Mostly In Preference to Other Document

Under the pressure of an ultimatum set for last Monday (11) the majority of publishers have entered into agreements for a new standard writers' contract with the Songwriters Protective Association. With two forms of contracts to choose from, the publishers accepted the Music Co. Warner Bros. group had negotiated with the SPA last October. Indications are that every publisher who has signed the SPA contract on file with the association by the end of this week.

Tuason that most of the publishers preferred the WB form to the one that Julian T. Abeles had negotiated recently in behalf of the Metro-Robbins group was because the former form contained a provision for pick up his option on the same agreement for another seven years.

Among those that had accepted the Warner Bros. form by yesterday (Tuesday) were Shapiro, Bernstein & Co., Mills Music, Inc., Irving Berlin, Inc., Ager, Yellen & Bernstein, Olman & Co., F. B. Marks, the Max Dreyfus group, and Mercer & Morris. The Berlin and A. Y&B contracts were not approved by the SPA because each contained a rider clarifying the "favored nations" clause which had been attached by the firms' counsel, Francis Gilbert. The SPA took the position that the rider's verbiage was too invasive for the association and that it would prefer to have its counsel issue letters approving the same.

Publishers which took the Abeles form included Santy-Joy-Selact, Inc., of New York; the Schuchman & Miller and Leeds Music Co. The more important points that distinguished the two forms of agreement were as follows:

1. Under the WB form there can be no bulk deals for any rights outside of sheet music. The Abeles form requires that such deals may be made with the written consent of the SPA.

2. Under the provision dealing with television and other rights not known now, the Warner form states that no such license can be granted without the consent of the SPA. The Abeles form says that can't be done without the written consent of the SPA in behalf of the writer in each instance.

3. The Abeles form declares that the publisher shall not grant a phonograph license for less than the statutory rate (2c) without the consent of the SPA. The WB version is silent on the subject.

### Danny Collins to General

Danny Collins has given up agenting on his own to rejoin the General Agent Corp. This time it is in the band department.

Collins left this booking office a couple years ago.

Veter Young composing violin piece for use by Jascha Heifetz on concert tour.

## THE BUSINESS SIDE OF THE MUSIC BUSINESS

### Orchestra Fail to Distinguish Boxoffice Advantages Possessed by Rivals Considered No Better Musically—Want Same Price

#### HURTING TOURS

Short-sightedness of band leaders, complain the booking offices, is responsible not only for driving more and more dancehall owners out of business but for appreciably diminishing their own annual income. The average band's only gainstick as to its own boxoffice value is what some other band got on the same date. The leader isn't interested in his comparative drawing power. All he knows is that so-and-so got so much and certainly his band is as good as the other fellow and there's no reason why he should not get the same amount.

This line of reasoning and action, say the band agents, has developed a species of high-pressure tactics that in bound in due time to curtail seriously the amount of one-nighter work. A band hears that its office has booked another orchestra into a traveling engagement for a guarantee of \$750 or \$1,000 against 60% of the nights take and it demands the same terms or it won't go out. As the result of this situation the average promoter is in the red after a few name band imports and he gambles along until his bankroll runs out or until he runs out of loan sources.

There was a time, recall the agents, when a band up on the crest or near it would be content with \$150 or \$200 a night, if it could be assured of an almost unbroken tour, but now the units in the No. 2 and 3 ranks hold out for the \$750 or \$1,000 which some topgrader had recently secured in the same spot, even though they realize that the price means a loss for the dancehall operator.

The same conditions, state the bookers apply to the theatre field. Some operators with several houses decided to try out a name band policy. He starts off with the orchestra which some topgrader had recently secured in the same spot, even though they realize that the price means a loss for the dancehall operator. The same conditions, state the bookers apply to the theatre field. Some operators with several houses decided to try out a name band policy. He starts off with the orchestra which some topgrader had recently secured in the same spot, even though they realize that the price means a loss for the dancehall operator.

### Louis Morris, 77, Dies

Louis (Cuthly) Morris, 77, one of the five publishers who organized the former Joe Morris Music Co. based in Miami Dec. 6. He was secretary and treasurer of the firm but devoted himself exclusively to the brothers' jobbing division in Philadelphia. The only brother now surviving is Joe, who resides in Florida. Other brothers were Hymie, Sol and Mark. Surviving also is his widow and a daughter, Bill. James H. Morris, Sam's son's staff, is the latter's husband. Burial was in Philadelphia Monday (11).

## NOT OPPOSING SHOTWELL BILL

Board of directors of the Music Publishers Protective Association last week went on record as offering no opposition to the Shotwell copyright bill as it now stands. The board meeting did question whether it would be good judgment at this time for the United States to become a party to the Berne copyright convention, not merely because of present international relations but because membership would require drastic readjustment in the U. S. law. Directors of the American Society of Composers, Authors and Publishers had the week before voted its approval of the Shotwell measure.

All the same MPPA meeting Edwin H. (Buddy) Morris was re-elected president. Lester Santy was named v. p., Jack Mills, secretary, and Jack Bregman, treasurer.

### DR. WILLY GROZ DIES WHILE PLAYING PIANO

Dr. Wilhelm (Willy) Groz, who, as the Angelized "Hugh Williams" (his name transcribed), and reversed wrote several international songs from London, died suddenly of a heart attack at the home of friends in Forest Hills, N. Y. suburb, Saturday night (9). He was 45.

A refugee Austrian, he went to England shortly after Hitler's rise in 1933. With Jimmy Kennedy, for the Peter Maurice Co., he composed the hit "Capt. Jack Sails in the Sunset" and "Harbor Lights," which became world-wide hits following their original publication in London. Groz also did the scores of several foreign films and a fortnight ago topped with Warner Bros. to write tunes.

While spending a musical evening at the home of Mervyn Lippman, Saturday, he accompanied Irene Jessner, of the Metropolitan Opera, Hans and Rosi Bloch. He just reached the first words of the final trio from "Der Rosenkavalier," and at the words, "In God's Name," he fell backward into the arms of his friends.

His mother, widow and two children survive.

## Publishers and Recording Artists May Co-Administer Coin Machine Fees

### James Leaves Berlin

Hollywood, Dec. 12. Eddie James, West Coast representative of the Irving Berlin Music Co., resigned after three years. He is lining up new connection in New York.

Publishers and 'interpretive' artists last week moved another step toward an alliance between them on the proposal to co-administer the collection of special fees on phonograph records used in coin-operated machines. Lawyers representing several major publishers met the Music Publishers Protective Association's officers and voice, the opinion that such amalgamation of interested parties would be legal and practical.

The next move will be to settle the question as to how the proceeds are to be shared. The interpretive artists have suggested making it 50-50, but it is understood that the writers will insist that they be considered separately and that the split be made an equal third for them, the publishers and the interpretive artists. Under the new contract between publishers and the Songwriters Protective Association, the former are required to consult the SPA or their writers on any deals excepting sheet music.

## MPPA AVOIDS DISC TANGLE

Music Publishers Protective Association will not attempt to intervene in the appeal on the RCA Victor-Paul Whiteman case which is currently before the U. S. circuit court of appeals, N. Y. Decision not to take any part in the test suit over the right to broadcast phonograph records, at least for the time being, was made at a meeting of the MPPA's board, Julian T. Abeles, counsel for the Metro-Robbins group, has decided to file a brief in support of the recorders in behalf of his client, but so far he hasn't done anything in that direction.

Victor last week failed in its effort to eliminate WNEW, N. Y., as a party to the appeal. The disc manufacturer had asked the circuit court to dismiss WNEW's application as an appellant but the court took the view that the issues were so complicated that it would be best to hear the arguments on both sides of the case. The arguments have until Dec. 21 to file their records and the chances are that oral arguments won't be heard until February.

### SAM FOX CO. GENERALLY DENIES \$100,000 SUIT

The Sam Fox Publishing Co., filed a general denial in N. Y. federal court Wednesday (6) of the \$100,000 action against them by Frank J. Mills, Jr., and Stanley Warner. A counter-claim for \$25,000 was also ordered based on alleged non-payment of a promissory note.

The first suit claims that the plaintiff sold their Paluma Music Publishing Co., of Chicago, to Fox. They seek payment of royalties on foreign rights, mechanical reproduction rights and radio rights. Book publishing royalties, failure to list the plaintiffs' songs in the musical catalog of the defendants, failure to pay certain debts, and failure to keep special accounts take up the balance of the action.

## 802 Investigating Radio Lines

### Wants Facts on Whether Bandleaders Pay for Wires and \$3 Union Tax From Own Pockets

Indications were given at a meeting of Local 802 executive board yesterday (Tuesday) that the union will be looking into the circumstances that a band was able to advertise over the air constituted an unfair advantage over others that could not afford to do the same thing.

for any member to advertise himself on the radio. The AFM board took the position that the circumstances that a band was able to advertise over the air constituted an unfair advantage over others that could not afford to do the same thing.

### Fl. Wayne Union Elects

Fl. Wayne, Dec. 12. H. James Flack, attorney, has been elected president of the Fort Wayne Music Union for the sixth consecutive year. W. M. Sawyer was elected v. p. and Robert A. Jellison, secretary-treasurer. J. C. G. Schmeer, Perry A. Shober, Leo Cuckey, and P. T. Weaver were named as members of the executive board.

## U. S. MUSIC PUBS 'IN DUTCH' ON SONG THEFTS

Method of protecting musical copyrights from piracy in the Netherlands is being sought by publishers here as a means of recent high court rulings in The Hague that works of United States writers are not covered there by reciprocal agreements.

Shapiro-Bernstein, in collaboration with the Music Publishers Protective Association, has assigned its counsel, Alfred Beckman, of House, Grossman, Vorhaus & Hemley, to study the possibilities for gaining protection in Holland. Later it is not considered a major market, but MPPA fears to allow alleged piracy to take place in a country where the law is so minor, on the basis it may lead to bad precedent in other countries.

Upsetting Shapiro-Bernstein is the recent ruling of a Dutch tribunal against 20th Century-Fox Film on "Hollywood Legs" which was made into a Dutch picture without permission. Court held that any work to be covered by reciprocity must be the Berne pact, basic international copyright treaty, must actually be published in the country of origin to the agreement. United States is not. Merely issuing the work in the country of publication is not enough. Later, a Dutch firm is not enough, court held, but the actual physical work of printing must be done there to make the copyright valid under the reciprocal arrangement concerning the Berne treaty which U. S. has with Holland.

### 'PRETTY MAIDEN' SONG SUIT VS. BILLY ROSE

Another action involving the "Floradora Sextet" song, "Tell Me Pretty Maiden," was filed in the N. Y. supreme court Friday (3) by Apri Productions, Inc. (Shuberts), against Billy Rose & Co., Diamond Music Co., Inc. Action is based on an application to examine Rose before trial.

Suit seeks \$23,000 damages and an injunction, and claims the unauthorized use of the sextet in Rose's night club. "Diamond" claims it is the greater part of the answer, with an affirmative defense, claiming the sextet has been in use since 1927, when the copyright ran out.

## Performance Boost Unlikely in Canada

Claim That Canadian Radio Fees Are Too Low Gets Little Encouragement

Montreal, Dec. 12. Canadian Performing Rights Society is making another bid for increased royalties for artists performing in Canada, but is asking for 1940, submitting briefs to the Copyright Appeal board which is holding its hearing on the matter. It is asking for 1940, submitting briefs to the Copyright Appeal board which is holding its hearing on the matter. It is asking for 1940, submitting briefs to the Copyright Appeal board which is holding its hearing on the matter.

As exploitation Victor is prevailing upon all its bands to paint the Victor trademark on bass drums. Kemp already has done it and Larry Clinton, Sammy Kaye, Glenn Miller, Gray Gordon and others, are following.

Puppet Opera show now at the American Music Hall, New York, is partially subsidized by Victor for the advertising derived, goes out on a road tour this month, opening at Indianapolis Dec. 18. Puppet action is synchronized to songs on Victor records by Larry Clinton, Glenn Miller, Martinelli, Lily Pons, Beniamino Gigli, Gianni Curi, and others. Show makes a tour of eastern and southern cities, and shifts to Canada in the spring.

Objections were also made by the Musical Protective Association of Canada against proposal of the CPBS that fairs and exhibitions be compelled to pay part of royalties for less than 15 days in advance. MPAC thought they could see payment of royalties by every use of music.

Musical Protective Association of Canada also moved to protect records film exhibits, who put on picture shows in tiny handies, had proposed license of \$10 for machine operated less than six months and \$20 for machines used from six months to a year. MPAC claimed that travelling exhibitors make such small profits that the ruling of this kind might eventually lead to advance payment of royalties by every use of music.

Argument was also heard from RCA-Victor against proposal of the Canadian Performing Rights Society that a fee of \$1 per annum should be levied on coin-operated gramophones. RCA-Victor protested that since they manufactured these machines in Canada, company should not be penalized because of imported coin machines.

### FT. WORTH AREA ACTIVE

FL. Worth, Dec. 12. Johnny Burkhardt's orchestra plays for the holiday season (Dec. 15 to Jan. 2) at Lake Worth Casino. Blackstone Hotel opens its Venetian room for the first time this season Dec. 22 with Hymn Walldmans orchestra.

Larry Kent is at the Hotel Texas Den until New Year's.

## VICTOR'S EXPLOITATION

Wants Bands to Paint Trademark On Big Drums

As exploitation Victor is prevailing upon all its bands to paint the Victor trademark on bass drums. Kemp already has done it and Larry Clinton, Sammy Kaye, Glenn Miller, Gray Gordon and others, are following.

## Contactmen Unionized

Completely Sans Strife; Precedent for Biz

Musical publishing industry has become 100% unionized as far as contactmen are concerned. Contracts between publishers and the contactmen's union were formally exchanged last Friday (8). It makes the first industry matter in years that has been carried through without considerable cross-action, recrimination, etc., according to contactmen heard within the trade the past week.

All major firms have turned in their agreements and the only one among the small concerns that has declared its intention not to sign with the union is Red Star.

At a meeting of the union's executive committee held at Ben Cullen's Rainbow Room (N. Y.) maestro, was cleared of any antagonism toward contactmen. The council's resolution, took the position that there was nothing wrong or anything that reflected unfavorably on contactmen in the letter which Cullen had addressed to the Publishing trade. Cullen's letter had suggested that contactmen, when calling on him, wear evening clothes and also refrain from smoking when passing in and out of the Rainbow Room. Resolution was proposed by George Mario, the union's prez.

## WABC'S STAB IN GRAVY

Program of "Old Fashioned Melody" conducted by Charles Stark will be backed by Oxo boubon cubes locally on WABC, New York, beginning Jan. 18. Aids daily except Sunday at 8:15 a.m.

Consists of semi-classical music.

## Dec. 31 on Sunday Clips Meyer Davis

Philadelphia, Dec. 12. Add New Year's Eve casualties: For the first time in 20 years Meyer Davis, the nation's leading debutante orchestra maestro, quit himself without his personal pet playing for Dec. 31. For by last decade Davis has been looking at the swanky New Year's Eve ball of Mrs. Evelyn Walsh (Huge Band McLean, in Washington). This year the event, the most lavish in the capital, was called off because the date falls on Sunday night.

The loss to Davis: \$5,000.

## Old American Record (Yates) Decides To Fight Pecora Decision

American Record Corp., as representing part of the Herbert J. Yates interests, has decided to appeal the decision which N. Y. supreme court Justice Pecora handed down against the company on a preliminary motion in connection with the Crawford Music Corp.'s \$100,000 suit against the former disc manufacturer. Crawford is suing to recover royalty alleged due on licenses granted before the ARC was purchased by CBS.

Justice Pecora refused to grant the ARC request that Crawford be ordered to state a separate cause of action for each license agreement involved, which task would require a room of filing papers. Counsel for other music publishers were on the verge of bringing separate suits against the ARC in behalf of their own clients on similar grounds until ARC announced that it was taking the preliminary issue to the appellate division. The publishers' counsel have decided to defer filing until the latter court has acted on the appeal. The other suits that propose to sue are the Metro-Robbins group, the Warner Bros. group and Mills Music, Inc.

## Music Notes

Jimmy McHugh checked off the Paramount lot after writing four songs for "Buck Benny Bids Again."

Eddie Cherkesco sold Republic two songs for use in "Village Barn Dance." Ditties are "Howdy Neighbor" and "Lull to Lyndale."

Jack Robbins has released the tune "Thank Your Stars" to Willie Horney and Abner Silver who last week acquired the Joe Davis catalog. The song had been turned in to Robbins several weeks ago by Silver, Walter Kent and Harold Adamson.

Sigmund Krumsold scoring "Opened By Mistake" at Paramount.

Jersey Gayles shifted to Irving Berlin Music with Charley Warner when the latter switched from Columbia. Both recently left Witmark to join M-M.

Max Steiner gets the scoring jobs on "The Life of Dr. Ehrlich" and "Virginia City" at Warners.

## 15 Best Sheet Music Sellers

(Week ending Dec. 8, 1939)

South of the Border.....	Shapiro
Scatterbrain.....	BVC
My Prayer.....	Shapiro
Oh Johnny, Oh.....	Robbins
Lilies in the Rain.....	Famous
Blue Orchids.....	Caspiell
El Rancho Grande.....	Chappell
I Didn't Know What Time It Was.....	Feist
Over the Rainbow (Wizard of Oz).....	Remick
Good Morning (Babes in Arms).....	Shapiro
Can I Help It.....	Robbins
Beer Barrel Polka.....	Feist
God Bless America.....	Circle
Last Night.....	Circle
In an Eighteenth Century Drawing Room.....	Circle

\*Musical. †Production.

## 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 Monday through Sunday (Dec. 4-10). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol \* denotes film song, † legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
All the Things You Are.....	May, Chappell	39
Speaking of Heaven.....	Miller	38
Last Night.....	Feist	34
South of the Border.....	Shapiro	33
Lilies in the Rain.....	Robbins	31
Oh Johnny, Oh.....	Forster	30
Blue Orchids.....	Caspiell	29
Scatterbrain.....	BVC	29
I Didn't Know What Time.....	Chappell	28
My Prayer.....	Shapiro	28
El Rancho Grande.....	Markis	24
Good Morning.....	Shapiro	23
In an Old Dutch Garden.....	Harms	22
Goody Bye.....	Shapiro	22
In the Mood.....	Witmark	21
Who Told You I Cared.....	Witmark	20
Are You Hearin' Anythin'.....	Crawford	19
Faithful Forever.....	Famous	18
Good Morning.....	Shapiro	17
Indian Summer.....	Miller	17
Speaking of Heaven.....	Miller	17
Caveats.....	Berlin	16
My Dream.....	Harms	16
You're a Lucky Guy.....	Witmark	16
Let's Be Happy Day.....	Witmark	15
Blue Orchids.....	Famous	14
Does Your Heart Beat for Me?.....	Mills	13
I Thought About You.....	Mercer	13
White Lies and Red Roses.....	ABC	12
Bluebirds in the Moonlight.....	Famous	11
Girl Biri Biri.....	Paramount	11
Little Red Fox.....	Feist	11
Let Be Tied.....	Feist	10
Little Street in Singapore.....	Shapiro	10
Moonlight Serenade.....	Robbins	10
Tomorrow Night.....	Berlin	10
What's New.....	Witmark	10

## Inside Stuff—Music

David Graves George, who has been litigating with Victor over the authorship of "The Week of the '97" since 1927, will likely find himself in a dilemma, even if the higher court upholds a judgment of \$11,000 that he is entitled to against Time magazine in a libel action. The Victor Co. has filed an attachment against this money to cover a judgment it got in Camden, N. J. court, in connection with court costs over "The Week" litigation.

After obtaining new counsel, George last week took "The Week" case to the U. S. supreme court for the third time. His new lawyer applied for permission to present a petition asking that the case be reopened on the ground that the top court had, in its decision favoring Victor, made a mistake in the law.

George drew another disappointment Monday (11) when the U. S. Supreme Court gave him the cold shoulder for the second time in a month.

At its opening at the Pennsylvania Hotel, New York, last Friday (7), the Will Osborne orchestra sprung a novelty tune, written by vocalist Dick Rogers but sung by Dale Jones, that was snapped up for publication the same evening by Jack Bregman. Tabbed "Wouldn't I Could But Kiss Thy Hand, Oh Babe," Rogers had been working on it for several years.

Band played it for the first time at rehearsal the afternoon of the opening.

"Please Leave My Butter Alone," a new song number, is expected to win immediate popularity in England, although rationing system does not become effective until Jan. 8. So Edward R. Murrow, CBS European rep, said in a broadcast from London. On another recent CBS transatlantic, he said that there were now more dance bands playing in West End spots than during the month preceding outbreak of conflict.

United States Record Corporation has increased its capital stock from \$10,000 to \$115,000. Formerly set up with 100,000 shares preferred at \$50 par value, and 10,000 common at \$1 par value. Preferred remains the same, but the common has been hiked to 15,000. Mortimer S. Gordon was filing attorney.

## LITTLE SHEPHERD OF MY DREAMS

IRVING BERLIN, Inc., 799 Seventh Ave., New York, N. Y.  
CHARLIE WARREN, Prof. Mgr.

## ANNOUNCEMENT

# CHARLIE WARREN

NOW IN CHARGE OF PROFESSIONAL ACTIVITIES

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Announcing... ORRIN TUCKER'S NEWEST NOVELTY HIT!



Record to Be Released Dec. 20th  
Seventh Ave. New York, N. Y.

# Philly Vaude At Lowest Level After Carman Drops Shows; WB Picketed

Philadelphia, Dec. 12.—Vaude in Philly, after its last legs with the shattering of Warner's deal when the Carman, North Philly, dropped stage shows and blossomed out as a straight vaude troupe, has been cancelled when the management of the 2,200-seater and Local 77, American Federation of Musicians, failed to agree on terms for a new contract.

George Graves, operator of the Carman union official, accused of being "arbitrary and short-sighted" when he refused to grant his request that his contract be cut to 40 weeks, instead of the 52-week stipulation in the former which expired last week. The union, at the Warner squabble, stood pat on its demand that the conditions of the old contract be renewed.

Graves contended that he suffered loss of more than \$20,000 by being forced to run vaude during the summer months last year. "I have been running vaudeville for 12 years and have always lost heavily in the summer," Graves said.

"Now I'm getting to the bottom of my bankroll and I can't stand any more losses. In addition to 40 weeks, which is the regular vaudeville season. If business warranted I might have kept musicians on for 40 or even 50 weeks. All I wanted was to be the arbiter of my own destiny."

## No-Reply

Graves also said he'd been shunted between the New York and local offices of the AFM, each passing the buck. The Philadelphia office of the AFM had told Graves to get the okay of the national body, while they told me in New York that each local office was autonomous and dealt with these matters individually. I asked Joe Weber (Joseph N. Weber, national president of AFM) for they would give me some help to tide me over the summer. Either to let me have a couple of the local offices to allow me to use less men, but I haven't even been given the courtesy."

Graves said he was satisfied with the scale and working conditions. The Carman employed a crew of 10 men, led by Dino Cortese. The scale was \$50-a-week per man; \$70 a week for Saturday, \$35 additional for extra Saturday show. Graves said he would probably institute a double breakaway at the end of the season. The house is being picketed along with the Earle and six Warner nabes, which dropped AFM members when Warner-APF term finished. Warner's took space in all the dailies last week explaining its position.

"We are ready to reopen the Earle as soon as the Musicians Union will allow us to hire musicians," the ad read.

Closing of the Carman left Fay's, in West Philly, as the only house where vaude made here. This is the lowest vaude has ever fallen in this town.

## LINCOLN SHOWS AN APPETITE FOR VAUDE

Lincoln, Dec. 12.—Turnout for Solle Child's unit, French Polies, which ran up \$2,300 in three days at the Liberty, a vaude road gross for this town, has \$200 and Federer, general manager of the Nebraska Theatre, Inc., very much in vaude mood. Unit was offered \$300 daily rate, but he was cautious and took \$50-50 deal, which cost him more.

Natives were so anxious for a show at a stage show, something the town hasn't had for over two years, they even paid 35c-55c prices, a full 10c higher than the town's vaude for a theatre bill in seven years. Federer says he's ready to book any and all units of size and quality to hit this territory.

## Benefit for Leon Harvey

Columbus, Dec. 12.—Every night club act in the city of Columbus has signed intentions of playing the Leon Harvey benefit show Friday night (15) at the Knickerbocker theatre. Harvey, once one of the top m.c.'s in the Midwest, lost a leg in an auto accident last summer. He's been a trouper for 25 years.

## War Privilege

Kimberly and Page, after a voyage across on a Dutch boat, have arrived in London, American team, because of business holdings in England, are among the very few U. S. nationals to get passport into the zone since the outbreak of hostilities.

Reported they've already been signed for a vaude tour, opening in Blackpool.

## 8-WEEK DEAL FOR UNITS IN S.A.

An arrangement whereby American vaude units and legit shows would play South America, the former under a guarantee of eight weeks with options, has been made between Charles H. Allen, New York agent, and Harry Werber, Buenos Aires showman, presently in N. Y. Where the vaude units are contracted, Werber is prepared to place the eight-week guarantees in escrow, plus paying round-trip transportation.

Idea is for the units to open in Buenos Aires, then play countries other than the Argentine. The first unit is being sent down in February and each will comprise about 15 people. Possible radio dates are also included in the contracts, with units spaced to follow each other every four to six weeks from N. Y.

On legit, the idea is to secure American scripts—musicals and comedies would be favored—and then build productions around native performers. With occasionally an American name, such as, for example, Lupe Velez, who would be able to fit in the Latin setting.

Walter Powell's orch has been picked to swell for the N. Y. World's Fair exerts luncheon at Sherry's Friday (15).

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## Citron's 'Crazy Show' Opens Dec. 25 in Buff

A "Crazy Show" unit has been put together by Herman Citron for vaude house appearances. It will open Dec. 25 at Shea's, Toronto. Topped by the Three Sailors; unit includes Goodrich and Nelson, Don Rice, Frank Masoni & Co. and 10 showgirls.

## MAIMLINEXUS IS UNDERWAY

Miami, Dec. 12.—Early predictions that Miami would probably have its greatest season this winter are being fulfilled. Each day thousands arrive by auto, train, bus and plane, while the harbor is rapidly assuming the appearance of a crowded yacht basin. Miami Beach hotels are, in the main, already filled with a comfortable crowd, while reservations for the remainder of the season have been booked long ago. Already complaining the raising of the tariffs at hotels and apartments, along with a few muttered exclamations on the hike in prices at restaurants, are being heard.

Picture theatres are going great guns. Mitchell Wolfson, co-owner of the Wometco chain and Miami Beach city councilman, states that every indication points toward a big winter.

His chain's Biscayne Plaza, which is the second-largest theatre in the Greater Miami area and situated at Miami Beach, will be devoted to a name band policy commencing Christmas Day, in addition to its regular picture fare.

## Friars Host Ben Blue At N. Y. Get-Together

First Friars Club Saturday Night affair (9) this year had Ben Blue as guest-of-honor and drew a sell-out crowd of 300 to the Edison hotel, New York. Jay C. Flippen was guest.

Day-stiffs included Milton Berle, club's Abbott, Maxie Rosenbloom, Ed Kline, Ted Lewis, Bill Brandell, Benny Baker, Senator Ford and Ben Bernie. Romo, Comed Co. singer; Eddie Miller and Eddie Davis delivered the vocals.

Blue closed Saturday night in George White's "Scandals" at the 51st Street (Hollywood) and the Friars gave him a rousing sendoff for his road tour.

## 3 B'way Deluxe Cafe Openings Xmas Wk.; Low Brown Leases Casa Manana

## It's Masquers Turn

Hollywood, Dec. 12.—Masquers Club is putting on a 10-act vaude show, titled "A Night at the Palace Theatre," Thursday (14), to entertain the British Union Service Club.

Britons entertained the Masquers last year with "A Night at the Palladium."

## N. Y. AGENTS GET THEIR ASSN. UNDERWAY

New York agents' new organization on Friday (9), in a second meeting at the Edison hotel, adopted by-laws, set up a schedule of officers and appointed a governing board of 10 to select and elect a slate of officers.

Governing board consists of Charles J. Freeman (Consolidated Radio Artists), Herman Bernie, Bill Kent, Sam Shapiro (Fanchon & Marco), Herman Citron, Harry Kilby, Harry Pincus, Bill Shilling, Maurice Golden and Roger Murrell. Up to yesterday (Tuesday) they had not decided on a slate of officers, but latter are expected to be chosen by the end of this week.

Dues are low and admittedly only temporary until there's some line on the cost of operating the A.R.A. Tariff is \$15 for an agency and \$5 for associates, with the latter not having voting privileges.

About 60 agents have already joined the A.R.A., while many others stated they would join in the immediate future. Friday's meeting, however, was closed to those agents who did not pay dues.

A negotiating committee will probably be chosen within the next few days to contact the American Guild of Variety Artists on a working agreement as well as equitable licensing. It was this union's drive to license the talent reps that spurred the agents' organization.

I. Robert Broder is counsel for the Artists Representatives Assn.

Broadway will break out in a rash of deluxe night opening Xmas week. Three spots will debut: one with a new show and mode of operation, with a new tag and more lavish production and, thirdly, a new venture in an old spot.

New venture will be Low Brown's operation of the Casa Manana, near the French Hotel, and Earl Carroll theatre. Brown signed Wednesday (6) with Haring & Blumenthal, owners of the property, and will open it Dec. 25 with virtually the same theatre-cabaret policy it had under Billie Holiday's banner. Thus far Brown, whose "Yokel Boy" musical is current at the Majestic, N. Y., has Velen and Yolande, Eddie Garr, Frazee Sisters, Owen McViney, Larry Adler and Jerry Cooper set for the initial show.

Brown's debut try may be a straight vaude affair, time being too short for him to prepare a production by Xmas. He states Haring & Blumenthal are financing the venture, with Brown in complete charge of shows and production. Casa Manana tag is being retained.

On Dec. 21 will unveil the Zigfield Midnight Frolic, new tag for the Paradise Restaurant, and Seymour Felix staging the show, and Harold Adamson and Vernon Duke writing the score.

Dec. 21 will also be reopening of the International Casino with Renee Rovers staging and Nat Karson doing the show. Russ Rosenberg's orch and a band headed by Bogart Steele are set for this spot, along with the show, the Hollywood Music Hall, as dance stage. The International's policy will include a one-man band and other tactics to please the customers.

Not exactly in the line of a nitery, but stemming from the cabarets, is Clifford C. Fischer's "Polite Players," which debuts Xmas night (25) at the closing, J. Moss' Broadway, latterly by the Cine-Roma. Policy of this theatre date will be two-night and one-night shows, with the idea a legit revue. The two-night date is a copy of a popular legit policy in the city.

Takeover of the Casa Manana by Brown puts an end to individual negotiations. Art Carrol and George White for the spot. Both wanted to operate it as a theatre-cabaret. The Casa, a couple of blocks from the Strand, at the 50th street and Seventh avenue side, but certain shore and office leases in force restrained that move. Since then Haring & Blumenthal had been looking for someone to reopen the spot.

This won't be Brown's first theatre cabaret venture. He also followed Ron at the Casino de Paris, which, with Yermi Stern as operator, turned in a huge profit for a time during the closing days of prohibition. Later, it faded into the red and folded.

## EVANS STAGING ICE SHOW FOR ARENA TOUR

Chicago, Dec. 12.—Fred Evans, producer of the Ice Show Faree, is now staging the ice show imported by Arthur Wirtz and associates for a nation-wide tour starting on Christmas Day. Tagged the "European All-Star Ice Revue," show will open in the St. Louis, Indianapolis, and play 10 weeks of key arenas throughout the country. Will play the same dates as the Sonja Henie Ice Show, which is also presented under the Wirtz auspices. Show is in rehearsal in the Chicago Stadium here, which is also controlled by the Wirtz interests. Miss Henie and her troupe play the Stadium for 10 days starting Christmas Day.

## Chi Congress Casino Reopening Dec. 21

Chicago, Dec. 12.—Floor show reopening the Congress hotel Casino Dec. 21, includes Marc Ballero, Candy Candiano, Carol King, Frank Flory, Vickie Allen, Pat Travers and Tito Corvo. Ted Fiorio's orch will hold the bandstand. Casino reopens Dec. 21 after having been dark more than a year.





Ore  
Little Rathskelle  
Gaye Dixon  
Music Hall Boys  
Dinner

Kelly, biz agent of the United  
tainers Assn., and Charl  
Shorkey, agent of the State I



## Some Mgrs. Call Equity 'Unethical' in Upping Minimum Wage to \$50; Not Expected to Hurt Production

Equity pulled a fast one last week when its council adopted a rule upping the minimum pay in legit from \$40 to \$50. Move which was met by the ticket code was okayed for the balance of the season, carrying with it a basic pact that there will be no change rules during that period. Because of that the actors were criticized, though the increase will not become effective until next season.

The managers huddled, but nothing could be done about the Equity action. Some shown expressed the opinion that it was unethical for equity boosting the minimum will seriously affect production, was deemed problematical, since there are managerial ways to equalize whatever amount the boost in the payroll may be. Equity responded to reaction following the move by saying that the managers knew there was a committee working on the plan ever since it was proposed from the floor at the last quarterly meeting. Original proposal was to raise the minimum to \$75 weekly, so Equity argues that the move is a compromise. While negotiations on the code were on, the proposal to up the pay was met with abeyance, and it was not until after the issue and it was not believed that the matter would come from committee until later in the season, it then.

### Surprise Vote

Known that some leaders in Equity were disturbing the minimum on the ground that any number of players getting intermediate salaries would be offered lesser amounts to make up for the increase to the lowest-bracketed people. The vote was the boost to the next surprise. There were 23 members of council present, or nearly 50 percent of the body's whole membership, and although the voting in favor of the resolution was not unanimous, the tally was not far from that result.

The probable result of the increase in minimum will be that actors who have been getting \$60, \$70 and up to \$100, will be paid salaries close to the \$50 mark, if not reduced to that amount. Some producers have rarely contracted people at the \$40 rate, even for the smallest parts, not caring to be known among the professionals, for using the minimum privilege.

Claimed that one reason for the increase is the tendency of some managements to misuse growing

(Continued on page 50)

## SELWYN MAY WASH UP N. Y. TEMPORARILY

Fast folding of 'Foreigners' at the Belasco, N. Y., Saturday (9) may terminate Arch Selwyn's legit plans in the east for the time being. Fredrick Lonsdale, who played a weak part and was praised after seven performances. Boxoffice drew fairly well, but it was proposed to keep the play on at least three weeks because of possible picture rights. Selwyn had an arrangement to play the part he was to produce several plays, backed by J. J. Shubert.

Selwyn went to Los Angeles to look over 'Red Bumble Bee' in which he is interested and which is to be on tour for at least three months. Play, which stars Leo Carrillo, drew a favorable press, in Price and Carrillo was presented with a medal from the mayor, which helped on the publicity end. Star Selwyn's stage entrance on a white Arabian horse, with a golden saddle.

With associates, Selwyn plans trying out several plays on the Coast with Broadway the ultimate objective.

### Hull Set for 'Name'

Henry Hull, currently working in Edward Small's 'The Son, the Son' will return to legit immediately upon completion of the film. He'll co-produce and star in 'The Other Name', by Warren Mumford, Jr., son of the g.m. of the Theatre Guild.

Plan is to produce the play on the Coast and tour it prior to a New York opening.

## Swinging 'Pinaflore'

Chicago, Dec. 12. Swing version of a second Gilbert & Sullivan operetta, 'H.M.S. Pinaflore,' is being readied here under the general aegis of Bo Hebert and the Negro Light Opera Co.

Show has been in rehearsal for some time and is figured to open in the Great Northern shortly after first of year.

## Freedley, Jr., Authors Harvard's New Show

Boston, Dec. 12. For the first time in nearly a year the Harvard Dramatic Club will present a show conceived entirely by students. Under 'Too Late to Laugh' opens Thursday (14) at Sanders theatre, Cambridge. Vinton Freedley, Jr. (40) is the author of the play-with-music about modern New York life.

Cost of nearly 200, music, 'mass rhythmic movement' and an architectural framework to 'integrate the 24 scenes' are among the attractions. Student Freedley has also been prominent in Hasty Pudding productions at Harvard for the past two years. 'Too Late to Laugh' is the 59th presentation of the Harvard Dramatic Club and will run 39 consecutive nights.

## REGAN TAKES \$6,000 FOR 'DU BARRY' PACT

Phil Regan is reported to have accepted \$6,000 in settlement of his out-of-the-play contract with 'Du Barry Was a Lady,' which opened at the 46th Street, N. Y., last week. His salary was \$600 weekly, and under the rules might have collected that sum weekly while the show plays. Settlement represents pay for 10 weeks. Regan being free to accept any other engagements. Amount paid him will be charged to added production outlay by B. G. De Sylva, who produced 'Du Barry.'

Regan, former Brooklyn cop, who warbled his way to attention in Hollywood, was given the term contract, evidently without being heard in a hearing. When the show opened in New Haven it was discovered that Regan's voice did not carry far enough back in the house, and Ronald Graham was sent in to replace it. It was said that Regan was using a microphone for vaudeville appearances. While there is amplification for certain parts of 'Du Barry,' the mikes pay state compensation insurance on the level of the stage and only pay to emphasize the tap dancing numbers.

## War Nicks Pay of U.S. Actors Playing Canada

The war has caused an unusual situation for American actors appearing in Canada, because the rate of exchange is 10% under the value of the American dollar and salaries are actually that much less than contracts call for. Under Equity rules, salaries are payable in legal tender of whatever country played, and last Saturday (12), when 'Kiss the Boys' was in Toronto, the cost received Canada's coin of the realm, which meant only 90c on the dollar.

Equity explained that nothing could be done about it and that the show management is not liable for the difference. It is likely that next season's contracts will make provision for such discrepancies, though the association has not heretofore considered the rate of exchange for appearance in other lands. Usually contracts for foreign appearances specify the amount of salaries in whatever legal tender is used, any differences in exchange being equalized by negotiation prior to signing. As Canadian playing time is restricted, little attention was given to the exchange rate. Before the war, actors benefited by exchange rate.

Only stage unions said to cover Canadian situation is for company managers and agents and stagehands, whose contracts provide for pay the coin of the realm, but to an amount equal in American coin. In addition to the 10% nick for legit shows, management is required to deduct for social security and must pay state compensation insurance despite the fact that the performances are across the border.

## Indie Ticket Bookers' Counsel: Attacks Code; Dulzell Surprises By Denying Equity's Participation

## 'Swing Dream's' Fold Cost Jean Rodney 80C

Report that the Rockefeller invested in 'Swingin' the Dream,' which was withdrawn from the Center, M. Y., Saturday (9) after a week and four days, is denied. Jean Rodney, who was associated with Erik Charell in the production, is believed to have supplied the principal financing, presumably with the aid of her father, a Wall Street. 'Dream' cost around \$80,000.

While the ticket code was revised with enforcement regulations to the satisfaction of Equity and the managerial League of New York theatres, it has drawn sharp fire from the ticket brokers. There is distinct fear that the League will be dissolved unless the agency people are given the opportunity to effect changes in the rapid rules of procedure, which they declare are impractical.

Tuesday morning only one agency had signed up. League heads discounted the squawks from the brokers. Thursday the managers may listen to what the ticket men have to say but refusal to sign the code may result in allotments of tickets being withheld from the hold-outs.

In no uncertain terms, Gustav A. Gerber, counsel for the Associated Theatre Ticket Agencies, the independent brokers not inclusive of the three major offices, expressed vigorous protests to Paul Dulzell, of Equity, and James F. Reilly, executive secretary of the League. Former permitted a surprising response, said to have representatives on the party to no signatory of the code, and therefore is not giving consideration to the code. Generally known, however, that Dulzell signed the basic pact which accounts for the present situation, at which time Reilly signed for the managers.

Attitude of Equity was further confusing, because the code specifically provides that the actors shall be the ticketing agency, and the enforcement board of four, or may name two persons to act out. Dulzell's reply is said to have riled the ticket people and is interpreted as a move that might be an out for victory in the event that court action is taken against invoking the code.

### 'Legality' Doubled

There were two conferences in New York last week, and it was their understanding that the final revisions would be submitted to the brokers for formal adoption. Gerber wrote that, since this course was not pursued, it would seem that the League is taking a formal adoption. The discussions, and expressed 'serious' about the legality of the property of the methods used by the managers and Equity. It was the League suggested that the code be explained to the brokers, who say that only two minor changes were made at their instance.

Brokers' attorney expressed the opinion that there is no doubt that Equity and the League are in concert to 'put our people out of business.' He declared that the code as devised is 'arbitrary and coercive.'

(Continued on page 50)

## TYSON'S VS. McBRIDE'S FOR N. Y. HOTEL STANDS

While Broadway's ticket brokers are of less use in regard to the code as impractical, there is a side contest between McBride's and Tyson's for the right to control over hotel stands. Latter agency has been absorbing such outlets by bidding up the price of rental in the Tyson outfit (William Sullivan and Harry Kaufman) is now operating 17 stands in hotel lobbies. McBride's retaining seven, having given up some because of upped rental demands on such outlets.

In ticket circles it is questionable whether hotel stands are profitable ventures, especially since the code is believed to have stopped operation in the open. Known that when high prices were obtainable, strategy of lobby stands depended more on the class of guests rather than the use of the stands. Formerly McBride's had but two hotel stands, but when the Bacson agency was absorbed some of them came a string of hotel stands was involved in the deal, that agency specializing on such outlets.

Last week McBride's relinquished the stand at the Commodore hotel, Tyson's taking over. The stand was bid up to \$12,000, with McBride's declining the stand could not operate profitably with such overhead. Ticket stands are said to depend on business during only six months of the year.

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# Chi Believes in Santa; Me' Hot 28C In Female; 'Children' 30th Wk., \$12,000

Chicago, Dec. 12. Going into pre-Xmas finds only three houses operating, but with the coming of Christmas, they will have plenty of legiti.

The final week of 'Leave It to Me' went up its third week, stay in the big Auditorium with its best take also.

Also getting new life last week was the John Barrymore show, 'My Man in the Moon', which was an excellent gross. Will stick past the first of the year, and will give way to another Aldrich and Myers show, 'Easy Virtue', skedded for the Selwyn Jan. 8.

'Springtime for Henry' slipped a little last week, but is holding on with a satisfying take. Will play till Christmas at the Erlanger and then will go to the Grand for another short night. Switches to make room for 'The White Horse' at \$12,000.

'Outward Bound' slumped from its second week at the Harris. Will go one more session and then close with a satisfying take. Will play till Christmas at the Erlanger and then will go to the Grand for another short night. Switches to make room for 'The White Horse' at \$12,000.

'Leave It to Me' Auditorium (3d final week) (4,000; \$3.30). On finale hope of 4th, upswing, and will close with last three good weeks to bring \$22,000. Ballet runs, arrives at Dec. 26, stay till Jan. 6.

'My Dear Children' Selwyn (30th week) (4,000; \$2.75). Stay till Jan. 6, again last week and snaggled brought \$12,000. Now set to close Christmas.

'Outward Bound' Harris (3d week) (4,000; \$2.75). Stay till Jan. 6, again last week and snaggled brought \$12,000. Now set to close Christmas.

## PHILLY SLOW; TONIGHT SCANT \$9,000, BUT H.O.

Philadelphia, Dec. 12. After two weeks of glowing legit, spurred by Thanksgiving, and the 'My Navy Fellow' show, the Philadelphia lapsed last week and the house is slow. The final banning of 'Mullato', after a long time, will appear to be excellent chances for real coin at the Walnut following all the publicity.

The Forrest and the Erlanger were the premiere of John Henry, with Paul Robeson, at the Erlanger and George White's 'Scandals' at the Forrest. 'Scandals' is in for two weeks with a not-uninspiring advance.

'Tonight We Dance' Locust (1st week) (1,500; \$2.85). Notices so-so for stay, but big about the same. Scant \$9,000.

John Barton 'Road Co.' Strong \$6,500, Memphis

Memphis, Dec. 12. Barton grossed strong \$6,500 for six performances in four days at local theatres, last week. Name troupe played there last year to less money, but this year's was better, owing to removal of naughty verbiage.

With the works back this time, and the troupe crying, advance at the b.o. had a proportional effect.

'Kiss Boys' 9 1/2 G. Toronto

Toronto, Dec. 12. 'Kiss the Boys' Toronto, Dec. 12. Close to \$9,500, very satisfactory, at the Royal Alexandra, 1,541-seat, here last week.

Top was \$2.50.

# 'Hot Mikado' Jives To \$15,700 in Balto

Baltimore, Dec. 12. In to good advance sale, 'Three After Three', at Ford's, is first booked for the Maryland State Capitol. Last week 'The Hot Mikado', at the same house, attracted a steady, profitable gross at \$12,000.

On the calendar is George Abbott's pre-advance effort of Ayn Rand's drama, 'The Unconquered', with Eugene Leonowicz heading the cast, and the Maryland State Capitol and 'Outward Bound', due at Ford's Jan. 1 as the third of first plays promised under the American Theatre Society-Theatre Guild subscription system inaugurated last year.

'Estimate for Last Week' 'Hot Mikado' Ford's (1,900; \$2.25). First week to stop here in some one attracted satisfactory \$15,700. Built to sellout late in the week.

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## LUNTS SOCKO \$20,000 IN L. A.

Los Angeles, Dec. 12. Alfred Lunt and Lynn Fontanne are pulling heavy trade with their version of 'The Taming of the Shrew' at the 'Biltmore' in limited engagements.

'Seventh Heaven' (Charles Farrell) - Technical Highschool, Kingston, Conn. (11); His Majesty's, Montreal (12-16).

'Springtime for Henry' (Edward G. Robinson) - Chicago (10); 'Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10).

'Three After Three' (Simone Simon, Mary Brian, Milt Green) - Ford's, Baltimore (10); 'Outward Bound' (Laureate Taylor, Florence Reed) - Harris, Chicago (10); 'The Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10).

'Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore (1st week) (1,700; \$3.50). Swank getting pulled up to \$20,000 and rest brought to \$20,000, big. One more stanza to go.

'Folies Bergere' (C. Caplan, Hollywood) (6th final week) (1,560; \$1,001). Extra day added to make \$1,000 for fifty \$1,000.

'Blossoms Time' Playhouse, Hollywood (1st week) (1,130; \$2.10). Repeat of this opera developing. Repeat at the Hoffman. First of two weeks booking brought neat \$2,000.

'Ethel Waters-Mamba' Nifty \$16,000 in Pitt

Pittsburgh, Dec. 12. Ethel Waters' 'Mamba's Daughters' returned the Nifty to its winning habits last week after a disastrous session. 'Mamba's Daughters' played 'Tonight We Dance'.

'Tonight We Dance' Locust (1st week) (1,500; \$2.85). Notices so-so for stay, but big about the same. Scant \$9,000.

John Barton 'Road Co.' Strong \$6,500, Memphis

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With the works back this time, and the troupe crying, advance at the b.o. had a proportional effect.

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Top was \$2.50.

# Current Road Shows (Week of Dec. 11)

'Abie Lincoln in Illinois' (Raymond Massey) - Paramount, Toledo (11); Hanna, Cleveland (12-16).

'Blossom Time' - Playhouse, Hollywood.

Colbourne - Jones (Repertory) - Empress, Vancouver (11-14); Royal Victoria, Victoria (15-16).

'The Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10); 'Three After Three' (Simone Simon, Mary Brian, Milt Green) - Ford's, Baltimore (10); 'Outward Bound' (Laureate Taylor, Florence Reed) - Harris, Chicago (10); 'The Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10).

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# DuBarry Seen New B'way Leader, First Times \$25,000 New 'Heiz' Looks Up, While Leaders Hold Pace

'DuBarry Was a Lady', which opened at the 46th Street, last week, is Broadway's new gross leader, according to the statistics. It is expected to play through winter, somewhat affected by newer successes, but it is still in big money. The Waman Bros. 'Biltmore' (24th week) (D-981; \$3.30). Opened Friday (6); drew heavy patronage. The World War Map Guild (4th week) (D-914; \$3.30). Extra-space ad for World War Map Guild, raised mildly to about \$8,000.

'Time of Your Life', Booth (8th week) (D-1468; \$4.40). Has been profitable attendance, and likely to continue the spring; rated around \$11,000.

'Tobacco Road', Forrest (34th week) (D-1468; \$4.40). Has been profitable attendance, and likely to continue the spring; rated around \$11,000.

'Hamlet', 44th Street, full length version back for five-week repeat; some new dance routines at \$7.50 top.

'Rings and Needles' Windsor (10th week) (D-914; \$3.30). Has been somewhat affected by newer successes, but it is still in big money. The Waman Bros. 'Biltmore' (24th week) (D-981; \$3.30). Opened Friday (6); drew heavy patronage. The World War Map Guild (4th week) (D-914; \$3.30). Extra-space ad for World War Map Guild, raised mildly to about \$8,000.

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'The Philadelphia Story' Shubert (2d final week) (D-1468; \$4.40). Has been profitable attendance, and likely to continue the spring; rated around \$11,000.

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# CRUX, MAYOR'S RAVES UP 'ABE' TO \$25,800 IN DET.

Detroit, Dec. 12. Dark for a week, Cast responded here with 'Abie Lincoln in Illinois' and did sellout business.

'Abie Lincoln in Illinois' (Raymond Massey) - Paramount, Toledo (11); Hanna, Cleveland (12-16).

'Blossom Time' - Playhouse, Hollywood.

Colbourne - Jones (Repertory) - Empress, Vancouver (11-14); Royal Victoria, Victoria (15-16).

'The Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10); 'Three After Three' (Simone Simon, Mary Brian, Milt Green) - Ford's, Baltimore (10); 'Outward Bound' (Laureate Taylor, Florence Reed) - Harris, Chicago (10); 'The Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore, Los Angeles (10).

'Taming of the Shrew' (Alfred Lunt, Lynn Fontanne) - Biltmore (1st week) (1,700; \$3.50). Swank getting pulled up to \$20,000 and rest brought to \$20,000, big. One more stanza to go.

'Folies Bergere' (C. Caplan, Hollywood) (6th final week) (1,560; \$1,001). Extra day added to make \$1,000 for fifty \$1,000.

'Blossoms Time' Playhouse, Hollywood (1st week) (1,130; \$2.10). Repeat of this opera developing. Repeat at the Hoffman. First of two weeks booking brought neat \$2,000.

'Ethel Waters-Mamba' Nifty \$16,000 in Pitt

Pittsburgh, Dec. 12. Ethel Waters' 'Mamba's Daughters' returned the Nifty to its winning habits last week after a disastrous session. 'Mamba's Daughters' played 'Tonight We Dance'.

'Tonight We Dance' Locust (1st week) (1,500; \$2.85). Notices so-so for stay, but big about the same. Scant \$9,000.

John Barton 'Road Co.' Strong \$6,500, Memphis

Memphis, Dec. 12. Barton grossed strong \$6,500 for six performances in four days at local theatres, last week. Name troupe played there last year to less money, but this year's was better, owing to removal of naughty verbiage.

With the works back this time, and the troupe crying, advance at the b.o. had a proportional effect.

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# Road Neat 10G, Sticks For Run; Simone Show OK \$17,000, Faces Hub

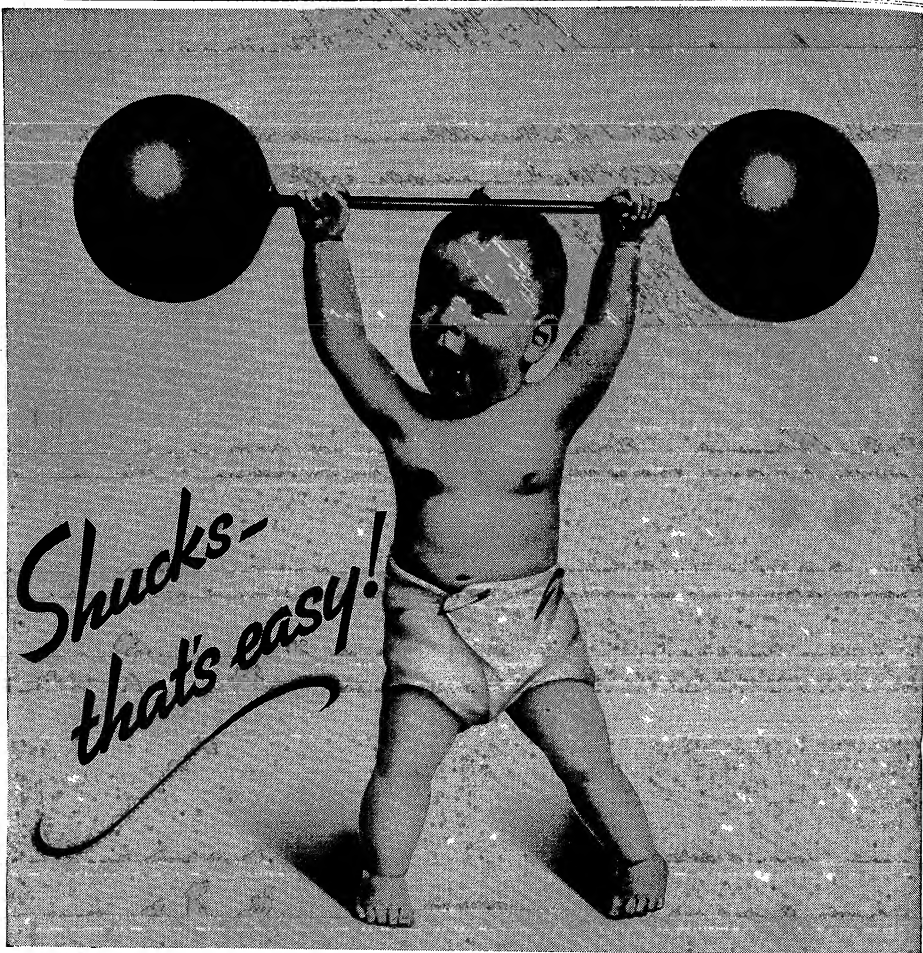
Boston, Dec. 12











**NATIONAL SCREEN TRAILERS do bigger and better stunts every day in the box-offices of more than 12,000 theatres throughout the country.**

They talk turkey to a customer-audience at every performance.

For NATIONAL SCREEN TRAILERS hit the bull's-eye . . . ring the bell . . . smack the good points of your picture across with a combination of action-on-your-screen and high-powered sales copy that carries streamlined conviction in the shortest possible time.

And the price is so low that any exhibitor can afford them . . . large house or small . . . because every NATIONAL SCREEN TRAILER pays for itself many times over in extra admissions. . . . The shortest, most consistent, most forceful advertising you can buy.

IT'S NO TRICK AT ALL  
to put that extra kick  
on your Screen with  
Special Announcement  
Trailers by  
NATIONAL SCREEN  
SERVICE

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

# ENTERTAINMENT

PRICE

25¢

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Vol. 137 No. 2

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48 PAGES

## CASH COME-UP

### Bandleader Yen—Of the Moment—Is Another 'Oh Johnny' Re-Discovery

Because Orrin Tucker has lifted himself to major attention through a revival of 'Oh Johnny, Oh' other band leaders are suddenly bent on scanning the old catalogs for tunes that they, too, might record to garner both the royalties and a rep for bringing 'em back. Several of these leaders last week assigned their arrangers to dig around among the hits of 20 to 30 years ago for numbers they could give a modern twist and spot on the other side of their next platter releases.

If this sudden spurt of intense interest in the dusty ones develops into a fad, it will mean hard going for publishers who make a practice of scrambling for placement of their current tunes on the 'dog' side of the phonograph records. It will also mean the breaks for disc recognition will go more and more to the firms whose catalogs date from away back and are studded with old hits. The latter publishing houses will be in a position to exercise upon recorders more strongly than ever the old bargaining device of agreeing to let one disc company have a certain old tune exclusively if in return a current release of 'dog' classification is also given a break.

### 'Best' Selznick Agcy. Could Do Was \$4,000 Weekly, So Flynn Sues

Los Angeles, Dec. 19. —Errol Flynn is suing to break his contract with Myron Selznick & Co., charging the agency with failure to render proper services in his behalf. State Labor Commission, before which the petition was filed, gave Selznick until Jan. 20 to answer. Flynn claims that the best the agency could do for him was \$4,000 a week. His current weekly salary is \$5,000, he asserts, is the result of his own negotiations. His new contract calls for a boost to \$6,000 a week, effective Aug. 17, 1940, and the next year to \$7,000, according to Flynn's complaint.

### Penciled In 18 Years Ago

Philadelphia, Dec. 19. —Meyer Davis claims to have advanced booking of a dance date. On Dec. 31, 1922, Mrs. Henry Brinton Cox, wealthy Philly dowager, heard Davis' band at a swanky ball and penciled him to play at the comfort party of her granddaughter, Ruth Porter, who was born a few days before (1922).

Next year, on Dec. 31, 1940—18 years later—Davis will launch a band of 80 musicians as young Miss Porter's debut ball at a gala ball at the Bellevue-Stratford hotel.

### 'The Blackout Stroll'

London, Dec. 19. The latest dance craze, composed by Tommy Connor, is called 'The Blackout Stroll.'

### Traveling Acts Subject to 1 1/2% New Philly Tax

Philadelphia, Dec. 19. Traveling acts, bands, circus performers, opera singers, legit players, etc., playing Philly after Jan. 1 will have a slice taken out of their wages to pay the city's new 1 1/2% income tax passed Friday (15). Under the levy, passed by City Council to make up an \$18,000,000 deficit in the budget, residents and non-residents of the city will be taxed alike. The tax will be collected weekly at the source. In other words, employers' agents will deduct the tax from the pay envelopes and turn the coin into the city coffers.

A choreman making \$40 a week will have to drop 60c into the municipal pot. Performers making \$100 a week will have to pay \$1.50 weekly, despite the fact that residents of other states have to pay taxes there besides. Another angle is that Philadelphia workers out-of-town are also forced to pay the new tax. A Philly agent booking a local resident in an out-of-town spot must deduct (Continued on page 32)

### Rare de Reszke Disk To Be Sold Publicly

The rarest operatic record in existence, a Jean de Reszke, is being commercially released by the International Record Collectors Club of Bridgeport, Conn. The double recording is Siegfried's 'Forging song' from 'Siegfried,' and 'O Paradiso' from 'Africana.'

The tenor refused to record commercially, but these recordings are reproductions from the collection of Lionel Macdonell, librarian of the Metropolitan, who experimented with recording in the wings of the opera house during actual performances in the closing years of the last century. They constitute the only known recordings of the tenor, who declined an offer of \$50,000 from Victor since he declared 'Jean de Reszke will never be preserved on wax.'

De Reszke, born in 1850, was considered the greatest tenor in the world during the 19th century.

### SMART SPONSORS DEPLORE TREND

Trade Observers Say Advertising Agencies Are Losing Perspective—Buying Listeners with Money Give-aways Called Unsound and Transitory

#### HARTFORD CASE

Leading network advertisers, with Lever Bros an emphatic case in point, have recently rejected programs offered by advertising agencies which were primarily based on some money giveaway idea. These advertisers, in rejecting such presentations, have expressed the viewpoint that bank nights and other types of cash handouts cannot help but react unfavorably on both radio and the accounts in due time, and an unhealthy state is bound to result from the circumstance of one account bidding against another for listeners by the cash route.

In the case of Lever Bros., usually regarded as among the shrewdest of sponsors, there is a decided distaste against anything that doesn't smack of straight and legitimate entertainment. This account believes that the listener's primary interest in radio is the entertainment that he derives from it and that in the long (Continued on page 24)

### CRUISE SHIPS AT LOW LEVEL

Holiday cruise business is virtually at a standstill. Only three liners are definitely sailing at the end of the week, whereas last season between Christmas and New Year's there were 40 such trips, and nearly every boat sailed with capacity passenger lists. For 30 of last season's holiday cruises, entertainers were engaged. One of the current three will have a show for the vacationers, it being the Nieuw Amsterdam, which will sail the coast to Miami and Havana.

The Graf Spee incident in South American waters has caused several cancellations. Other two boats slated for the holiday trip are the Swedish liners Kungsholmen and Cooljunga. Latter had less than 100 passengers listed late last week, as against 600 last year. Early this week the former listed 200 bookings, but half are said to be cruise agents. Last season the liner sailed with 500 passengers. In doubt of sailing is the Saturnia, Italian boat, while the English and French liners have naturally cancelled all such trips.

### Joe Kennedy's Influence Seen In U. S. Resumption of British Prod.

#### Stork Sweepstakes

Standard Oil, outdoing the late John D. Rockefeller who gave away dimes, will pay \$5 to all babies born Jan. 1, 1940. This is a stunt arranged by the Esso radio news programs to mark the two new 'babies' of Standard, Esso and Esso Extra gas.

Actuarial experts at the Metropolitan Insurance Co. gave Marshchalk & Pratt agency the proper odds on which Standard will pay off special maternity cases, to wit:

Twins, \$200.  
Triplets, \$750.  
Quadruplets, \$4,000.  
Quintuplets, \$25,000.

### Cohan Looks At Cohan in Catholic U.'s Wash. Show

Washington, Dec. 19. —George M. Cohan made special trip here last night (18) to get quite a kick out of 'Yankee Doodle Boy,' presented by Catholic U. Speech and Drama Department as a 'musical biography' of college's favorite theatre name. Cohan, who always visits school when he's in town, had conferred with authors, recalled little-known incidents from his life and supplied some 23 of his songs to be worked into the show.

Book, written by Walter F. Kerr and Leo Brady, former a teacher and latter a graduate student at the school, carries Cohan from an infant sitting up in a trunk bagstage in a vaudeville theatre in 1878, through 17 scenes to today. Central characters are the 'Four Cohans.' Also prominent is Sam H. Harris, his partner in the producing end.

First act concentrates on the (Continued on page 45)

### \$2,000,000 in U. S. Taxes Paid on Thalberg Estate

Hollywood, Dec. 19. —Court records here disclosed that estate taxes already paid on Irving Thalberg's estate approximated \$2,000,000 with the state soon to be paid \$250,000.

Estate of \$1,470,913 left to his family now has a market value of \$3,000,000 according to latest appraisal.

A connection between the return of Ambassador Joseph P. Kennedy from London two weeks ago and decision last week by RKO, Warner Bros., Paramount and Metro to resume English production is seen by the trade. Kennedy is understood to have returned with a recommendation that American producers go forward in good faith with their commitments in England. He is said to have indicated that this may lead to a lowering of the coin-freeing provisions now in force when rulings governing the amount of money permitted to be exported are revised in the spring.

Kennedy is of the opinion that a reasonable effort by American companies to produce in England may very possibly result in production equal to the amount done in the United Kingdom before the war. It is not expected, however, that either the American or British companies will be able to produce as many films as prior to the outbreak of hostilities, leaving a bigger-than-ever market for American-made pictures.

Increased income, of course, will be virtually meaningless unless coin-removal restrictions are eased. That is why Kennedy, who aided in negotiating the money-exportation rulings, is anxious that the Americans show their 'good intentions.' He thinks the chance they take now on investment in foreign production may pay big dividends eventually.

A hitch in the English production, of course, is that it is a chance. It's (Continued on page 32)

### 350-Pound Judge Doubles As Maestro of Burley Orchestra in St. Louis

St. Louis, Dec. 19. —Doubling as police magistrate in Venice, Ill., across the river, and baton-waver at the Garrick theatre, St. Louis burlesque house, is a push-over for Frank Reideberger, who hasn't lost an ounce of the 350 pounds of avoirdupois he totes around during the 10 years he has been doing the double turn. Past 45 years of age, he's been a police magistrate 15 years.

He taught piano to youngsters in Venice for several years, between court sessions, and in 1929 became leader of the St. Louis band which stuck through thick and thin with (Continued on page 47)

### Mrs. F.D.R. Commercial?

Deal for a sponsored series on Columbia by Mrs. Franklin D. Roosevelt is now being negotiated by BBS American Bureau.

Several commercial possibilities are available to b.r. the talks, and Mrs. Roosevelt is thought to be amenable to accepting.

# 'Complete Rehabilitation Is Bioff's Argument, Fighting U. Extradition'

Chicago, Dec. 19. Extradition hearings on William Bioff, film labor leader, now in California on the Illinois capital at Springfield, were heard today (Tuesday), and ended in Governor Henry Horner's aides taking the case under advisement. Decision is due Jan. 10. Assistant state attorney general Kenneth set at the top of the field review, personally representing Gov. Horner, who was not present.

In fighting the extradition claims, to serve the remainder of a two-month term of pandering, on which he was convicted in 1922, State Senator Abe Marovitz, representing Bioff, claimed that anti-American Federation of Labor organizations were working for the extradition of Bioff now "completely rehabilitated and therefore does not need punishment." Besides, it was argued Bioff thought that the case had been reversed long ago.

Marovitz said that the Gov. refuse to signatury any order to bring Bioff back from California to serve remainder of the sentence.

Meanwhile, the State Attorney's office last week put up a stiff protest to the Los Angeles County Jail for releasing Bioff. In a vigorous way to L.A. chief of police A. C. Harbo, the State Attorney's office complained that the first word they heard of Bioff's release was from the Los Angeles Times. The release was made before the Illinois governor. Case set for Dec. 19. This caused the death of the apprehension of Bioff and told him as a fugitive until both governors have acted or until this office notifies you otherwise. Letter follows.

"According to press reports Bioff decided. We did not request his release. See our letter Nov. 29, enclosing warrant, your authority to return him until you receive our written order. Attorney Marovitz on behalf of Bioff resisted the release before the Illinois governor. Case set for Dec. 19. This caused the death of the apprehension of Bioff and told him as a fugitive until both governors have acted or until this office notifies you otherwise. Letter follows.

To this wire L.A. Chief Hoffman telephoned in reply that 'Bioff case dismissed Dec. 12. Court figured you had ample time to be here. Subject's Small advised that he had been in your governor issues extradition papers. Our district attorney will not issue another fugitive complaint until then."

Letter with which the State's attorney's office followed up was read in part:

"We were much surprised that Bioff was discharged by your county city. We assumed, of course, that you were aware Bioff was fighting extradition and that you would be a delay in obtaining a governor's warrant. In this case the action was taken without delay. Before the Governor of Illinois had passed on the papers Attorney Abe Marovitz requested a hearing before our Governor and notified us he was objecting to Governor Horner signing his requisition upon the California governor for a governor's warrant. We did not know what to do. The court, but we believe the judge was imposed upon. Certainly he would not have discharged Bioff had he known that Bioff himself caused the delay."

Marovitz appeared in court to say he had told the court about the Illinois situation.

## L. A. to N. Y.

Frank Borzage  
Louise Campbell  
Sam Conroy  
Edward Ellis  
Ruth Gordon  
John Halliday  
Joe Eddie Hardwick  
Hal Horne  
W. Ray Johnston  
Charles Lamont  
Melchior Lengyel  
Horace McMahon  
Art Pareff  
R. A. Porter  
Frank Powell  
Frank Tuttle  
Herman Webber  
Edwin Allan Woolf  
Herbert Yates

## N. Y. to L. A.

Shirley Booth  
Claudette Colbert  
Rouben Mamoulian  
Ralph Morgan  
Thomas C. Ruckwell  
Ann Rutherford

## HOW IT'S DONE

Carnegie Foundation Getting Pix  
Cowdron for Tome

Hollywood, Dec. 19. Carnegie Foundation, official investigation of the film industry has been extended six more months under the supervision of the director of the Motion Picture Research Project.

Plan is to publish the findings in a series of books during 1940 in an effort to show the inside workings of picture production.

## EDDIE SMALL'S \$750,000 B.R.

One of the more important film financial deals in the history of the European war and the resultant uncertainty of foreign markets was consummated during the past week by Edward Small. Producer swung a bank loan through the Guaranty Trust Co. of New York, for financing totaling about \$750,000. Coin is to float about 10 pix which Small will make for United Artists release during the next 18 months.

Approximate starting dates on films to complete his commitments to United Artists for the next 18 months. Small will follow completion of 'My Son, My Son,' which is now in production.

Additional pix will be 'Kit Carson' and 'The Last Days of Pompeii.' The Small office declares would go into production immediately after the first of September for 'The Last Days of Pompeii,' set to get the gun on March 1; 'Valentino,' film biog of the star, starting May 1; 'Two Years Before the Mast,' which will be made during the summer, according to Small. Small advised that he had been in the Iron Mask' early in August.

## TOBACCO BOOM IN KY. — MEANS MUCH FOR B.O.

Louisville, Dec. 19. Chant of tobacco auctioneers opened Louisville tobacco market, and city merchants, as well as farmers of Kentucky, Indiana, Tennessee, stand to reap a golden harvest from the weed. Prices are about as high as last year, with more than 600,000 pounds of bright burley on the floor of one warehouse. Top prices were not as high as last year, but quality superior.

John Singler, official auctioneer at a local warehouse, and now airing on the Lucky Strike show, drew a crowd of buyers to his booth of trade delegation, selling the first 100,000 pounds of burley.

"Morrow, Board of Trade secretary, who led the delegation, estimated that in next eight months revenue from the sale of burley will be disposed of in Kentucky markets. 'It will make a major contribution to the income of rural farmers in Kentucky,' he said, 'and will contribute generously to the income of the city's big retailers and wholesalers in months to come. It will provide means of employment for 15,000 workers. Louisville tobacco factories, and will account for almost a third of the total cash income of Kentucky farmers and

## Just for Us

Hollywood, Dec. 19. Smallest and most expensive single bill film house in the country opened on Sunday (17) at 1200 North Hollywood, the new swank resort at Arrowhead Springs. Theatre seats 130 at 36 admissions. Thornton Sargent supervises the house under Fox-West Coast operation.

## 20TH'S WORLD SALES COME IN HOWARD

Hollywood, Dec. 19. Owing to war conditions, 20th-Fox plans to abandon its sales conventions abroad next spring and combine them into one general gathering to be held in the U. S. Site for the show has not been set. But Hollywood is the likely choice.

Sidney R. Kent explained that it would be impossible to hold regional conventions in London, Paris or other European capitals under current circumstances.

## War's Uncertainty Will Probably Stall Any U. PRD—Dividend Arrears

Unsettled conditions in the foreign field resulting from the European conflict probably will force Universal directors to abandon original plans to pay off part of the dividend arrears on the first preferred stock. Plan will be held in abeyance, according to latest information in Wall Street, although it may come up for discussion when the U' directorate meets Jan. 7 next.

Latest indication is that annual first dividend for Universal for the fiscal year ending last October will be available at the January dividend session. It is expected to be one of the most favorable statements in several years, although writedowns and realignments made in the final quarter, because of foreign losses, undoubtedly will make the net profit less than originally anticipated. Shortly after the nine-month report came out, stockholders' meeting and directors' annual confab does not come until March 31 next at Wilmington, Del.

As sales proceeded farmers began lining up in warehouse front offices at cashiers' cage for their checks and the means of Christmas spending, and exhibitors naturally expect to get their check of cash balance. The end of the liberal share of 1939, extending well into 1940.

## ROGERS' P-1C DEAL WITH COL. OVER 3 YRS.

Hollywood, Dec. 19. Charles R. Rogers closed a deal to produce nine 'A' pictures for Columbia over the next three years, starting effective Jan. 1. Two of the films lined up for 1940 are 'Jane Adams and Hull House' and 'Senate Page Boys.' William A. Pierce, associate producer with Rogers' Paramount, says with him under the new contract.

crops, livestock and livestock produced during the next 12 months. As sales proceeded farmers began lining up in warehouse front offices at cashiers' cage for their checks and the means of Christmas spending, and exhibitors naturally expect to get their check of cash balance. The end of the liberal share of 1939, extending well into 1940.

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## Talking It Over

By Joe Laurie, Jr.

THE SCENE—The 59th St. Entrance to Central Park.  
THE TIME—Christmas Eve.  
THE CAST—Blackie and Nellie, two old cab horses.

NELLIE—Well, Blackie, here's another Christmas coming down the street. It sounds us at the old stable and the old farm. I remember him years ago when his hair wasn't as white as it is now. He was just a kid then, yet hardly more than a kid. A kid with dreams and ambition. He was putting on a show. Little Johnny Jones. And his partner, Sam Harris, would drive around the park for hours in my cab. George would sing his songs to Sam and tell him the hundreds of ideas he had for future shows. He and Sam would tell George about the plans he had of building theatres to house their productions and make the firm of Cohen & Harris the greatest in the country. And by golly those kids made their dreams come true and they're still going strong.

NELLIE—I always enjoyed pulling show folks around there, were so interesting. When I first started working for Mike we were both pretty young. Mike came from the East. He was a farm boy. It was the first time for both of us in the Big Town. Actors would hire Mike to drive them around town because he had a great sense of humor and understanding of the business. He was a good fellow, and he was a young actor, composers and writers who came to find success in the Big Town sit back in the cab, and you could almost see the hope shining out of their eyes. You could see the hope shining out of their eyes. You could see the hope shining out of their eyes. You could see the hope shining out of their eyes.

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# James Roosevelt's Flying Visit East Ties in With Goldwyn's UA Ultimatum

"It is seen as certain between the notification of United Artists on Monday (18) by Samuel Goldwyn that he has terminated his contract with the company and the announcement of James Roosevelt last week that he will form an independent production unit to work on the Goldwyn lot.

Goldwyn's notification to UA was contained in a letter sent Monday (18) by his attorney, Max D. Steuer. It declared the termination effective immediately, but that "Raffles," which has been completed but not yet released, would go to UA as the final film for its release.

Pictures already in UA's hands, the letter stated, may continue to be distributed by the company, termination applying only to "future pictures," which may be produced by Goldwyn or Samuel Goldwyn, Inc.

"Statement by Murray Silverstone, UA chief, following a press conference yesterday (Tuesday), said, 'We shall resist in every legal way.'"

Although not entirely unanticipated, action yesterday came somewhat as a surprise at this particular time, the decision to still press on Goldwyn's suit to break the term. Case was argued and briefs filed in New York court, filed in March, was withdrawn. Anent this action, Steuer declared yesterday.

"We waited from June until December for the court to decide. We still don't have an answer, so I decided myself that we had waited long enough, and the time had come to let the contract be terminated naturally taking the full responsibility on our shoulders."

Goldwyn's latest announcement of the indie production unit simultaneously on the Coast and in New York, plans out of Hollywood for Manhattan. The remaining time for UA's suit only about 48 hours, winging out to the Coast again on Sunday (17). The "Steam" bombshell was expected to be next day was undoubtedly tied up with the flying visit, although it was not until time that Roosevelt was in on his own producing business.

Roosevelt's Ref. Plans Vague  
Roosevelt refused to discuss his bare announcement of the formation of his own unit. Although it is generally expected that he will release through UA, with RKO also being mentioned as a possibility in this connection. (Continued on page 39)

## More UA Units

At least two additional production units will soon be taken into the United Artists fold.

They are expected to be headed by James Roosevelt and John M. Stahl, although Murray Silverstone did not deny that he also huddled, during his recent Coast trip, with Pandro S. Berman and the Frank Capra-Robert Riskin unit, either of which might be added.

## S.E.C. APPROVES ATLAS' \$3 PER RKO SHARE

The Security & Exchange Commission's approval of the Atlas Corp.'s offer of \$3 a share on 500,000 shares of new common stock of RKO, which will bring the total to \$250,000, was given yesterday by Federal Judge William Bondy in N. Y. who approved the underwriting agreement.

Bondy has placed great stress on the opinion of the SEC, which found both the deal and the commission sound. He also stated that the commission was of the opinion that the deal was a fair one.

A special hearing was held Friday (19) at which the SEC was told that the deal was a fair one. The SEC, made his report, backed by two financial investigators of the SEC, Joe Lopansky and Lawrence Gilgry. The only objection the SEC had was that the underwriting agreement was in an inconsistent position, because Atlas, by refusing to exercise its stock at \$2.75 a share rather than at \$3. Figures presented to the court showed that Atlas holds about 15% of the unsecured claims, through Pathe notes worth \$625,000 and claims of the Security Film Bank, holding \$1,254,625.

Judge Bondy declared that he too felt Atlas was in a position to make Hamilton C. Rickaby, Atlas attorney, if he would be willing to waive his rights. Rickaby refused, declaring that that point had been taken into consideration in fixing Atlas' compensation, and it was planned that Atlas should have what was left of the stock by the others at \$2.75.

## Rejects Plan \$125,000

Bondy then asked Rickaby if he would accept the offer of \$125,000 as his compensation. This request was also refused.

At the close of the hearing, Rickaby placed Wilfred J. Merrill, assistant to George J. Schaefer, president of the court, to testify that the capital to be raised by the underwriting was needed by the company.

Richard B. Horton, co-manager of the underwriting department of Goldman Sachs & Co., testified that the stand to testify that \$3 was a very high price, and his firm, if interested, would be willing to pay \$2.75. The present market price of RKO stock is \$2.25. Judge Bondy then reserved decision. It is expected that he will not make up his mind until after the U. S. Supreme Court decides whether or not to grant a writ of certiorari to the appealing creditors, as Atlas has stated it may withdraw the agreement. It is expected that he will take argument on the case.

## Hays Meet Today

Final directors' meeting of the Hays office is scheduled for today. It is expected that the directors will be back from the Coast.

The foreign situation, particularly the fact that Britain is now on the new 50% money "freezing," is due for heavy consideration.

# SPECIAL WITHIN THE WAR INVESTIGATORS TRACE 50 STOLEN PRINTS IN PAST 2 MONTHS— 'Jack Rabbit Circuits' Another Factor — Foreign Sound Tracks Spread, on Theory International Relations Are Now Disrupted in Europe

Investigators Trace 50 Stolen Prints in Past 2 Months—'Jack Rabbit Circuits' Another Factor — Foreign Sound Tracks Spread, on Theory International Relations Are Now Disrupted in Europe

## TIGHTENING UP

Hollywood, Dec. 19. Bootlegging of films for foreign markets has again become a widespread practice since the outbreak of the war abroad. Local police and copyright protective bureau are expected to move in on the dupe peddlers shortly.

Investigators in the past two months traced around 50 prints stolen from theatres or exchanges for duping purposes. Police recently took into custody a man with 33 prints of features that had been seen. Films were the more important of those that had been made in the past two years.

All laboratories are being checked to ascertain the source of the dupes. It is figured some of the dupes were produced by portable operators of 'jack rabbit circuits,' who show pix in rural areas where there are no theatres. It is also contended that some of the stolen prints, which had foreign sound tracks, were sent into warring countries abroad under the assumption that they could be exchanged for return to exchanges.

Some of the films are believed to be made while the film is setting in the lobby preparatory to being picked up for return to exchanges. They are then rushed to labs for duping and the original print either destroyed or expressed back to the exchange.

## 3D ATLAS EXHIBIT ORGANIZATION LOOKS HOT

Move for a third independent national exhibitors' organization prominent in the industry for some time. Realization that the present drive for the Neely bill looks strong in the support of the exhibitors, many in the industry, mainly because they are badly disappointed, is reported back into the industry. They feel that, in addition to the Motion Picture Theatre Owners of America and the National Exhibitors' Association, a new exhibitors' organization doubtless will have strong backing from indie distributors and even some majors who are dissatisfied with Allied's present anti-attitude on everyting being handled by majors, before it actually was presented to Congress. They also believe it was not being belittled by majors, before it actually was presented to Congress. They also believe it was not being belittled by majors, before it actually was presented to Congress.

If a third association is framed, it will be circuits and partners with major company affiliation from membership.

Many more independent exhibitors who are outspoken in their criticism over the handling of the Neely measure. They feel that a strong association might have corrected certain loopholes in the bill. They also believe it was not being belittled by majors, before it actually was presented to Congress. They also believe it was not being belittled by majors, before it actually was presented to Congress.

# Death of Fairbanks May Prove UA's Solution On Its Stock Ownership Now That Other Prods. Want to Join

## ANOLMAN SLATED TO G.M. CAPRA'S INDIE OFFIT

Hollywood, Dec. 19. William Holman, former studio manager at Columbia, is slated as general manager of Frank Capra's independent company.

Currently Holman is serving on the Producers-Screen Actors Guild standing committee.

## 'SELZNICK HOT LEAVING UA', SILVERSTONE

Scotching reports that David O. Selznick would leave the United Artists fold next season, Murray Silverstone, chief of worldwide operations for the company, yesterday (Tuesday) indicated that the producer would top his 'prestige' list in the future by producing probably off the 1940-41 season in his new status with a sequel in manner of complete treatment to 'Gone With the Wind.'

New feature, Silverstone indicated, would be another four-hour epic, but will be based on a similarly important story and will not be held down in length. In addition to starting off Selznick's new season, Silverstone said, it will head up the whole United Artists' list.

United Artists in past years has depended rather heavily on Sam Goldwyn to produce 'prestige' pictures for it. This condition is now changed, partially because of Goldwyn's clouded status with UA since his contract termination, and partially because of the preeminent position of 'GWTW.'

Selznick declared on Monday (18) night his complete satisfaction with UA, also revealing that he had been given an opportunity to buy into the company, but had turned it down. 'I have been offered an interest in United Artists without cost,' he said, 'but I don't want any part of a distributing company. I am very happy with United Artists. They have done a wonderful job on my picture.'

Selznick will return to the Coast by train today (Wed.) with his wife and mother. He will begin work on the story for the picture he is to make for UA to complete this season. One, he said, will be with Victor Leitch and another with Irig Birge.

Selznick said he expects 'Wind' to be his last domestic picture. Within the next five months, during which time it will play in about 6,000 theatres, it will not be shown in England and other countries affected by the war until the situation is better.

Producer declared that Metro paid out 25% of the \$3,970,000 production cost into 'Wind.'

Death of Douglas Fairbanks last week, unfortunate as it was, may prove a solution for United Artists to one of the principal subjects canvassed on by Murray Silverstone, UA-chief, during the four-week Coast visit from which he returned on Monday (18). That was the taking into the company of other producers who desire a stock interest, particularly the Frank Capra-Robert Riskin unit.

Capra, who recently jumped the Columbia lot at the expiration of a series of contracts which have held him there continuously since 1928, and Riskin are anxious to turn out films for UA release. However, they are unwilling to have anything during the recent huddles that they be allowed to buy into the five-partner stock ownership of the company.

Decision as to what will be done about Fairbanks' stock hasn't been made yet and can't be made until a meeting of the board of directors, which is called for next month. It (Continued on page 39)

## GINSBURG BACK TO COAST, NO DEAL SET

Henry Ginsburg, who has been in New York for several weeks confabing on a new spot for himself, following his windup as general manager of Selznick-International, will return to the Coast next week. He finishes at Dec. 21.

Ginsburg is understood to have been huddling at RKO on a deal to organize and business-manage a new counseling him. Ginsburg may wind up at RKO although he declared Monday (18) that nothing definite has taken shape as yet and probably nothing will be signed until its return to the Coast.

Successor to Pandro Berman as production chief at RKO is expected to be named and installed when George J. Schaefer, pres. returns to the Coast about Jan. 15.

## FAIRBANKS' WILL

Believe Full of Several Millions  
Dollar Estate to Widow

Hollywood, Dec. 19. Believed here that the bulk of Douglas Fairbanks' estate, estimated at several millions, will go to his widow, the former Lady Sylvia Ashley.

There's confirmation named Douglas, Jr., or Mary Pickford are named in the will which will be opened Dec. 21 in Guaranty Trust in New York, which is named executor.

New York picture execs, studio heads and screen personalities attended the Fairbanks funeral service in Forest Lawn Memorial Park, Hollywood, Friday (19). The brief service, more was placed in temporary vault pending decision by the permanent committee. Thousands, attracted to spot obsequies, were kept orderly nearly a mile from the West Kirk of the Heather chapel.

For the services from New York came Harry Buckton, former United Artists, Dennis F. O'Brien, attorney at Fairbanks, and relatives of the deceased. Already dead were Nicholas M. Schenck and Murray Silverstone. Every studio was represented by at more executives. Pallbearers were Joseph M. Schenck, Clarence Lewis, Sid Grauman, Tom Garry, Clarence Ericksen and Chuck Lewis.

Revels  
As in similar instances in the past, old Fairbanks films, both sound and silent.

## VARIETY

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# SCREEN PERSONAL TRAC

## Allegedly 'Smelly' Universal Picts Labor Case Still an NLRB Mystery

Washington, Dec. 19. Just what National Labor Relations Board William M. Leiserson was getting at when he termed the 'Universal Pictures case smelly' in an inter-office memorandum remained a mystery at the end of last week's hearings before the special Congressional committee probing enforcement of the Wagner Act. Considerable testimony was heard about conditions in the NLRB's Los Angeles office but only incidental reference was made to the film matter.

The bulk of the evidence regarding the Universal case was in the form of a memorandum by Leiserson dated May 26, 1939, referring critically to the way the board acted in the controversy last spring and summer between producers and Screen Writers Guild. No details as to why Leiserson termed the matter 'smelly' in his memo. Dr. Leiserson questioned the propriety of recording hearings on the basis of a hastily-announced complaint. Principal points of difference, he remarked, were subjects of collective bargaining, not unionism, concerning the right to organize. Publication of the document disclosed that the Guild felt it was on weak ground.

**Leiserson's Memo**  
'I think if you will read the file with an open mind, you will get the impression that I have gotten that we are being asked to aid the Guild in matters of collective bargaining, which are no part of the business of the board, and that the Guild wants us to make an \$500,000 complaint in a case which collective bargaining has reached the point of substantial agreement and where the Guild itself refused to make a complaint. I am afraid that the amended complaint may look as if we are carrying out this purpose.' The new member informed his colleagues.

Leiserson noted that board files contained information that the parties were 'in substantial agreement' and the SWG turned down the proposed contract because 'it was dissatisfied with three things, none of which involved unfair labor practices under the act.' The companies were willing to continue discussions, he added, while the Guild insisted on reopening the hearings. To back up his accusation that the board was taking sides, Leiserson called attention to a letter from SWG last May stating:

'As I told you before, I don't think but collective bargaining case is worth anything, however, we still have a chance to knock out the Screen Playwrights' contract which is important for us, and the most important thing is to air those 8-1 charges.'

'Once the producers are notified by the labor board that those charges are to be aired, there is a chance that we will get somewhere. If the producers can convince the board that the charges are such charges, frankly, we are sunk.'

## Exchange Workers' New 2-Year Contract Set; Mum on Terms

Extreme secrecy prevails as to the terms of the new two-year contract negotiated by New York distributors with the Film Exchange Employees' Union, committees on both sides having pledged themselves to keep mum as to what the scale will be under the new agreement. Believed that the old scale continued in effect is no confirmation under the closed-mouth policy agreed upon.

Under the two-year treaty, which expired Nov. 30 last, it was \$24 minimum day work and \$26 for night shifts with the maximum.

New agreement, retroactive to Nov. 30, runs until Nov. 30, 1941, and was negotiated with the exchange workers by Metro, Paramount, United Artists, 10th-Fox, Warner Bros., RKO and Columbia.

## WB All at Sea

Hollywood, Dec. 19. Naval preparedness, on the Warner lot reaches its highest point next month when the huge marine set will be ready for 'The Sea Hawk,' first of four high-budget seafaring pictures. Following 'Sea Hawk' on the schedule are 'John Paul Jones,' 'The Sea Wolf' and 'Captain Hornblower.'

## W.G. Maxcy, L.K. Brin's Big Backer, Involved In Bankruptcy Suit

Milwaukee, Dec. 19. Echo of the prosperous days that used to be heard in Federal district court here with the filing of a petition seeking the involuntary bankruptcy of Warren Gardner Maxcy of Oshkosh. He was owner of that city's water works system until the municipality bought him out, and one of the biggest financial backers of the L. K. Brin circuit, which built and operated a chain of new theatres in Oshkosh, Appleton, Fond du Lac, Neenah-Menasha and other central Wisconsin towns.

Maxcy was also head of the Bartola Organ Co., which flourished mightily until organ music in theatres went out. It is claimed by the First Wisconsin National Bank of Milwaukee, the Security Bank of Oshkosh and the Farmers' Bank of Omro, Wis., that Maxcy owes them \$76,636 in notes and interest, and that the securities he gave as collateral now are worthless. Petitioners allege Maxcy committed an act of bankruptcy in failing to discharge liens upon his property totaling \$124,545, obtained by another creditor, the First Trust Co. of Oshkosh, which had secured circuit court judgments.

## Shutters Drop at Roach

Hollywood, Dec. 19. Hal Roach shutters his studio Friday (22) for three weeks, following completion of '1,000,000 B.C.'

Next picture on the lot is an untitled Laurel-Hardy comedy.

## PULLS OUT OF LABOR COUNCIL

**L.A. Union's Move to Block  
Bioff Extradition Sets Off  
Drive Against Racketeer-  
ing—Actors Charge Inter-  
ference with Due Processes  
of Law**

### RE-SCALE EXTRAS

Hollywood, Dec. 19. Screen Actors Guild has withdrawn from the Central Labor Council and launched a fight to drive racketeers and racketeers from organized labor. The break came when J. W. Buzzell, council secretary, maneuvered that body into adopting a resolution asking the Chicago Federation of Labor to aid William Bioff in his fight to escape extradition to Chicago to serve six months on a pandering conviction.

Buzzell charged the Bioff matter was a smoke screen by the actors to hide the fact that extras had not received a wage increase. SAG leaders scoffed at this defense, pointing out the Guild is now preparing to start negotiations for 15% wage tilt and reclassification in all extra brackets.

Pat Somerset, chairman of the labor labor contract committee, gave out the following statement:

'There is just one issue involved in the Screen Actors Guild withdrawal from the Central Labor Council. No extraneous matters brought into the situation can cloud the single issue of honest unionism.'

The Screen Actors Guild letter of withdrawal from the Central Labor Council, made public in Sacramento by the office of Governor Olson, has been sent to the Guild by the AFL unions in California. This was done to make clear the position of the Screen Actors Guild, that unionism must leave no room in the ranks of labor for racketeering or rackets. If organized labor is to maintain its position and its good name before the American public, we believe that no union or group of unions can permit itself to be used to defend those accused of violations of the general laws. In such cases, involving no

(Continued on page 11)

## Behind-Scenes Tussle By 4 A's Heads Over '1 Big Union' Issue; Equity Probe Is Watched; Morgan, Thomson East

### Absentee Credit

Hollywood, Dec. 19. Nunnally Johnson gets screen credit as associate producer by proxy on 'I Was an Adventurer,' in production at 20th-Fox while Johnson has been in New York on leave of absence for several weeks. He arranged all the details before he left town.

Tense behind-the-scenes struggle is being fought within the Associated Actors & Artists of America over the 'one big union' issue. Matter was given lengthy consideration at the Equity council meeting yesterday (Tuesday) and will be the principal subject of discussion at a session of the Four A's international board this afternoon (Wednesday).

Ralph Morgan, president of the Screen Actors Guild, and Kenneth Thomson, executive-secretary, planned in from the Coast late last week to push the 'one big union' move. They both attended yesterday's Equity council meeting to argue for consent to the 'one big union' move. Members of Equity have been more or less openly opposing the unfriendly proposal, which SAG actively favors.

## Newsreels Overboard On Cost to Cover Graf Spee Battleship Stuff

The most expensive single-story coverage of the European war to date promises to be the job done by American newsreels on the sinking of the German pocket battleship, Admiral Graf Spee, off Montevideo, Uruguay, Sunday (16) night. All the five reels had cameramen in especially chartered planes just in case a naval battle between the Nazi battleship and the Allied fleet ensued.

This alone was expensive because the market for such transportation is costly. Furthermore, all the reels are rushing footage to New York in hopes of scoring a best. Best flying time from Montevideo to N. Y. is 72 hours by regular plane service. Some q.t. flying to N. Y. by special plane may mean the subject can hit Broadway screens sometime today (Wednesday). Otherwise, it's tomorrow (Thursday).

Incidentally, the running gun battle between the Spee and three British cruisers caught U. S. newsreel companies flatfooted. They depended on local cameramen for material, and as far as could be learned not a single reel has any material on the actual battle. All five reels rushed in cameramen when they learned that there was prospect of the Spee having to put out to sea before a week had elapsed.

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## 3d Effort to Try Nick On Extortion Charge Goes Awry in St. Louis

St. Louis, Dec. 19. Third effort of the state to try John P. Nick, ousted head of IATSE, Local No. 143, on an extortion charge growing out of the alleged payment of \$10,000 during a wage battle with exhibitors in 1935, was a foppo 1-4 week when Circuit Judge Robert L. Atkinson charged a panel of 40 jurors when he learned that one of 40 jurors had approached and offered from \$50 to \$100 to 'let easy on Nick.' The veniremen, George H. Weber, ranch press operator, told the court that several days before he was to report on the subpoena, an unknown man visited him at his home and made the proposition.

A dozen of the panel had been excused and Weber sought an audience with Judge Atkinson and told his story. The judge called a conference of the panel's attorneys in the case and dismissed the panel. On the first setting of the case a mistrial was ordered when one of the jurors talked to a state witness after the trial had been in progress several days. The second day, however, when it was learned that a juror had concealed the fact that he was acquainted with the Nick case when he was being examined on his qualifications to serve. This juror was judged in this trial for a week on a contempt charge.











# S.A.G. Wars On Rackets

Continued from page 5.

union issue, we believe the unions must take the stand that the matters at issue concern the law enforcement officers and those accused. To follow any other course would be tantamount to handing ammunition for those all too ready and anxious to attack organized labor.

"The issue does not involve wages, as the Central Labor Council would try to make it appear. The issue is solely one of loyalty and the production of honest unionism."

Keith Tomlinson, executive secretary of the SAG, sent the following letter of withdrawal to J. W. Buzell:

## "Not Along Honest Lines"

"For some time it has been apparent to the Screen Actors Guild and its officers and controlling faction of the Los Angeles Central Labor Council that we are not in accord with the attitude of the Council along the lines of democratic, honest unionism advocated by the Guild."

"The Guild has been informed that the Central Labor Council has adopted a resolution calling upon the Chicago Federation of Labor to intervene with the Governor of Illinois for the purpose of opposing the extradition of William Bioff from California to Illinois on a criminal charge."

"We regard this action of the Central Labor Council as a climax to a course of action which will bring the issue of the Central Labor Council and its members but also all organized labor into public dispute. The attitude of the Council is one of which Mr. Bioff was admittedly convicted as such to stigmatize any group endeavoring to defend the rights of Bioff. It is not the function of the Screen Actors Guild to pass on the guilt or innocence of Mr. Bioff. It is merely noted in passing that he has admitted the essential facts and admitted the defense of his actions in 'discretion.' It is the purpose of the Guild to state that it believes labor unions should not interfere in a matter which rests between Mr. Bioff and the law enforcement officers of the State of Illinois, California. No union issue is involved here."

"The Central Labor Council continues a primary purpose of the protection of its reputation and the good name of all labor, before the bar of public opinion."

"In protest against the Central Labor Council resolution in the case of Mr. Bioff, and in order to plan to law enforcement officers and the public that this action is not representative of the position of the Screen Actors Guild, the Guild hereby withdraws its membership in the Council, effective at once."

"This action has been authorized by unanimous vote of the board of directors of the Screen Actors Guild."

"Angered over withdrawal of the action J. W. Buzell issued a statement in which it was plainly indicated he was trying to force the wages of the extras and actors in the higher salary brackets. The statement follows:

## "Charges Convenient Withdrawal"

"The executive board of the Screen Actors Guild, composed of film players in the higher salary brackets, has failed to withdraw from the Los Angeles Labor Council at a time when the lower paid members of the Screen Actors Guild require the support of the entire American Federation of Labor to get increased wages."

"Previous to this action, it refused to join the rest of the American Federation of Labor unions in the motion picture studios in the drive for wage increase. As a result, the members of the American Federation of Labor who stood so solidly together received a 10% wage bonus, while the lower paid members of the Screen Actors Guild received nothing."

"The reason given for the withdrawal from the Los Angeles Central Labor Council by the executive board of the Screen Actors Guild concerns itself with the personality of William Bioff, international representative for the Guild."

"It is obvious that the executive board of the Screen Actors Guild is raising this issue as a smokescreen to make it possible to offer its membership a satisfactory answer to the charges of unfairness in the American Federation of Labor in its charging the wages of its members. No so long ago it was the lower paid members of the Screen Actors Guild who received the support of William Bioff."

"There is no trouble in withdrawing from the Los Angeles Central Labor Council. Unions are free to affiliate or not affiliate as they

choose. In the past affiliation has proven valuable to the membership of the Screen Actors Guild when it was beset with troubles."

"It is neither customary nor ethical, however, for trade unions affiliated with the American Federation of Labor to sit internal divisions in the public press. The Screen Actors Guild, we are informed, apprised the newspapers of its action by means of a letter of resignation by the Los Angeles Central Labor Council."

"The position of the Los Angeles Central Labor Council is that we regret the action of the Screen Actors Guild and we stand ready at any time to proffer our assistance to better the economic condition of the motion picture industry. We refuse to engage in polemics with it over personalities. Our energies are taken up with aiding our afflicted unions to get wage increases and better working conditions."

"The Explosive Resolution  
Central Labor Council resolution, which led to the actors' withdrawal and which is the cause of the renewal of warfare between the actors and stagehands, follows:

"Whereas, the result of a number of local unions whose memberships are employed in the motion picture studios and which are a part of the so-called basic agreement, have finally accomplished recognition for their members by a closed shop agreement from the Motion Picture Producers Association, which has resulted in several increases in wages, and

"Whereas, these unions have formed a union to defend their work and protect their mutual interests, and

"Whereas, this Conference has selected William Bioff, international representative of the IATSE, as its chairman, and

"Whereas, since all these unions have been working in cooperation with the IATSE under the leadership of William Bioff, his work has been such that it had drawn the attention of the California Federation of Labor, and

"Whereas, these unions have been in negotiations with the Motion Picture Producers Association, for increases in wages, and

"Whereas, at the moment that these negotiations had reached a climax, there was an attempt to force William Bioff out of the negotiations by someone asking his arrest on charges of kidnapping, and

"Whereas, this whole procedure seems to have been properly timed to break the negotiations with the motion picture studios and the Producers Association, and

"Whereas, the Los Angeles Central Labor Council has lost cooperation with the Chicago Federation of Labor on many matters, therefore

"Be it resolved, That the secretary of the Council be instructed to communicate with the officers of the Chicago Federation of Labor asking them to investigate this case in Chicago and to appear before the Governor of Illinois and present to him the labor picture that is involved in this case and to request the Governor that the attempt to press William Bioff's extradition at this time has all the appearance of having been engineered and lined by the enemies of the AFL unions in Hollywood."

"Ask Insurance  
Negotiations between producers and the Screen Actors Guild have been suspended until after the expiration of the request of Y. Frank Freeman, of Paramount, who said that the union controversy was interfering with the studio parties."

minimize the \$8.25 call in favor of the \$10.00. The Guild further proposes to establish a new \$13.75 classification for uniforms, such as screeners, callers, taxi drivers, etc.

A new section would be added to the \$6.50 classification covering special costumes such as riding habit, ski and ice skating, fancy dress costumes, etc. Still another would be added in the \$35 bracket for mounted jockeys, polo players, low-board divers, surfboard riders, etc. Proposed code changes would call for a check of \$55 check for photographic doubling, and \$25 check for either still or time-lapse.

The SAG is seeking to liberalize the overtime payment by providing three-eighths of a check for the first two hours after eight hours, an additional one-half check for the next two hours, an additional 3/4 check for the next two hours, and an additional full check for the next two hours. This would give the player two hours extra pay.

Changes will provide 15 minutes rest periods every four hours. Players doing athletic and other strenuous work would receive more frequent rest periods.

A minimum check of \$8.25 is asked for stand-ins; \$11 for bathroom attendants; \$15 to \$25 for solo step out of chorus work. Rate for singers would be \$30 for work in a group of 10 or more voices; \$75 for solo recording. Scale for extras would range from \$11 to \$75 per hour.

Resignation of Nale Edwards, who succeeded Aubrey Blair in charge of SAG membership, has been accepted by the SAG.

## Okay Painters Boost

Major producers have okayed demand of Motion Picture Painters Local 944 for 15% wage increase, retroactive to Aug. 25. Deal was set by Herbert Sorrell, 944 business representative, who has twice succeeded in getting the highest raise in the industry. Sorrell was awarded a \$100,000 contract in the film industry. Sorrell spurned any negotiations alliance with William Bioff, stating the painters would handle their case without any help from him.

The new minimum rate for painters will be hiked from \$1.25 an hour to \$1.50 an hour. Decorators will receive a minimum \$1.25 an hour and sign writers \$1.20 an hour. Hours and working conditions will remain the same. The Christmas bonus will be \$100. The committee in addition to Sorrell includes Otto Geiser and Gene Price.

The Screen Writers Guild is sponsoring a move to organize the independent studio Guild into a Hollywood Council. Crafts now considering the proposal are the Screen Play Writers, the Society of Motion Picture Film Editors, Society of Interior Decorators, Screen Readers Guild, and Screen Guilds and Screen Set Designers.

The screenwriters also are supporting the move to organize the Hollywood workers into an industry-wide Guild. The office employees turned down a proposal to affiliate with American Federation of Labor, stating they feared such an affiliation at this time would mean the International Alliance of Theatrical Stage Employees, and that the IATSE would be forced to accept the wages of workers had nothing but commendation for the AFL, but that they wanted no part of Bioff.

# French Gov Promises Aid to Picture Industry, Pushes Propaganda Unity

Paris, Dec. 5. (The war. A big hue and cry was raised recently by the picture industry, and the French government, in its effort to organize the war effort, what industry leaders called a failure to cooperate.

"Since the opening of the conflict," he added, "we have turned out about 200 newswires while numerous documentary and propaganda pictures are being turned, all under the auspices of my Bureau."

No one has yet been appointed to replace the bureau's cinema head, Yves Chateignier, who resigned in 1940. Suzanne Giraud, only woman to pass the French diplomatic exam, is carrying on in his place. Those mentioned for the post are Henri Clerie, deputy head of a production committee, Dr. Camy, author of several anti-aircraft reports, and Commander Calve, head of the army cinema service. Clerie and Calve are considered friendly to American interests.

# Aussie Sees U.S. Cos. Accepting 20% Aussie Trip for RKO

## Phil Reisman Mulls

## Aussie Trip for RKO

Phil Reisman, head of RKO foreign distribution, who was made a v.p. of the company last week, is contemplating a big trip to Australia and New Zealand shortly after the first of the year. Originally, he had planned to visit Mexico and Cuba for some huddles but the present foreign business in Europe, since eased, forced him to abandon these plans.

John W. Hicks, Jr., Paramount's foreign sales chief, and Adolph Zukor, RKO's traveling goodwill ambassador, have set Jan. 12 for their visit to South America. Both recently returned from a swing through Australia and N. Z.

# LANGE'S REPORT KEY TO YANKS' SPAIN SETUP

Latest developments in Spain, as they affect American picture companies, probably will be disclosed this week when Fred W. Lange, general manager in Europe for Paramount, arrives in N. Y. from abroad this week on the Atlantic clipper. Executives are anxious to learn the possibilities for favorable distribution of American product under the Franco regime. On what Lange has to say about the situation probably will hinge whether or not Paramount will undertake any production in Spain.

# LADIES IN RETIREMENT' LOOKS N.G. IN LONDON

London, Dec. 19. 'Ladies in Retirement,' a murder thriller, got generally good critical notices for its opening last Thursday night (12) at the St. James. However, while performances were excellent, play little popular appeal.

## Mitty Goldin Revue

Paris, Dec. 5. Mitty Goldin, who has already put on three variety shows at the ABC since the reopening in October, will put on a new revue with the start of 1940. Mitty will be put on two more vaude shows.

Revue is by Albert Wilmetz and Pierre Varanne.

Canberra, Dec. 1. U. S. distributors operating in Australia are expected to receive at least 20% of their rental coin in local banks following a conference with Federal authorities here. It has been said in some circles that should the distributors refuse to play along with these would go against the percentage rate may be raised to 50%. It's not thought, however, that the distributors would go against the percentage first suggested.

Many film execs locally also see an advance in taxation as a means to ease the heavy war burden carried by the government, with talk that the government might be urged shortly to meet part of tariff. New York's reaction to the percentage is not very different with much interest here. American interests, it's known, are particularly anxious at the time to see on amicable relations in Australia in order to still the much antagonism between them among Commonwealth picture men.

## 75% O.K. IN N. Z.

Auckland, N. Z., Dec. 1. It's permissible for U. S. distributors to take 75% of their rental coin from New Zealand, but the possibility that next year these percentages may be rearranged, under the new government, is a possibility where the distributors will be harder hit on remittances overseas.

It is not very difficult for anybody to send coin out of N. Z. Monetary conditions prevailing here make it difficult to get the goods from Australia in playing here during 1939.

## Muratt Plans American Pic Sales Campaign As Propaganda for France

Paris, Dec. 5. French pic actor Guy Muratt will leave shortly for the United States to sell French films. Annabella's husband, the actor, will be in 19 countries in the two Americas, carrying with him 12 pic and several newsreels. Muratt is to be part of a propaganda plan for the French government.

Muratt is to organize a charity show in each capital he visits for the French military benevolent fund.

## War-Time London

London, Dec. 5. Novelist Evelyn Waugh, who recently became a father, has joined the Royal Air Force.

Robert Fleming, stage and film actor, has been severely wounded in the war.

Mrs. Fleming, stage and film actress, has been severely wounded in the war.

Most of the performers from 'The Little Dot' and 'The Velvet' have provided special concert for the Guards.

Elmer Rice's 'Judgment Day,' produced here two years ago, was revived at the Phoenix. When originally performed here, the characters were discussed. Now, there is no trouble in identifying the Nazi leaders. The censor, however, refused to allow the Hitler character to wear a monocle and a forehead.

## LES WHELAN'S ACCIDENT

Leslie Whelan, head of foreign publicity for 20th-Century, was severely injured in a fall from a window while adjusting a light in a fireproof safe. The accident occurred near his New Jersey home.

Whelan was taken to the Orange County hospital in La Jolla, Calif. Whelan will probably keep him out of the office for several weeks.

# HUNCH

## IS THE BIG SHOW....

"'The Hunchback of Notre Dame' inevitably must do these things: First, it must register so sensationally at the box office as to stand out as one of the biggest money pictures of not only this but recent seasons. Secondly, it must win critical accolades anew for those concerned with its production. Thirdly, it must add immeasurably to the motion picture's dignity as a fine art."

"Must take rank as a crowning cinematic achievement ...Studded with dramatic and thrilling highlights...Powerful entertainment upon which the showman may justly lavish his best attention with assurance of real return."

"Rely on it to be among the top grossers of the new year ... Direction outstanding ... Laughton fine ... Maureen O'Hara has plenty on the ball... Deserves extended playing time."

"Almost hypnotic appeal so powerfully dealt with the heavy grosses and long runs are confidently predictable ... The performances create an impact which will haunt the mind of audiences for days...done on a vast scale ... will stand among the screen classics."

"Spectacular ... Laughton and O'Hara great ... The sheer immensity of this production and the majestic manner in which it has been handled mark it as a motion picture of distinction ... A masterpiece."

Jimmy Fidler: "Laughton's performance terrific. Tab breathlessly lovely Maureen O'Hara and Edmond O'Brien as future stars"... Edwin Schallert, Los Angeles Times: "It's Class A super-plus"... Virginia Wright, Los Angeles Daily News: "Charles Laughton's performance gives film its quality of incredible excitement"... Erskine Johnson, Los Angeles Examiner: "Rates high among screen's big pictures of all time."

FILM DAILY

M.

COAS

# HUNCHBACK

..... **EVERYWHERE  
NEXT WEEK!**

*LY says so!*

*BOX-OFFICE says so!*

*HOLLYWOOD  
VARIETY says so!*

*HOLLYWOOD  
REPORTER says so!*

*REVIEW  
CRITICS say so!*



*Charles* **LAUGHTON**  
in  
**THE HUNCHBACK  
OF NOTRE DAME**

*with*  
**SIR CEDRIC HARDWICKE • THOMAS  
MITCHELL • MAUREEN O'HARA • EDMOND  
O'BRIEN • ALAN MARSHAL • WALTER  
HAMPDEN • KATHARINE ALEXANDER**

Produced by **PANDRO S. BERMAN** • Directed by **WILLIAM DIETERLE**

Screen Play by Sonya Levien • Adaptation by Bruno Frank

**GONE WITH THE WIND**

**(COLOR)**  
 Mito-Goldwyn-Mayer release of Seznick-  
 International film. Produced by  
 David O. Seznick. Stars Clark Gable,  
 Leslie Howard, Helen de la Haye, Helen  
 Lesh, John Conte, Stanley Howard. Based on Mar-  
 garet Mitchell's novel. Production designed  
 by William Cameron Menzies; art direction,  
 Lloyd Bickson. Music by Elia Kazan. Musi-  
 cal associate, Jini Hennehan. Wilfrid  
 M. Cline, score. Max Steiner, special ef-  
 fects. Jack Conway, director. Screenplay  
 by David O. Seznick. Cast: Kern; associate,  
 James E. Newsum; assistants, Richard Van  
 Ringer; Ernest Lambie; dances, Frank  
 P. Kelly; music, Elia Kazan; dialogue, John  
 Susan Myrick; Will Price; a-d, directors,  
 Eric L. Soney. Releasees follow. Pre-  
 viewed at Astor. N.Y., Dec. 15, 29. 29.

[illegible]

After nearly a year of actual filming, editing and scoring, David Coe Seznick's production of 'Gone With the Wind', from Margaret Mitchell's novel of the Civil War and Reconstruction period, comes to the screen as one of the truly great films, destined for record-breaking boxoffice business everywhere. The lavishness of its production, the consummate craftsmanship of its editing, the making, the assemblage of its fine cast and expert technical staff combine in presenting a theatrical attraction of unusual quality. The price of investment is \$3,900,000.

Although its success at theatres unquestioned, *'Gone With the Wind'* still has its public career as a problem for child and the boxoffice. The film's verbose footage. Actual running time is three hours, 37 minutes. Punctuated by a brief single intermission, a viewing of the film becomes an annual ritual for theatres, retaining customers at theatres long after the established convention of one hour. Boxoffice turnover, therefore, is impossible—in fact, exhibition is impossible in the conventional sense where the film is opening this week and next may furnish the solution and groove *'Wind'* in its best exhibition policy, as a two-day attraction. Because of the film's engagement with qualities which are certain, even in the latter communities, the film will create its own high level of special handling, and likely as not establish a more and more progressive era of exhibition.

What is displayed on the marquee of the theatre which will show the film is the combination of potent box office forces, under the aegis of the film at the moment. Miss Mitchell's novel as a best seller is said to have exceeded 1,500,000 in sales, and has already been made into a successful piece of American fiction of the post-decade. In the leading roles, the casting of which was the subject of much debate, are the familiar names, many months, are Clark Gable, Robert English; Vivien Leigh, a British actress, who gives a brilliant performance as Scarlett O'Hara; Julie Howard and Olivia de Havilland as Ashley and Melanie; and the Seal trademark of workmanship, the renowned guarantee of screen legend, George C. Scott.

Almost equally well known with the trade are the director, Victor Fleming; the musical composer, M. Steiner; and the scenarist, the late Sidney Howard. The picture's script credit, although half a dozen spotlight writers collaborated during the preparatory and shooting periods. Perhaps the outstanding feature of the collaborative screenwriting is the emergence from many minds of the hands of a drama that bears all the marks of devout singleness of purpose, in which skillful construction of story, incident and character is tied to the emotional climax, and then rush onward to other emotional clashes.

What is actually shown on the

starting at page one, chapter one, and continuing to the very end and final bit of dialogue. The novel's first sentence is the pleading Scarlett, declaring he doesn't give a damn' what happens to her.' This is a famous utterance, which is lifted literally from the novel's text, its translation into English being a free translation throughout. There are minor and unimportant eliminations, such as the phrase 'and she said,' but *Gone With the Wind*'s story as written by the novelist, as it appears in the recording, is captured by camera and microphone.

Therein lies also the cause for some criticism of the film. It is nothing out. Sciznick has left too much in. Latter portions of story have been trimmed or cut. Some vigorous trimming of repetitions scenes and dialog. As a result from the deletions, Miss Mitchell's story is a good one, and the grueling war between Rhett and Scarlett is interesting. But they are overlong and overdone. The dramatic value would add to the dramatic values of the closing scenes.

As the book's story unfolds, the reader is drawn into the lives of the people who are caught in the web of the destroyed South and the background of the war between the states and the North. The story is told in a way that is both compelling and educational. The book is a must-read for anyone who is interested in the history of the South and the Civil War. The book is a masterpiece of historical fiction and is a must-read for anyone who is interested in the history of the South and the Civil War. The book is a masterpiece of historical fiction and is a must-read for anyone who is interested in the history of the South and the Civil War.

Most distinguished feature of the Selznick opus is the superlative scenic and costume investiture which the producer has given to the film, and the incomparable excellence of the Technicolor photography. From first to last 'Wind' is a visual treat, the unfolding of innumerable views of the architecture and attire of a bygone era.

Among the players, Miss Leigh's Scarlett commands first commendation as a memorable performance of wide versatility and elegant grace. She needs, for the part, all the physical requirements for the part. It is not as a coquette that she scores most, but as a woman who is cunning, scheming, bitter and ruthless with mother and who knows no opposition to her will. She is best when she is being denied her desires, and her characteristics of courage and determination, as during the exciting sequence of the flight with the helpless mother, are superbly displayed. In the brief passage with the Yankee deserter whom she shoos and kills with her youth, looks and abundant charms, she is superb. The "Wind" is a boxoffice factor in the

Gable's Rhett Butler is as close to Miss Mitchell's conception—and the audience's—as might be imagined. He gives a forceful impersonation.

On the heels of these two, Hattie McDaniel, as Mammy, comes closest with a bid for top position as trouper. It is she who contributes the most moving scene in the film, her plea with Melanie that the latter should persuade Rhett to permit burial of his baby daughter. Time will set a mark on this moment in the picture as one of those inspirational bits of histrionics long remembered.

Of the other principals, Olivia Haviland does a standout as Melanie, and Leslie Howard is convincing as the weak-charactered Ashley. Vivid impressions are retained of the work of Thomas Mitchell, Gerald O'Hara; Victor Jory, as Jonathan Wilkerson; Laura Hope Crews, as Aunt Pitty; and Ona Munson, as Belle Watling, who makes the most of her few appearances. There are literally scores of character parts and bits. Harry Davenport is excellent as Dr. Meade, a long role.

From spectacle to intimate bedroom drama, Fleming kept a firm grip on the direction of the story. Task of holding audience attention for nearly three and three-quarter hours is a challenge to ingenuity and resourcefulness. That Fleming succeeded so well may be attributed to the manner in which he has highlighted his principals in every scene regardless of the spectacular elements. Thus he has transferred into a moving and heart-rending story the panorama of wounded soldiers

lying under the blazing sun in the Atlanta trainyards. There never is a static moment in the telling of this story. Fleming keeps characters alive and moving forward, even when they are started with George Cukor in the directorial spot. Fleming succeeded in getting him and Sam Wood look over for a short period when Fleming was

Every technical aspect of *Go With the Wind* bears the stamp of advanced craftsmanship. Despite the wide range of scenes depicted on the screen, there is unity of design and matter. With the naturalness and subtlety supervised the general investiture and Lytle Wheeler was the art director. The author

## Miniature Reviews

'Gone With the Wind' (MG-elznick). Terrific!  
'Gulliver's Travels' (Par). Max Geisler's initial cartoon feature Technicolor is an entertaining airy tale geared for big grosses.  
'Hunchback of Notre Dame' (RKO). Charles Laughton starred in massive production, vividly gruesome. Profitable b.o. chiller.  
'Balalaika' (M-G). Class musical with Nelson Eddy and Mona Massey that should do satisfactory business.

'Raffles' (UA). Fair remake of society crook yarn. Moderate box office potential.

'Everything Happens at Night' (20th). Dull Sonja Henie starrer. Grossing potentialities light.

'Laugh It Off' (U). Lightweight farce; a lesser twin.

'Honeymoon's Over' (20th). Young domestic problem story, best for Marjorie Weaver in a year. For duals.

'Bad Boy' (Atlas). Very weak gangster meller suited only for minor dualers.

'Roll Wagons Roll' (Mono).  
Tex Ritter adds to western fol-  
lowing with another song saga  
of the pioneer days.

apparently excites special interest. He is behind the screen was hefty and his research and fabrication. Same goes for all other off-screen contributions from other departments. Steiner restrained himself in his scoring from dipping into emotional melodic bathos. The ear catches strains from Stephen Foster and occasional refrains from the large library of Civil War martial music. Perhaps the highest praise which can be given to the Steiner is that the score never pushes him in favor above the dramatic action. Sound mixings were as

Task of assembling and synchronizing such varied and numerous activities called for expert handling, and excellent assistance from Eric G. Stacey and Ridgeway

Industry and public have waited many months for 'Completed Job' and as a film. Completed Job is something more than another picture—even an outstanding one. Its distribution under the policy of admission prices, honestly earned and willingly paid, opens a new chapter in the picture business and demonstrates again that in entertainment the best is the most easily sold.

## GULLIVER'S TRAVELS

(Cartoon Feature, in Color)  
(WITH SONGS)

**Hollywood, Dec. 15.**  
Paramount release of Max Fleischer production, directed by Dave Fleischer, based on Jonathan Swift's tale. Story adaptation by Edmund Sefton; screenplay, Dan Goggin. Cast: Charles Macklin, John Davidson, Edward G. Robinson, Ralph Bingley and La Monte Johnson. Sam Timberg, Al Sebring, Winifred Burpee, Singing vipers, Josselyn Chase, Charles Macklin, Charles Sefton. Music composed and conducted by Victor Young. Cinematography, Charles Scheller; technician, Johnny Lewis. Directors of animation, Charles Scheller, Charles Sefton. Story Palmer, Mimi Narkew, William H. King, Roland Crandall, Tom Johnson, Robert Leffingwell, Ralph Sefton, Victor Young. Released by Paramount Pictures Corp., New York. Westwood Village, Dec. 15, 3:30, 7:30, 9:30. **75 MINS.**

Two years ago Walt Disney released the first feature-length cartoon, "Snow White and the Seven Dwarfs." Its novelty, production excellence and entertainment factor made it a smash. Now, with *Gulliver's Travels* the second cartoon feature to hit the marketplace, it's hard to see how *Gulliver's* may not reach the grosses of *Snow White* in this country alone. The new feature, like the first, is enjoyable as much for the elders as the youngsters.

With "Snow White" and "Gulliver's" the difference in cartoon production has interesting implications for future entertainments, indications pointing to a new medium for presentation of fairy tales and fantasies which have been cramped with only passable reception the past when film directors were used.

'Gulliver' cannot be compared with 'Snow White' from either critical or audience viewpoints. Both use the same color cartoon medium, but from there on 'Gulliver' is on its own. On the entertainment side, 'Gulliver Travels' is a thoroughly enjoyable package of entertainment for the whole family. It's a fantastic and whimsical tale that can't help but please all those who see it.

Jonathan Swift's amusing tale

on the verge of war with their neighbors because the two countries cannot agree on songs to be sung at wedding of the prince and princess. Gulliver, the giant, is discovered on the Lilliput beach one night, and the inhabitants proceed to tie him up and transport him in a creaky makeshift vehicle to the town. The sailor easily breaks his bonds and is both fascinated and sympathetic to the little people who are no larger than his little finger. However, he maintains his independence and is able to bring enough to settle the peuding war and reunite the prince and princess with parental blessings.

Picture is highlighted with many excellent scenes and sequences that catch audience fancy and approval. The busy Lilliputians, organized as an army and busily engaged in tying down the giant, with miniature cranes ravelling their strong ropes around the sleeping Gulliver, and with fiery torches lighting the proceedings, is a particularly effective episode. Gulliver's finger dance with the Lilliputian King, and his capture of the invading navy to save his little friends from attack are both

**poloworthy.**

Of the tiny characters, Gabby, the sweet, talking, luscious, boy and main warrior, occupies a featured spot in both prominence and audience interest. Gabby most likely will blossom forth in the future as a cartoon star for a series of pen-ink-animated shorts. The other characters interpret the several tuneful songs composed by Ralph Rainer and Leo Robin. Lanny Ross is the singing voice for the prince, while Jessica Orpington handles the similar vocal chores for the princess. The comically spy trio, Sneak, Snoop and Snitch, adds much to the overall comedy.

Of the songs, "Faithful Forever," by Rainer and Robin, and, "It's a Happening Day," by David Berg-Long and Sharpline, loom as hit tunes. Former is a romantic number, while latter carries a marching swing. Score numbers eight songs, all way above

Fleisher's animation and detail for color values to catch the fine qualities of the new Technicolor process add much to picture's all-around quality.

'Gulliver's Travels' has been a year and a half in preparation and production, with Fleisher setting negative cost at around \$1,500,000. What's on the screen indicates that it was a painstaking task.

**Hunchback of Notre Dame**  
Hollywood, Dec. 14.

[illegible]

Parading vivid and gruesome horror, with background of elaborate medieval pageantry and mob scenes, *'Hunchback of Notre Dame'* is a super thriller-chiller. As such, it carries strong dramatic ingredients for mass audience appeal, and will roll up healthy grosses at the ticket windows.

From a strictly critical viewpoint, *Patience* has its shortcomings. The elaborate stage production, with its sweep oversadows to a great extent the detailed dramatic motivation of the Victor Muzo tale. While the elaborate stage production, with its eye-filling, it detracts many times from the story being unfolded, especially in the first half. Charles Laughton's performance as the deformed and imbecile mope is not quite what Dame Katharine is not exactly palpat for patrons sensibly inclined. Laughton's over-emphasis of his character's imbecility and his querulous is too vividly ugly and bestial, and it is not until the story is well along that audience sympathy is fully aroused for the pathetic figure.

"Hunchback" is one of the greatest horror tales of literature. As such it carries wide interest. The silent version, produced by Universal, and with Lon Chaney starred, is well received. The combo program for the production.

Laughton, despite his over-playing in the early stages to make Quasimodo a most repellent character, makes the bestial characteristics of the role in a way that does not emerge as the victor, rather than the victim, of audience reaction. A earlier approach to gaining sympathy for the bellringer would lift the portrayal to great heights. Laughton's performance is distinctly facial malice is a technical stand-out. His pillow scene is strangely dramatic, as his gleeful defense of the church against the attacking mob.

topnight performers for each role. Sir Cedric Hardwicke is the villainous King's High Justice; Thomas Mitchell is the king of the beggars Maureen O'Hara (excellent) as the gypsy girl who befriends the hunchback on the pillory and is saved by him later; Robert Hampden as the hunchback of Notre Dame; Harry Davenport as Louis XI and Edmond O'Brien as the poet, his first Alim role, are all worthy.

Production displays lavish outlay in costs for elaborate sets and thousands of extras for the mob scenes. Movement of the large crowds in the numerous mob ensembles is particu-

lary noteworthy. Director William Dieterle sketched his assignment against a sweeping background of sets and crowd movement, which, while effective as such, does not provide sufficiently for story development and definition of characters in the first half. Despite this, the forceful drama of the second portion carries the picture through to a most dramatic and elinactic conclusion. "Hunchback of Notre Dame" is Pandro Berman's finale as a producer for RKO.

**BALALAIKA**  
(MUSICAL)

[illegible]

'Balalaika' is a sumptuously produced operetta, in the opulent Metro-Goldwyn-Mayer tradition. With Nelson Eddy and a new personality looker, Ilona Massey, topping the cast, it has enough marquee values, in addition to the production investiture, to carry it nicely for strong business. 'Balalaika' is also one of the few recent musicals to augur well for the foreign market, such as

Miss Massey, the Magyar importation, is as heady as tokay for the b.o.—or should prove so. This her second American film, following a brief appearance in Metro's *Rosalie*, which she handles, not one number, but a couplet here and there in the sacrosanct marquee division. Miss Massey has just about everything for visual and oral cinematic appeal. A beauty of much personal charm, fortified by a voice that's a good companion piece to Nelson Eddy's, she can play any part, she's a fetching blonde who can tempt the boys (and the femmes) will prefer at the b.o. "Balalaika has a number of factors

to negate its chances for socko reception. For one thing, the Russian idiom is by no means popular right now, even in the vodka-soaked Caucasus. Whether of the czarist vodka vintage, where this film starts off, or into the post-proletarian revolutionary era—showing the former imperial aristocrats in humble service in Paris—the historical element doesn't rest well.

But forgetting any Romanoff or Sialaevsk analogies, it's a fetching new Czarist musical. *Madame* is the virtuous songstress in the class. Balalaika nitery where the imperial officers take their babes and babbles to the opera. The opera is the czar's father and brother. Miss Kiselev's father and brother are mixed up in a revolutionary movement and the class is thus created, after Kiselev as a dashing captain, assumes a study in class warfare. He falls for himself with the poor but beautiful chanteuse.

Production and direction are lavishly aided by the Austrian army, and the men are inspired touches. The sequence where the Austrians sing "Holy Night" across the wastes of the Alpine mountains, with the combatant Russians (whose Christmases comes two weeks or so later) in the foreground, is a touch that does not deter a surprise attack.

Action moves to Paris after the revolution. Edy's role is that of the confidante of a Russian noble and many of his former superiors—officers, diplomats, and including the emperor himself. But she is not his hireling. But when the Russian New Year comes around, the old order changes back and the officers take their victory finery and medals to their camp while Charlie Ruzhkov (Lauraturer) reverts to his humble servantitude and again waits hand and foot for the emperor. The film's dramatic sequence climaxes here when Miss Massey coincidentally turns up

(Continued on page 47)

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## MUSIC HALL, N. Y.

Edwina Rustin, choir, Leon Fokine, Charles Peterson, Val Gural, The Stadlers (2), ballet, Vivian Smith, Alice Young, Alvin, the "Ballet Masters," The Antiques (8), Grace Panini, Rocketeer, Erno. "Baladina" (M-G), reviewed in this issue of *Variety*.

Radio City Music Hall is very seasonal this fortnight, both stage and screen, even the "Ballet Masters" feature including a dash of the (Russian) Christmas season.

Per custom, for the seventh consecutive Christmas, "Peace on Earth" (The "Ballet Masters") is presented, beautifully and reverently staged by Leon Leonidoff, mounted by Sergei Soudaïev, with Ivana Rustin and the Music Hall choir (Ivina Landau, director) handle the major vocal burden, as the Xmas-tree decor flanks the massive auditorium on either side, the impressive Soudaïev scenery filling the stage. There is no overture. Erno Rapee merely toning the appropriate secular music.

Instead of the renewed, a new "Information Please" (RKO) pattern short breaks it up, and then, the King Cole, when the "Ballet Masters" and Mother Goose—again go to town in a kaleidoscope of color, and the King Cole, who's each here for the kiddies and grownups. Settings by Bruno Soudaïev, including a dash of the "Ballet Masters" and the costumes by Marco Mendelsohn, with Van and H. Rogers.

Edwina Rustin is Mother Goose; Leon Fokine, Charles Peterson and Val Gural cut corners as the "Ballet Masters." The Stadlers, she a boneless acrobatic-comedian, and the other male partner, depict Humpty Dumpty. The Four and Twenty Blackbirds are a group of four, and thus the ballet corps gets in its innings.

Hilda Eckler as the Farmer's Wife runs off with Vivian Smith, Alice Young and Alvin, the "Ballet Masters." The Queen of Hearts introduces some amazing riffs by The Antiques (8), the "Ballet Masters" a surprisingly stout understanding for all her little bits, and the "Ballet Masters" a surprisingly stout understanding for all her little bits, and the "Ballet Masters" a surprisingly stout understanding for all her little bits.

Considering the pre-Xmas-time, it was pretty good Thursday (opening) night. Managing director, the Schmus introduced Miss Macey for a song from the rostrum before the start of the final show.

## STANLEY, PITTS

Pittsburgh, Dec. 15. Dead End Kids (Columbia), the (Schmuck) Herman, Gray Gordon's Orch. (13), Shirley Lee, Charles Carr, Bobby North, Cliff Grant, DeVal, Marie & De; Cat and Comedy.

Looks as if this WB debut show has copied itself a best show attractive even to the usual pre-Xmas bit below. It's in the regular, but there was no sign of the show at opening, with Dead Enders going to keep the kids coming and Gray Gordon's and-comedian, who also slated to attract its share.

Dead Enders—Leo Gorcey, Hunts Hall, Gabriel Dell and Bernard Punale, four of original six have a characteristic turn, incorporating the thought and antics sides of their work on the screen. It's a neatly-written act, geared to the kids, and should interest them even more solidly in the affectionate and the "Ballet Masters" fan legions. Kids work with Sam (Schlepperman) Hearn, who has an inning of his own in the show, when he imitates three violin playing at the same time, and then with him. It's a filler while Dead Enders are changing for a supposed play, with Gorcey and Dell, and making every line count, even if there is an off-color dash, even of his stuff.

Turn also employs brightly an unbelieved, striking, and plentiful decorative although limited to merely a couple of decorative walk-on. For most part, the turn is patterned pretty faithfully after their bit, specially, and the "Ballet Masters" what the mob comes to see. Kids don't disappoint them, and the "Ballet Masters" split a nice melon of public favor themselves.

They fill the closing niche after Gordon's band has gone through its repertory. The "Ballet Masters" of outside acts. The "Ballet Masters" is gradually fulfilling promise it first showed here, and the "Ballet Masters" is gradually fulfilling promise it first showed here, and the "Ballet Masters" is gradually fulfilling promise it first showed here.

They're sticking up a new, nifty couple of years ago. It's sticking up a new, nifty couple of years ago. It's sticking up a new, nifty couple of years ago. It's sticking up a new, nifty couple of years ago.

## ABC, PARIS

Paris, Dec. 5. Barbara La May, Freddy Vittop & Paloma de Saut, Reine Paulet, The Three Russians, and Delmarne. Joe Marjano, Ouward & Victor Gille.

With more stress on variety and less on the single act, the ABC has already been seen. International talent is hard to get now, and the French are not the vaude stuff, it's more than likely that local audience from now on.

As it is, Barbara La May, non-vaude, is a good example of the international angle. The American shows more class in her two acrobatic dances than the rest of the program. Audience receives her rather coolly at the start but before she's half way through her first Persian slave dance she has all of its interest, and the crowd is practically applauding. She winds up as a tough moll, showing her derring-do at the audience from the most unbelievable angles.

Two-billed is Reine Gauty, who has a vague physical resemblance to a Southern belle. Fresh from a March 1939 tour, she's a lovely singer and catches on fast with old and new songs. "The Village Waltz" (The "Village Waltz").

Freddy Vittop and Paloma de Saut look well in three Spanish dances. Both are first rate, use the castles with the capital in some time.

Reine Paulet, also fresh from a tour, is a lovely singer and catches on fast with everyone, with her excellent song repertory. Very strange is a number of songs, including "The Village Waltz" (The "Village Waltz").

Anna Soudaïev, who has a vague physical resemblance to a Southern belle, is a lovely singer and catches on fast with everyone, with her excellent song repertory. Very strange is a number of songs, including "The Village Waltz" (The "Village Waltz").

Annual local talent review, staged in cooperation with the Baltimore News-Post by Ted Roulston and Betty Lane McElroy, is fast becoming a noted sight this week. With only a few exceptions, the show has been a considerable entertainment.

Next opening by well trained line of 18 and 20 year olds, the show is a special song written by Ben Carter. Special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

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Next-closing spot is held down handsly by Houdini Spurr, who sings m.c.s. smoothly. His comedy turn-around is a proper groove for a marching band, and the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

## BEACON, VANCOUVER

Vancouver, Dec. 15. Smith, Rogers & Eddy, Elmore & Sims, Bell Rogers, Beatrice Hall, Frank Marjano, Houdini Spurr (S); Flight at Midnight (Rep.).

Smith, Rogers and Eddy provide strong finish to mediocre bill here. But the show is a rather thin, notably because of lack of m.c.

One of the newer turns is that of Beatrice Hall, singing dance creator, wears too many clothes for the bill, and the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

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## ADAMS, NEWARK

Newark, N. J., Dec. 17. "Belles A' Poppin'" with Joan Vickers, Art Henry & Co. (2), Elmore & Sims, Leanne & Co., Melba, Joe Termini & Co. (2), Josephine Brown, Sunnyside Girls (2), Joe Annis House Orch. (15), Show and Line Girls (24); Heroes in Blue (15).

Spotty show and ditto bit at the Adams. The show is a rather thin, notably because of lack of m.c.

Here and there, it flashes a few bright spots, but buildup to headliner, the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

Among show-savers are Elmore & Sims, who have a good time, and the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

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life when Avery takes a few acrobatic tumblers, but otherwise there's nothing to it. With a girl and another fellow, Avery attempts something, but it's meaningless. They need careful re-outlining. The show is the usual Chicoes, three women and two men in what is included as a Mexican dance routine, and wind up with conga dancing. Colorful act.

Solly Avery is an m.c. with an over-emphatic, tall-told routine that's a reminder of several other people. Also does some of the show are the usual experience sorely, one factor being his rather good supper show Friday (15).

## ADAMS, NEWARK

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## ROXY, N. Y.

Borrah Minepiet's Harmonica Rascals, George Prentice, Al W. Lopez, Margery Daye, Variety Stage, and the "Ballet Masters" House Orch. Everything happens at Night (20th), reviewed in this issue of *Variety*.

An acceptable but not scintillating show, with chances for business being anything but good in spite of the Sonia Hagen and the "Ballet Masters" line. At the final show Friday (15), attendance was pretty light.

The Borrah Minepiet harmonica act, with the plant-size comedian who sings a few songs, and the "Ballet Masters" a special song builds well to a blackout that has girls in red, and the "Ballet Masters" a special song builds well to a blackout that has girls in red.

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# EVERYTHING HAPPENS AT NIGHT

**topping Sonja Henie's previous  
hit at Roxy, New York, for sen-  
sational pre-Christmas business**



*and*

## HELD OVER

*to cash in fully on the rich  
year-end takings!*



THE KEYS TO YOUR FUTURE

# RKO'S BUFF DRIVE; STAFF SHUFFLES

Billings drive has been set by RKO, to close at 27 and open at May 10, with cash prizes, not listed, to be awarded to men in the field making the best time. Here, however, is the new England division manager, appointed to replace the departed, along with Harry Gittelson of the home office will make a tour of the exchanges shortly after the first of the year to discuss and lay plans.

**Brands' fix on N.Y.**  
The fix, new house on 42d street, New York, is slated to open Saturday night (22), single features, both American and foreign make. Owner will be "The Citadel of Silence", produced in France.

**Brand Bros.** opening a string of 80 houses in New York city and surrounding territory, both the theatre under long-term lease.

**Feteing Kellenberg**  
Pittsburgh, Dec. 19 local sales will be handled by branch manager in C. C. Kellenberg, 3000 Fox local sales in William Penn hotel with Christmas dinner marking his 20th year with Fox. Harry Kellenberg, one head for WB here, is general chairman of the affair.

U change here being completely remodeled and modernized, with alterations to run on the new schedule. Another big alteration job now being at WB in RKO. Still under doctor's care, however.

**Charlie Blatt** re-opening Grand, Corky, in order to place the accumulated profit which doesn't last. After having at the Grand, Grand has been closed for last seven years.

**Entire Cpl sales** started vacation yesterday (18) until Jan. 2.

**Hubber's' Cpl Branch**  
J. H. Hubber, district of foreign pic, will open new branch in Chicago in January. Arthur S. Benjamin will head it. Bob Snyder in charge of sales.

**Loew's Greenwich** Deal Chills  
Deal of Loew's to take over the Loew's, Greenwich, Conn., from P. K. Loew, is reported. The deal is being negotiated.

**Loew's** only house at the Greenwich town, since 1900 and has been operating independently since then. Since he resigned from Grand National as general sales manager about two years ago, Chas. Loew had the house, but about 12 years ago.

**Mahan Heads WB in N. H.**  
Roy Mahan, Western division manager, has shifted John R. Mahan from Philadelphia to New Haven. Here he takes command of the WB exchange there, succeeding John F. Payne. Later, he remains with the company in New Haven, but will be in charge of the exchange.

**GN Shifts**  
Just been changed Dec. 19 Paul Richartz becomes Buffalo branch manager for Grand National. Richartz formerly at the Buffalo office of the company. Also of Albany office, succeeded Al Trenchman as GN's Buffalo branch manager. The Star, Middleton, Conn. over and reopened by H. Faneinstein, associated with Martha Jones, 1000 Plaza, Rochester, reopening shortly following renovation.

**Brux Switch**  
Bronx, N. Y., Dec. 19 Consolidated, which for the past few years has had the Willis theatre shuttered and the Forum open, has been taken over by the Willis. Chain is renovating the Willis preparatory to reopening the house, at which time the Forum will go dark. Louis Giansana, manager of the Forum, will go to the Willis in the same capacity upon the reopening.

**Rose Old M.**  
Columbiana, O., Dec. 19. The old Columbiana Opera House, established 1875, which has had a varied and varied career, most recently as a junk shop, is being razed.

# FILM BOOKING CHART

(For information of theatre and film exchange bookers VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of release is given in parentheses. The number and the running time of picture are included.)

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W=War-Released in Variety R=Key to Trade Abbreviations

Releases: C=Comedy; D=Drama; E=Adventure; F=Fantasy; G=Genre; H=History; I=International; J=Jungle; K=Killer; L=Love; M=Music; N=News; O=Other; P=Picture; Q=Quack; R=Romance; S=Science; T=Thriller; U=Unlabeled; V=Variety; W=War-Released in Variety; X=X-ray; Y=Yarn; Z=Zany

Week of Release Rev. in Var. Title and Company Type Talent R. T.

10/15/39 12/14 JAGGED IN ARMS (M-G) C D. C. Farrell-L. Wells 67

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# PARS' 42-56 DAY CLEARANCES RULE MPLS.

Discontent rumbles, and being heard again in local independent neighborhood exhibitor circles over clearance and 42-56 day rule, alleged, the Paramount-Singer office is dictating to its own advantage. Particularly by in the content is the 42 and 56 days' clearance enjoyed by the Paramount-Singer's loop 25c, Copher and the 15-25c double feature Aster over the indie 25 and 20c, nabe houses, respectively, as well as the fact that Orpheum again is playing up its big stage shows for a 40c top.

The indie contend that they're at a great disadvantage in consequence of this clearance and independent schedule and they're clamoring to have it changed. Thus far, however, they've not succeeded in obtaining any alteration.

# 'HEAVEN' NEXT FOR BETTE DAVIS AT WB

Hollywood, Dec. 19. 'All This and Heaven, Too,' is the next star for Bette Davis at Warner's (exhibiting) the New York Hill, which will be filmed later. Casey Robinson scripted 'Heaven,' based on the Rachel Field novel.

# Morros' 'We, the People' For Pix; Huddling RKO

Having closed for rights to the air program, 'We, the People,' which will be the first of four more features from Morros' picture along in 1940, negotiations are under way for other properties. Morros left Sunday (17) for the Coast, where he will spend the next days, returning to New York early in January to discuss the licensing of the four pictures now planned. Negotiations in this direction are well under way with RKO, Morros having had huddles with George J. Schaefer while east.

# 'Big Union'

Continued from page 5.  
(favor the formation of 'one big union' or continuation of the present divided house. However, he expects to make a tour of the various branch offices, stopping in Chicago, Los Angeles and San Francisco.)  
SAG's support of the 'one big union' proposal is understood based on much on the ground, the possibility of another attempted jurisdictional invasion, such as last summer's try by the International Association of Theatrical Stage Employees, as for reasons of economy, efficiency, and the union's financial health. The boss of the IATSE, and apparently deeply entrenched in the Coast labor situation, it's figured that the one change to the union might try to over the actor unions. A united Four's is regarded as a necessary precondition against any union.  
If the Equity membership at the Friday meeting goes against the unification plan the whole idea will be seriously set back. For although the league is not so big as the small Four's, the IATSE, it still holds an influential position because of its seniority in the setup. However, Equity's financial status isn't as strong as it was a few years ago, whereas the other affiliates notably SAG and AFA are becoming much more powerful in recent years. And AGVA, while only a few months old, has a strong prospect of becoming a financial and political leader in Four's affairs.  
The League of Nations, which it holds jurisdiction over the television field, there is little likelihood of Four's AGVA's financial claims. Even if that slight chance were to materialize, the other unions would be certain to insist that all members be permitted to work in the visio field without taking out Equity cards. Therefore, the League's prospect of increasing its income by controlling the television field are figured extremely remote.  
The situation in regard to television jurisdiction remains virtually static with the Joint Committee representing Equity, SAG and AFA still studying the matter.

**"It's a Hap-Hap-Happy Day on Broadway.  
Today, 'GULLIVER'S TRAVELS'  
opens at the New York Paramount!"**



**"GULLIVER'S TRAVELS"**

A FULL-LENGTH FEATURE CARTOON, IN TECHNICOLOR • PRODUCED BY MAX FLEISCHER • DIRECTED BY DAVE FLEISCHER • A PARAMOUNT PICTURE

## Brush Off Neely Bill

(Continued from page 1)

of monopolistic and burdensome trade practices.

3. Likewise relieve indie distributors and indie producers of monopolistic and burdensome trade practices.

4. Enable representatives of religious, educational and welfare associations to suppress the showing of any picture they feel the public should not be allowed to see, by private pressure on the local theatre management.

5. Give local buygoods the right to help the exhibitor pick out the pictures he will show in his theatre.

6. Make the exhibitor solely responsible for the stories produced and for the presentation of vice, crime and sex in pictures.

7. Prevent showing of any pictures not adapted to children.

8. Compel the production of pictures on high moral standards.

9. Compel showing of socially desirable films.

10. Prevent the production of pictures dealing with sex hygiene, the drug traffic, white slavery and use of intoxicating beverages.

11. Stop the showing of films that refer to corruption in public office.

12. Compel all theatre owners to run children's matinees and family nights.

13. Guarantee that every patron will like every picture they see.

14. Compel the licensing of choice theatrical pictures in current release for showing in churches, schools, clubs and other non-theatrical exhibitors.

15. Enable the exhibitor to play nothing but hits.

16. Compel the wholesale distributor to sell his best picture alone for the same price he would take for the same picture in a deal for all of his pictures.

17. Prevent co-charge-feature programs.

18. Give every theatre the pictures they want at whatever prices they are willing to pay.

19. Compel competitive selling and abolish competitive buying.

20. Abolish unreasonable clearance.

21. Abolish the score charge.

22. Do away with trailers, screen, bank night, amateur contests and premiums.

23. Reduce Hollywood salaries and increase all other salaries.

24. Move the Hollywood studios to New York, Chicago, Dallas, Miami, New Orleans, and Newark, N. J.

25. Give us all more work to do and less money for doing it.

(Palfreyman claimed the bulk of

the benefit ideas were loaned from Neely's own report on the measure.)

## Harry Brandt Continues Anti-Neely, Anti-Radio

Philadelphia, Dec. 19.

Harry Brandt, president of the Independent Theatre Owners Association of New York, speaking here before a meeting of 200 exhibitors on Thursday (14), disclosed he had received assurances from the major producers that no new players will be signed unless they agree to keep off the radio.

Brandt, who has been leading the exhibitors' fight against screen players on the air, said the producers pledged they would see to it that all contract players will be forbidden to make radio appearances.

This ban, Brandt said, would not apply to film actors who received their start on the radio like Edgar Bergen, Jack Benny, Fred Allen, Grete Allen et al. The ITOA head said the Hollywood producers have pointed out that their big headaches come from freelance players such as Claudette Colbert and Charles Boyer.

"We asked Boyer why he persisted in making radio appearances to the detriment of the business that made him," Brandt said.

Boyer answered he got \$125,000 for a picture and \$4,000 for a half-hour radio appearance. He admitted, however, that he probably wouldn't

rate a nickel if he wasn't built up as a big picture star."

Brandt declared that film stars in making the radio have been helping by poor radio performances because of the difference in technique of the two entertainment media. And if they are good on the air, they keep their fans at home listening instead of going to see the picture they may be playing in, he said.

"In either case," Brandt continued, "they are not playing fair to the exhibitor who spends thousands of dollars each year in advertising and exploitation building them up. They are in reality usurping our property when they sell their names to an opposition industry."

Abel Sinskey, operator of the Arcadia theatre, and Lewen Pior, president of the United Motion Picture Theatre Owners of Eastern Pennsylvania, South Jersey and Delaware, were appointed Phyllo representatives to Brandt's committee to iron out the radio-film controversy between exhibitors and producers.

Brandt's appearance was his first before exhibitor groups in his cross-country tour. He reiterated his belief that the passage of the Neely bill would put every indie out of business, and scoffed at reports that the bill would aid the industry.

## Showman Stricken In Neely Bill Argument

Fort Worth, Dec. 19.

The Texas Motion Picture Theatre Owners' Protective Association was organized in 1930 to fight a bill in the Legislature which would have set up a State censor board. Successful in its fight to nip censorship in the bud, the MPTOA languished until November when president Roy L. Walker of Lampasas set out to reorganize for a fight against the Neely Bill in Congress. An attorney and owner of small theatres in Lampasas, Brady and Belton (Texas), Walker had easy going with his reorganization plan until he reached Fort Worth last week (15).

Here the opposition, though small, was so loud that it broke up the meeting. Walker retired to his hotel room, suffered a heart attack and has been in the hospital ever since. Physicians ascribed the attack to overwork and overexcitement.

The meeting here was by far the most exciting of five he had held over the State. The MPTOA president suggested to theatre men here

from the 12th, 13th, and 17th congressional districts that they forward petitions to their Congressional representatives.

Lester Meyer, independent theatre owner from Chillicothe, leaped to his feet and said: "The Neely legislation was an insult. He upbraided Walker for 'having the audacity to invite independent men to a meeting like this and ask them to sign petitions against their own interests.'"

"You for the Neely Bill," he said, "are the other independent. If you and the big chains are for it, sign all the petitions you want to, but don't waste our time."

Other independents at the meeting kept their mouths shut. Only two joined the MPTOA, W. J. Wilkey of Graham and Marshall Cook of Strawn. They were shocked directors.

From his hospital bed later Walker said that Meyer and the other independents in Fort Worth were the only ones he had encountered in 10 Congressional districts of Texas who are not opposed to the Neely Bill and willing to petition against it. He had held similar meetings in Dallas, Austin, Brady and El Paso and found unanimous support for the MPTOA and unanimous opposition to its bughouse, the Neely Bill.

Of nine directors elected in the reorganization so far, only two represent the chains (R. J. O'Donnell of Interstate and Harold Robb of the Robb & Rowley Circuit) and the rest are independents. The rest are F. L. Wolf (Clarville), C. H. Cox (Gilmer), Roy Pringle (Fabens), Henry Reeves (Menard), Tom White (Burnett) and Wilkey and Cook, who were elected here.

President Walker's estimate: "Seventy-five per cent of the independent theatres of Texas are as opposed to the Neely Bill as the chains and the producers themselves are."

## Dallas Huddle on Neely

Dallas, Dec. 19.

Indies and chains of Texas temporarily buried the hatchet last week and met in this city to discuss the Neely bill.

Speakers held bill was ruinous. Harry Brandt, prez Independent Theatre Owners of New York, told the Theatre Owners' Protective Association that the bill will ruin the biz and urged 1,000,000 letters be sent to the House of Representatives to defeat the bill there. Karl Hobbeltz also predicted dire results if bill passes. Most Indies favored bill, however.

IN GYMPIE OR GIBRAITAR, IN SINGAPORE OR RIO

## New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

Will not be shown except at advance prices of least 50c (incl. tax).

**Capitol**

WEDNESDAY, DEC. 20  
GONE WITH THE WIND  
12:15, 2:15, 4:15, 6:15, 8:15, 10:15 P.M.  
Sun. & Mon. 12:15, 2:15, 4:15, 6:15, 8:15, 10:15 P.M.  
Tues. 12:15, 2:15, 4:15, 6:15, 8:15, 10:15 P.M.  
(Reserved Seats & Seats in Advance)

JIMMY SAVO  
MERRY MACS  
GLENN GRAY  
AND HIS ORG.

**"GULLIVER'S TRAVELS"**

A Paramount Picture

PARAMOUNT TIMES SQUARE

Will not be shown except at advance prices of least 50c (incl. tax).

**Capitol**

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GONE WITH THE WIND  
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(Reserved Seats & Seats in Advance)

Opening SAT., Dec. 23  
"THE LIGHT THAT FALED"

**"DESTRY RIDES AGAIN"**  
WITH THEATRE OWNERS' PROTECTIVE ASSOCIATION  
JAMES STEWART

UNITED ARTISTS RIVOLI Broadway  
New York 330 A.M. MIDNIGHT SHOWS

STARTS FRIDAY, DEC. 22ND  
"FOUR WIVES"

with  
The "FOUR DAUGHTERS"

In Person  
ABE LYMAN AND ORCH.  
STRAND Broadway  
and 41st St.

RADIO MUSIC HALL  
1120 B'way  
"BALALAIKA"  
Spectacular Stage Productions

W. & W's New Detroit House  
Detroit, Dec. 19.  
Adding to its new chain, Wisp & Wetman opened its New Harper here, 2,000-seater, all on one floor. It gives W&W 23,000 seats in Detroit.

State  
Last Time Wed.  
Leslie Howard  
"INTERMEZZO"  
In Person  
Leslie Howard  
and Hollywood

## ERP'S HELPING HAND is welcomed 'round the world!

ERP's foreign service is truly world-wide... over 1200 employees, working out of 25 main and 75 service offices... taking expert care of Western Electric equipment abroad in 4600 theatres and 20 studios.

And all this in addition to the job at home.

ERP, backed by Bell Telephone Laboratories, will continue to pioneer in scientific research... improving apparatus for recording and reproducing sound pictures... helping to assure the continued growth and prosperity of the industry!

**Electrical Research Products Inc.**  
SUBSIDIARY OF  
**Western Electric Company**



# THE PICTURE HOLLYWOOD SAID "COULDN'T BE MADE"

Lewis Milestone  
Hal Roach Studios, Inc.  
Culver City, California

Dear Milly:

I just saw the picture, "Of Mice and Men."  
I have a problem in telling you what I think  
of it. The picture industry has wilted the  
language like the Surrealist Dali's watches.  
There are no good stiff adjectives left.  
Suppose I try to rebuild English from the  
bottom and say that it is a very good and  
very moving picture and that I am proud to be  
associated with it.

*John Steinbeck*

Premiere at the 4 Star Theatre,  
Los Angeles, on December 22nd

JOHN  
STEINBECK

OF  
MICE AND MEN

VIKING PRESS

Your brochure on the making of this great dramatic entertainment is in the mail.

## Film Salesman Bowen Gave NBC Top News Scoop On Graf Spee Sinking

James Bowen, said to be an American film salesman for Metro located in Montevideo, Uruguay, provided NBC with one of radio's greatest news scoops (17:30 p.m.), when, at 11:30 a.m., he shouted: "Quick—give me the air—the Graf Spee has exploded. Actually he was on the air over the web when he said this.

NBC had the only radio voice courier from the Uruguayan capital and promptly on receipt in New York of the flash, all the newspaper wire services immediately went to work. Europe, it was the source of excitement published in Paris and London. Pending cable confirmation was considerably behind.

Bowen, who is from Lowell, Mass., stood with earphones on the crowded docks. He alone spoke English and was connected by telephone with four Uruguayan radio men, who took up four other positions along the shoreline. Bowen mandated what was to be said to him as well as what he personally observed. In his several sessions it was obvious the radio men followed the events as they happened. It was the first real radio excitement from the war since the sinking of the Graf Spee. Bowen's report was down after President Roosevelt's neutrality proclamation. President Roosevelt was turned on to the radio in Hyde Park and was reported telling friends the broadcast had been "excellent."

Reflecting its own evaluation of the scoop, NBC re-broadcast a transcription of the flash on the radio. Elaborately explaining that this was a relaxation of network policy that had been permitted only twice before, NBC didn't hide its light.

Bowen, a former army man, once manager of the American Club in Buenos Aires, is expected to receive a substantial cash bonus from NBC in addition to his compensation. He had nearly 48 straight hours of standing by.

Radio in general was out on a limb due to the scarcity of English-speaking contacts and the general preponderance of radio experience with South America.

Dave Driscoll, of WOR, New York, accepted an ingenious method. With the Spanish-speaking editor of La Prensa in New York in the office, he telephoned a native newspaperman in Montevideo and got a wealth of local detail at a cost of \$22.50 in tolls. Translated, this material was inserted as Driscoll's bit in the Mutual co-op program, "Show of the Week," at 6:20 p.m.

Bowen did one broadcast from Montevideo for CBS on Thursday night, but NBC hasn't said it clear that it wasn't paying him to share his findings with its rival. The M-G-M in New York has no record of any James Bowen on its payroll. "How did any of the other film studios know him? It was NBC that so identified him).

### WWJ, Detroit Called Up

Station WWJ, Detroit, Dec. 19. Detroit, Dec. 19. When the Detroit News, arranged a telephone conversation direct with Monahan, early Sunday morning, he was on the set of the Spelling anchor, WWJ relay via A. T. & T. and with special equipment the station was in contact with the station in New York. P. corresponded, Harold K. Miller.

NBC was offered, but declined, the WWJ program.

### Ruthrauff & Ryan Works

On Dodge Wax Series Trucks to Ross-Roy

Ruthrauff & Ryan is working on a Dodge wax series. It will be a half-hour musical show for weekly run-off over a period of 13 weeks.

Same agency is no longer handling the truck division of the Dodge ad series. Latter business has been turned over to the Ross-Roy Advertising Service, of Detroit, which recently conducted a truck survey for R. & R. Involved around \$1,500,000 a year.

B.H. Mulvey, who with General Electric's television division at the N. Y. World's Fair, off to Miami until the next season.

### Spce Spawns Sea Show

WOR-Mutual will put Paul Schubert, a former naval officer, member of its news staff to work Dec. 27 explaining the high seas angle of the European war. He'll be on one weekly, 8:15-9:15 p.m. Wednesdays. Titled "The War at Sea," it's obviously prompted by the new battle off South America.

Schubert has written several books on sea history and manpower, etc., of various naves.

### N.Y. COMMITTEE

### MAY RE-EKID SHOWS

Committee of clubwomen representatives, formed last spring to act as a clearing bureau on radio matters in contact with networks and advertising agencies, met Monday (18) at Town Hall, N. Y., in the first of what is expected to be two monthly informal "Presidents' meetings" were Ed Kirby and Paul Peter, of N.A.B.; Margaret Cuthbert of NBC; Gilbert S. Brown of CBS; Julius Sebach, of Mutual. The committee itself includes Mrs. Harold V. Milligan, Mrs. Nathan S. Singer, Alice Kellner, Mrs. Rita Hoehmer, Miss Mary Goodie Davis, Mrs. Dorothy Lewis, Mrs. Dorothy McDaniel, and Mrs. Dorothy Gordon. These represent sundry organizations from the General Federation of Women's Clubs to the American Library Assn.

Committee has several aims, one of them relating to the wish that sponsors of children's programs should multiply, not decline as they recently have. The clubwomen emphasize their understanding that action and excitement are necessary, but that the clubwomen themselves must be pleased, that goody-goody stuff is self-defeating. At the same time, if they are to get behind the program and buyhoo them, clubwomen think they should be consulted before, not after, production plans are completed.

After another meeting early in January the committee wants to get together with the group. Eventually the committee may issue ratings and recommendations, possibly printing a bulletin, but will decline in no research projects, or anything of that kind.

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## WBBM's Falkner, Scheppe Seek New Jersey License

Chicago, Dec. 19. Frank Falkner, WBBM-CBS engineer chieftain, Rex Scheppe, WBBM time salesman, and James E. Scheppe, president of the Federal Tube Company, have entered application for radio station in Paterson, N. J., asking for 1,000 watts on 500 kilocycles.

## Croney Fights All Or Any Performance Fees For Music Use

In fighting all proposals to force broadcasters to pay copyright license fees, CBS and manager of KOB, Butte, is turning out to be a fine salesman for the N. A. B.-sponsored *Music Use* program. Appearing at two recent district meetings, Croney argued forcefully against broadcast music use. Last week he practically all his heaviest signed promises to purchase music.

Going outside his own ballpark, Croney appeared at Omaha, where 16 out of 27 subscribed. In his home town of 21 of 23 stations came through the only realcertainers being the two Croney-owned outlets.

## SPADEA LEAVES RADIO FOR YOU MAGAZINE

Chicago, Dec. 19. Radio rep firm of Reiter-Spada is dissolving, with Joe Spadea joining the marketing staff of CBS. Spadea was formerly Detroit chief for the Petry office before joining Reiter-Spada to handle the Eastern half of outfit. Reiter continues on his own and will rep for Philadelphia, in mist out of Chicago.

## Social Security Dramas

Washington, Dec. 19. Dramatization based on records of the Social Security Board are next on the educational schedule planned by CBS and the Federal Security Agency in the "Democracy in Action" series. Heard Sunday afternoons.

With the security program in full swing, the programs will be partially historical, describing past efforts of the American people to protect their welfare and the latest New Deal methods. Build-up for the Roosevelt program will be the Federal Education Commissioner John W. Studebaker, who disclosed that federal government will be looking for problems and housing activities. The security group debuts Sunday (24).

## Review Issue of Wax Stigma

## Hollywood Transcribers Request Equality With 'Live' Shows—Rules Change Asked

Washington, Dec. 19. Renewed plea for change in the way the transcribing industry is treated in the recording of recordings and transcriptions has been made to the Federal Communications Commission.

Waxed program partly with live talent was revived last week by the National Transcription Producers Association of Hollywood.

Attorney Ben S. Fisher directed the campaign at the FCC, contending that the present regulations are too rigid and recommending a revision of present regulations so that discs may be transcribed for live broadcast of a program. Motion pictures abandonment of the introduction announcement and the 15-minute rule, which are termed of no value.

The public is only interested in the substance and quality of the program broadcast, the FCC was told. Whether it comes from a transcription made by live talent or comes by means of mechanical devices such as the recording of a program by live talent, makes no difference to the listening public.

The most recent perfection of the mechanical transcriptions tended to make the quality of both types of programs similar and the effect upon the listening public would be almost in-

## 'Sleeping Loyalty of Listeners' Needs to Be Awakened, Says N. A. B. Letter—Raps Consumer Agitation

### An English Fan

Boston, Dec. 19. One of the fans of the Carl Moore-Jay Girardin 'Top Morning program' is an Englishman who has recently taken residence in this country. Last week he wrote in "AIE" in the morning, tone, "I arise, and listen to you as I take my quess. Your program is noisy clapping—but beautiful!"

## LEVERS ADD TWO SHOWS IN CANADA

Montreal, Dec. 19. Lever Bros. has added two shows to its Canadian network list and will have a third new one, yet to be picked, going shortly after the first of the year. They will all be in behalf of *Lucky*. The two new are "The Life and Loves of Dr. Susan" and "The Family Man," with the first on a five times a week basis and the latter treated as a weekly (Tuesday) half hour. Lever also clears a French program, "C'est la vie," minutes, in the dominion, together with such series as "Big Town" and "Big Sister." J. Walter Thompson is the Canadian agency for all the Lever business.

As Canadian agency for Colgate-Palmolive-Peet Lord & Thomas is adding another to the manufacturer's Dominion schedule. It's an undominated participation stanz. "Share the Wealth" and the plug is shared by Cue and Colgate Shampoos. Others on the Canadian Broadcasting Corp. (31 stations) under this source are "Happy Gang," three quarter-hour a week, "Savoy Romanesque" (in French) for Cashmere Bouquet soap and cosmetics.

### Sponsored Baseball

Secony May Stay Out of Chicago This Season

Chicago, Dec. 19. General Mills has renewed for another year of baseball play-by-play on WBBM. This option was automatic according to the two-year contract signed last year, calling for renewal if baseball is available.

Other half of play-by-play sponsorship, however, is doubtful, with Secony-Vacuum firm understood reported retrenchment-minded in excess of the due to the conditions. Wary of local time charges which run to \$85,000.

Down in St. Louis both General Mills and Secony have renewed on KMOX for baseball. Columbia station in Franklin, WSBY, has renewed with General Mills but second sponsor will be Procter & Gamble which will be in Washington in the picture for the first time. Cost understood to be \$60,000 for the package.

### Horace Hagedorn Behind Broadcasters' Bull Sesh

Horace Hagedorn, of the station rep firm of Howard H. Wiley & Co., is trying to revive the Friday roundtable luncheon idea that Joe Weed started a couple years ago. Hagedorn calls it the new Dutch treat rather the "broadcasters' bull session."

Weed couple used to be buyers' checks in return for listening to the reps' chatter.

### Luckies 94 CBS Links

Lucky Strike is adding 28 stations to its "Hit Parade" hookup on CBS Saturday nights at 10:30 p.m. and will tie to 194 outlets.

Ken Harvey, who for two years was in London appearing on television broadcasts of BBC is in Milwaukee with his mother, Mrs. Charles Reese.

Washington, Dec. 19. Joint crusade of members and outsiders has been launched by the National Association of Broadcasters in an effort to build up stronger resistance against groups attacking the radio industry. In outlining industry's "next major selling job," the trade body is urging every station to place a sign in its window to awaken the sleeping loyalty of listeners.

It's the most ambitious job tackled by the N.A.B.'s bureau of radio advertising, set up as an institutional plunger to the same sort of game in newspapers, billboards, magazines, etc., have been carrying on for many years.

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## Gene Autry Auditions; Wrigley Also Considers Hearst American Weekly

Hollywood, Dec. 19. Wrigleys, it is understood, will make a play for the noted author Gene Autry or a tieup with Hearst's American Weekly to dramatize years therein as a replacement of Jesse Laskey's "Gateway to Hollywood" show. Autry audition piped east yesterday.

Hearst deal is said to call for spreads in weekly. Decision will be made Wednesday by Les Atlas as Chicago as Lucky faces are set for Dec. 31.

## SINCLAIR LEWIS TO WRITE RADIO NOVEL?

New Orleans, Dec. 19. Henry Dupre, WWL special events director, will "collaborate" with Sinclair Lewis on the noted author's next intended novel. Lewis is in New Orleans with the announced purpose of writing a book about a radio career girl. Dupre, according to himself, will supply the technical information to make a fiction story the real reality.

While in New Orleans, Lewis, stage-luck, will play a leading role in a little theatre production.

### BUILDS LOW COST SHOW

B. B. D. & O. Designs One In Hollywood for Brown & Williamson

B. B. D. & O. is meeting a competitive situation with regard to low-priced programs by building a show of such description in its Hollywood office for Brown & Williamson.

The program when set will be closer to one of the west coast networks.

### Sammy Kaye Sponsored

Sammy Kaye has been picked by Secony-Vacuum to appear on the new Larry Clinton on NBC starting next Monday (1). Station list will be upped to 84. Contract is for 13 weeks.

# WORLD'S TALKING

## Talent Layoff Clause Follows Network Discounts Under Hiatus

All the major agencies are inserting clauses in their talent or package program contracts giving them the right to shelve the show for any night to 13-week period of time. Under this clause the layoff doesn't necessarily have to be during the summer months and at the same time the account isn't arbitrarily committed to give the program a summer layoff of 13 weeks. Agencies explain that the clause is also put in so that the client's obligations on talent will conform with the rule of the networks which limits the layoff period of an account to eight weeks, if the account wants to retain the same talent.

Some indie program owners haven't liked the idea of the client's exercising all the discretion as to layoff period to himself, but that hasn't stopped these outside agencies from signifying the new form of contract. The advertisers also figure that they ought to be free to determine whether their radio operations should follow the line of seasonal sales.

## Damaged by Not Airing With Cantor Sez Parks, Sues for 5G and Salary

Los Angeles, Dec. 19. Bert Parks, announcer, singer and actor, under personal contract to Radio Cantor, has filed suit for \$200,000 damages for allegedly being kept off the air. Cantor's president, J. L. (Happy) Howe, former sales agent for WFLA, is WBTM's new building manager. New studios are being built in Danville hotel and station plans to seek up in power after first of year. Will also erect new antenna.

Parks claims his career is both damaged and endangered by being kept off one of radio's top programs. It is further alleged his popularity with the public suffers through not performing with Cantor, who is now off the air.

## JOHN BRICE ASSURED NBC ON WSB, ATLANTA

NBC reaffirmed last week that it had a contract with WSB, Atlanta, which has seven years to go. After the deal for the purchase of the Atlanta Journal properties had been reached with ex-Gov. James M. Cox, an NBC official was assured in a telephone conversation by John Brice, the Journal's publisher, that the network was thoroughly protected by the contract for fire. NBC figures that its relationship with Cox have always been friendly and cooperative and it can't see him renouncing a previous contract even if NBC offered a much better deal.

## YEAST AND MUSTARD

They Reactivate J. Walter Thompson In Spot Buying

J. Walter Thompson has become active again in the spot field. One campaign will be in behalf of Fleischmann Yeast, while another will tie in French's Mustard. Fleischmann will use 10 southern stations on the basis of two announcements a day for 13 weeks. One will be a daytime announcement and the other an evening chime.

It's the Marjorie Miller's women's participation show over the Yankee Network for French, starting with the first week in January.

## 'Parker Family' Optimized

Woodbury Soap has renewed 'The Parker Family,' on the NBC-Liston-Saturday nights, effective Jan. 7. Makes the third 13-week cycle for the serial.

Leinen & Mitchell is the agency.

## Radio in Every Room

Cincinnati, Dec. 19. An intensive merchandising campaign under way here this week has all local stations, newspapers and the utility company co-operating with electrical appliance dealers to interest the public in improved radio reception by replacing old sets with improved 1940 models and, for the better class homes, installing a radio in every room. Campaign is sponsored by the Cincinnati Electrical Association's radio division.

## WLVA, Lynchburg, Buys Into Danville, Va., Station; May Form Piedmont Web

Lynchburg, Va., Dec. 19. Controlling interest in WBTM, Danville, Va., has been bought by WLVA here to form the nucleus of what may become a Piedmont network. Stations, 89 miles apart, will be linked by wire Jan. 1 to exchange programs. Each will originate air material for other. Wire will be open 24 hours daily.

Edward A. Allen, president of WLVA, says his firm owns 49% of WBTM's stock, the remainder being held by about a dozen individuals. Allen is vice-president of Piedmont Broadcasting Corp. His brother, Phil, will be general manager. J. N. Dillard, Danville businessman and one of WBTM's founders, is to remain president. He controls 25% of the stock. J. L. (Happy) Howe, former sales agent for WLVA, is WBTM's new building manager. New studios are being built in Danville hotel and station plans to seek up in power after first of year. Will also erect new antenna.

## Happy Are They

Young & Rubicam doesn't drop a single one of its programs with the turn into the new year. All its shows have been renewed.

These included the entire roster of General Foods stanzas and the Pels, Bristol-Myers, Gulf, International and Half-and-Half business.

## CHARITY TIME

ELWANDOSNOW  
Midwinter Three Months,  
Especially pre-Christmas,  
Finds Public Bombarded—  
Another Complication  
Is European War Victims

## LAWYERS' ANGLES

Washington, Dec. 19. Where "public interest" starts and ends in relation to tin-cup rattling in the name of charity has begun to bother some members of the radio industry. Mounting demands for time to promote this and that cause have occasioned speculation about (1) the ultimate listener reaction and (2) the line of demarcation between building local organizational goodwill and conducting a business.

Although no valuable or formal campaign has developed, the increasing emphasis on soliciting contributions for different charities has inspired conjecture about the limits to which stations may reasonably be expected to go. Particularly since the FCC has been jumping back and forth on what constitutes "public interest" and the relative importance of local versus chain plans.

The tin-cupping has been more prominent in many spots this year than ever before. Take Washington itself as example. All of the plants are drumming up hand-outs of some kind, as are three of the four national ones. While nobody wants to doze the Christmas spirit, there is a feeling that this matter of asking the listeners to kick in at almost every station break is liable to boomerang. What with solicitation of dolls, toys, shoes, clothes, and cash, the dialer who keeps his set running for any length of time gets fairly fed up. And there is the other angle—the promoters of the miscellaneous charitable activities want more and more time.

As things stand, radio is in the position of begging donations for eight to twelve weeks, with little success. There's the Red Cross roll-call; the Community Chest; the glorification of Christmas drives; and the infantile paralysis—Birthday Ball movement. This year the charity situation is more of a headache.

(Continued on page 26)

## Jack Adams Calls Job 'Temporary'; Bankers Reported Seeking Top Exec For New Transcontinental Web

Report persisted yesterday (Tuesday) that an active operator was about to be named for the latest network project, the Transcontinental Broadcasting System. The newcomer, according to the report, would relieve Jack Adams, chairman of the board, of his present coordinating assignment. It was also said that the banking syndicate that Elliott Roosevelt has enlisted for starting aid in the enterprise has

engineers if the network wants to use that station's studios.

## West Coast Stunts

NBC denied yesterday that it had received a cancellation on the 'Easy Aces' and Mr. Keen show, both on the American Home Products list, as far as the NBC Pacific regional network is concerned. Both series are set for TBS' Pacific regional.

Fact that the 'Good Will Hour' (Ironated Year) will also be fed to Transcontinental at the same time Sunday evening has created a problem for Mutual. Latter network first got a cancellation of the account and then a new order limiting the hookup to WGB, Newark; WGN, Chicago, and about 15 other stations, but with the Don Lee Network eliminated. The Mutual management later declared that before accepting the new order it would have to consult its affiliates as to whether they want to renew under the duplicating circumstances.

## No Chicago Originations

Chicago, Dec. 19. Ralph Atlas' WGN-TV, which will not originate any programs, at least not musical ones, for the Transcontinental network, after the matter, Atlas so advised James Petrillo, head of the Chicago musicians union, after the latter inquired about the form of WJXD and WIND's participation in the production.

Petrillo pointed out that if Atlas fed any music to the network he would not assume to assume the scale of such local outlets as WBBM, WGN, WMAQ and WENR and also agree to engage a minimum number of musicians which would be comparable to those of other Chicago stations.

## No Philadelphia Outlet

Philadelphia, Dec. 19. Transcontinental has yet to line up a release in this city. TBS' proposition under the latterly fed WIP, WFL, WPEN, WIBG and WDAS. WTFL and WHAT are in no position to take the new network's service because they're on the air only part time.

## Akron Serial Angle

Akron, Dec. 19. WJW, heretofore fairly local outlet, joins new Transcontinental Broadcasting System Jan. 2. And in the midst of a cry against daytime serials here—ballyhooed through Dorothy Dorn's column in the Beacon Journal—WJW has announced a program of serials to augment those already offered on WADC from 10 a.m. to 11:45 a.m., from 2 to 4 p.m. and through the juvenile 'before supper' hour.

## Hutchinson Joins New Web

Wichita, Kan., Dec. 19. Radio station KWBC, Hutchinson, Kan., will join the Transcontinental Broadcasting System on Jan. 1, 1940. The former 100-watt station which has been operating since 1925, recently increased its power to 250 watts for both day and night operation.

Arrangements have also been made for enlarged studios for the station which will include an auditorium that will seat approximately 400.

## \$1,000,000 Deal for TSN

FL Worth, Dec. 19. Details were given out last week by the Texas state bank working up the dimensions of the new tie-up between the Eugene Billings, Jr. and the Transcontinental. Details had been under wraps and there had been considerable curiosity because of the bulkiness of the president's son. Transcontinental contribution to the regional loop out of Dallas was described as a 'million-dollar deal.' Mention of 15 national advertisers, 21 hours of a week, 1,000 commercial hours a year was made.

# LAST CALL! 34th ANNIVERSARY NUMBER



To Be Published Shortly

## Special Exploitation Advantages

USUAL ADVERTISING RATES PREVAIL

Copy May Be Sent to Any Variety Office

NEW YORK 154 W. 46th St. HOLLYWOOD 1708 N. Vine St. CHICAGO 54 W. Randolph St. LONDON 8 St. Martin's Pl.

## U.S. Ideas on Equipment Depreciation

**Quickest to Wear Out Conceded to Be Television and Facsimile Plants**

Washington, Dec. 19. Sample yardstick for computing depreciation on radio equipment in figuring income taxes was given by the NAB last week by the Internal Revenue Bureau. Ruling is not hard and fast, though, and individual station proprietors are urged by the trade body to produce all specific information and ask for rulings on their own cases.

In a letter to the NAB, Deputy Commissioner Thomas C. Mooney figured the useful life of various types of apparatus based on data which has been supplied by radio owners. He said the formula may not be applicable in some cases where experience showed the equipment had longer or shorter lives. In general, however, the following depreciation periods were suggested: Transmitter equipment, 10 years; studio control equipment, 10 years; speech input equipment, 10 years; antenna equipment, 12 years; 10 years; buildings, 20 years; studio furniture and fixtures, seven years; office furniture and fixtures, 10 years; pipe organs, pianos, etc., 10 years; television equipment, four years; and facsimile equipment, five years.

## CLEAR MUTUAL FOR OVALTINE

Chicago, Dec. 19. Mutual has put in a bid with Blackett-Sample-Hummert for Ovaltine's "Little Orphan Annie" serial. The show has been on NBC for the past seven years, and its present contract expires at the end of March. B-S-H has been advised by Mutual that it can furnish the serial with a coast-to-coast hookup, thereby obviating the necessity of versions, as now prevails, on the Don Lee Network.

## COAST FOOTBALL

**Who Carries What on New Year's Day Festivals**

Hollywood, Dec. 19. Both NBC and the Don Lee network are passing up the Rose Bowl game in Pasadena New Year's day. Blue web will carry the game. Aggie-Tulane came from New Orleans Sugar Bowl under Gillette sponsorship and Don Lee, last year, airs the East-West charity joust from Frisco. Mutual, however, takes the USC-Tennessee battle for rest of the country.

Don Lee made a \$25,000 offer for the Pasadena game but was told that the price is \$50,000 for the exclusive. Feeler was sent out for Gillette.

Both KNX and KFMB, the latter feeding it to the new Transcontinental Broadcasting system, which is scheduled to put out its first signal on that date, take care of the local coverage.

Lee's WEXAO televises the Tournament of Roses parade, preceding the game, the first time the Rose mobile video unit. Nearly every station in southern California covers the parade.

NBC's chief objection to airing the game on its red web is that it cuts into peak time of the network and would entail too much coin kickback.

## Chi Trib Strips Start

Mutual network will carry a couple of Chicago Tribune cartoon strips, "Gasoline Alley" and "Smilin' Jack" starting next week. Others may follow. Trib cartoon has been in and out of radio for years.

"Smilin' Jack" was aired earlier this year, sponsored by "Tomb" Rolls. "Orphan Annie" another News strip, is sponsored by Ovaltine on NBC.

## Lorillard Cops 'N' Robbers

Lorillard has settled on a cops and robbers serial for Union Leader. The serial is now in the test for the half-hour, hookup on the NBC-blue net, with early January as a starting date.

Lennen & Mitchell is the agency.

## Sues WCMA For Return Of Coin Bankrupt Paid

Richard Tanny, as trustee of the Remodeling Elbow Puts, Inc., filed suit in federal court against the Knickerbocker Broadcasting Corp., Inc. (WCMA), seeking \$7,446. It is claimed that in 1938, before a bankruptcy petition was filed, but while the plaintiff was insolvent, payments in the sued for amount were made to the defendant for money owed.

These payments were in excess of the amounts received by other creditors for their claims and the defendant has refused to refund the money, the complaint alleges.

## Glenn Miller Against Hope, Kyser, Crosby On Successive Nights

Instead of using its present Wednesday night spot (8-9-55) Chesterfield is putting Glenn Miller on three times a week the quarter-hour time slot. It will be 10 to 10:35 p.m. period Tuesday, Wednesday and Thursday. Bandman deeded the account next Wednesday (27) in the 8:30 spot, with the three weekly arrangement going into effect the following Tuesday (3). Hookup with each occasion will involve 30 stations.

Under Chesterfield new time slot Miller will be competing with Bob Hope Tuesday, with Kay Kyser Wednesday, and with Bing Crosby and Bob Burns Thursday. The latter three are among the networks' top ranking programs. Chesterfield has had Fred Warburton on a 15-minute cross the board schedule for Miller and it wants to develop Miller's own identity and show similar line.

Through "Dr. Christian" serial will take over the Wednesday spot the big account is vacating, moving forward from the 10 p.m. period.

Beacon Journal, Akron's only daily newspaper, dropped its nightly local news broadcast over WABC Saturday.

## Inside Stuff—Radio

Agencies making inquiries have found that the Boake Carter recordings are taboos from Columbia owned and managed station. The ban is made especially interesting by the circumstance that Carter's business backer, Dr. Leon Levy, WCMA, Philadelphia, is a large stockholder and director in the network.

The attitude toward Carter, it was explained by CBS last week, is in line with the network's policy banning sponsored commentators who specialize in editorial opinions. In the case of all news programs the network reserves the right to edit the continuity but the nature of Carter's presentation, namely, "radio" would make this procedure impractical, if not impossible.

CBS isn't deducting from its monthly gross billings the rebate it makes to accounts for the five minutes the network has recaptured for Elmer Davis' news summaries between 8:30 and 9 p.m., EST. It recaptured this period shortly after the outbreak of the European war. Reason given for not taking such rebates into account when computing the network's cost is that it wasn't certain how long the news interpolation would prevail and the uncertainty of these circumstances wasn't worth the trouble of recovering what this recapture deduction would in gross figure come to around \$10,000 a week.

Moral Re-Armament, the name adopted by the so-called Oxford group of England stirred by Rev. Frank Buchman, is very anxious, from reports, to ballyhoo its message through the radio. But reaction from broadcast partitions they do not ordinarily rate as an organized church. Radio WTIC, Hartford, have been advertised recently. "Internationals" (the name) has also attracted the interest of the Buchmanites, who are apparently very well informed as to all channels of publicity.

There was no broadcast of "Author, Author" program over Mutual last Monday night (18) to the tune of the Heywood Brown. Time was filled by a three-minute elyvelo delivered by the Heywood Brown. The program with Brown, and remainder was consumed by the Perole

McCann-Erickson sells the Twenty Grand cigarette account as of Dec. 31. It is understood that Action-Flier will handle the advertising for the same eligible.

Among the agencies that have already solicited the account is Campbell, which suggested a campaign of five-minute recordings on the basis of five a week.

## Quin Ryan Active

Chicago, Dec. 19. Quin Ryan, general manager of WGN, will "forget" any winter vacation this year due to the press of activity. Ryan is now down for three daily shots on the station, doing news commenting shots at 11:30 a.m. and 8:30 p.m.; and his interview "Marriage License Bureau" show at 9 p.m.

In addition Ryan is reading more programs and business for the station and Mutual. Blair Warner, who is in charge of a investigation-likelihood of obtaining public names.

## Paper Folds, KGB, San Diego, Grabs Accts.

San Diego, Dec. 19. Making hay while the San Diego Sun is in the wind, KGB is canvassing the zone to pick up merchants and other advertising accounts. The investigation-likelihood of the newspaper. To facilitate this campaign KGB has hired the Sun's ace advertising man, Bill Evans. At the same time Mutual is getting the paper of the town is helping matters by raising its rates promptly and adopting a take-it-or-leave-it attitude.

Meanwhile Alexander Woolcott came to town to lecture at the Variety theatre and KGB staff are quoting him to the effect that newspapers soon will be "as passive as a lighthouse." The Sun's former columnist, Willis Werner, is now sponsored over KGB by the local utility company.

## AA's Checking Coast

Los Angeles, Dec. 19. Coast branch of American Ass'n of Advertising Agencies has engaged a publicity man to make a 15-monthly listener survey of the three Pacific states, California, Washington and Oregon. Coincidental checkup will be made at Los Angeles, Frisco, Portland and Seattle.

Dialing habits of Coasters on transcontinental and regional lines have long been debated, with agencies and stations having to make their own deductions from the national ratings.

## Defeated Own Purpose

Philadelphia, Dec. 19. Here's a radio program that backfired on its sponsor.

Newly Drug, a chain, last week broadcast a "give-away" contest on WIP, in which \$1,000 in prizes was to be awarded to listeners who guessed tunes and filled out cards—a lingo. The program was aired on Friday night, the contest was changed to Tuesday, especially in view of the coming week. So many customers at the time, however, failed to listen to the program that the store managers raised a howl. The contest was to be changed to Tuesday, starting next week.

## Hartford's Prize-loaded Show

Hartford, Dec. 19. Inspired by the ease with which Tums "Pot of Gold" has steamed up local variety shows, the Hartford show is due to start over WNBC, New Britain. Hammer agency has devised a formula and sold it to the county association of druggists. 179 of those 198 members have agreed to the plan. The plan is that the druggists are selling their community service and seeking to counteract the notion that cut-rate pharmacies are better places to patronize.

Program, which gets underway on Tuesday and Thursday nights at 10 minutes of giveaway, will feature three commercials at beginning, end and end. Varies from "Pot of Gold" in that city director of townships within county, will be used instead of telephone books.

Ten first prizes, each valued at \$15, will be awarded each night. Winner of the first award will be eligible for second awards if they call secret telephone numbers with-

## Deplore Money Giveaways

Continued from page 1.

run the advertiser will find that it doesn't pay to double in trick plays.

Other advertisers whose participation in radio are much less extensive than that of Lever Bros. have sided with viewpoint of the critics. They have advised their agencies not to lose their sense of proportion and spend too much on sound radio entertainment just because some freak programs with high listener ratings are running up high listener ratings. It is their belief that this trend is bound to wind up in a messy situation, and that the smart advertiser will go on plugging away with what he considers to be good straight contentment so that when the crash does come he will be there with something that will catch the audience on the rebound.

One of the first five big spenders in network advertising predicted last week that when the reaction does come it will be sudden and surprising. The spokesman for this account was quoted as saying: "I am surprised if the federal government, acting through the postoffice department, will not soon be declaring the various forms of cash giveaways over the air as lotteries and making them to cease immediately. This same source further predicted that there will be no advance warning about the Government's action. The opinion will be released without preliminary trade or public notice and the programs concerned will have to be dropped the very same day."

## Invisible Angle

"Don't Forget," NBC has sustaining program, sponsored by Allen Prescott, is now offering \$100 for contestants making a perfect score on four consecutive broadcast rounds of \$200 on six straight shows. This is in addition to five dollars paid to the winner of each round and \$100 to them for each correct answer. Dialers draw three dollars for intermissions completed. Seven lucky participants are collecting consistently. Prescott admitted this on the radio and was a protestant of the man taking part in last Friday night's broadcast. Program being informal, the blurted out that he had a studio five or six weeks and raise off hands in the hope you will pick up. While these people stare at the radio, winning money regularly.

Prescott replied soothingly that it was another "use of the middleman"—in the theatrical business the fellow in the office always collects a percentage at first time. Perhaps the detailed squawk had been voiced by an audience contestant during a network telenovela.

## Blair Declares He Was Promised 50% of Stock—Newspend Denies

Charging conspiracy to renege, non-payment for services, fraud and failure to carry out verbal agreements, Michael Blair, transcriptionist, has filed a lawsuit against the New York Supreme Court for suit in New York Supreme Court on American Newspaper News, Inc., Eric Don Pam, president; Ayres-Prescott, Inc.; Robert J. Prescott and S. Kirby Ayres. Action has not yet been filed, but that is unnecessary in bringing an action of this sort. He claims he was promised 50% of the stock in the company. Blair signed a contract assigning rights to the NBC newsfeed it was to be in it is now that he was a minor at the time.

Claiming he originated the idea of the newsfeed, Blair says he was promised 50% of the stock of American Radio Newsfeed stock, which he declares was promised him, plus \$25,000 damages. He also asks an injunction to prevent the defendants from removing the stock from the company.

He asserts he made before being "squeezed out" by them. After taking his idea to the network, Blair says, he was verbally promised half the stock of American Radio Newsfeed to form, and was put to work obtaining recorded interviews. However, Blair says, he was never paid for the stock nor paid for his two months' work as interviewer. He states to the effect that he has verified the claims of a verbal contract.

Officials of American Radio Newsfeed deny Blair's assertions. They declare he was never employed by them and was discharged for inability to do the work. Incidentally, it is now that he was a minor at the time.

## Renew 'What's My Name'

'What's My Name' has been renewed by Procter & Gamble until April 24.

Quit is on the NBC-red Saturday evenings.

In 15 minutes of the time their name is announced on the air. The second prize is a cash value of \$10 to \$50 and consist of watches, radios, early season tickets to the Alvin Karpis permanent waves and other merchandise.

Secret telephone numbers to call are given on the radio and obtainable only by visits to the drugists. Are changed weekly, thus necessitating frequent visits to the drug stores.

Number of second prizes will depend on the number of callbacks to the station. A maximum amount of awards will be retail valued at \$500 per night, while the minimum award will be the first prize of \$150.

Several well-known drug manufacturers, as well as manufacturers of allied products are cooperating in the campaign through the donation of prizes and advertising.

## AYLESWORTH AS COUNSEL

M. H. Aylesworth, former president of NBC, has resigned as publisher of the N. Y. World-Telegram. He is returning to his public relations practice as well as the practice of law.

It is understood that he proposes to further select network accounts for private consultation work on public relations matters, and in the future he will be working for NBC will be among the first to retain him in that capacity.

## TONY WONS RUPTURES THROAT ON POETRY

Chicago, Dec. 19. Tony Wons ruptured a blood vessel in his throat during poetry reading on the radio last night (18) on Thursday (14), and may be off show for several days. Broadcasts scheduled for Tuesday, Thursday and Sunday through the Henri, Hurst & McDonald agency here.

## EX-EMPLOYEE SUES

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## Renew 'What's My Name'

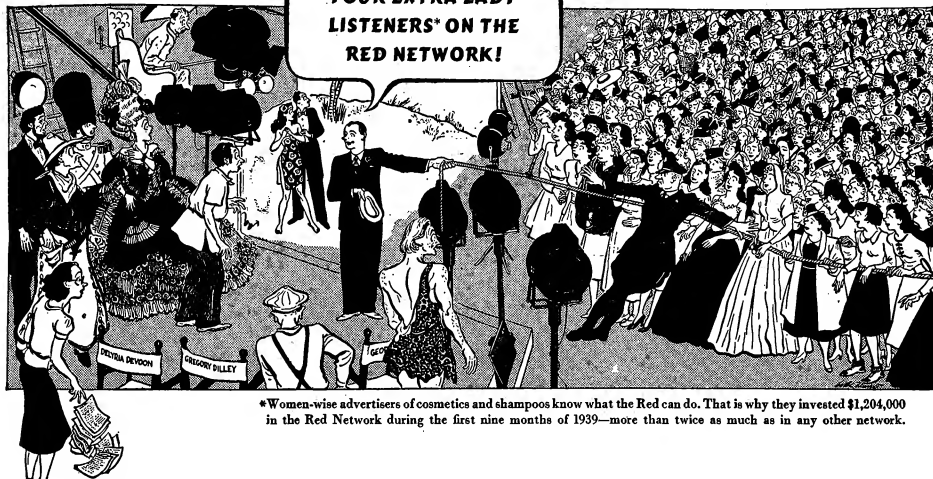
'What's My Name' has been renewed by Procter & Gamble until April 24.

Quit is on the NBC-red Saturday evenings.





...BUT MISS DEVOON,  
WHEN YOU SAID "EXTRAS",  
I THOUGHT YOU MEANT  
YOUR EXTRA LADY  
LISTENERS' ON THE  
RED NETWORK!



\*Women-wise advertisers of cosmetics and champoos know what the Red can do. That is why they invested \$1,204,000 in the Red Network during the first nine months of 1939—more than twice as much as in any other network.

## Sure, *NBC Red Network* figures look "Hollywood"—but they're facts!

"Colossal" indeed is the Red's regular listening audience—day or night, male or female. It's by far the biggest in the business. "Stupendous" too, is the number of families who "listen most" to the Red. Nevertheless, they're facts proved by radio's most complete circulation study.

WITH your own future profits in mind, consider this fact. National advertisers last year appropriated more money for the Red Network than for any other single advertising medium in the world—over \$31,000,000!

This, we believe, is conclusive evidence of the confidence advertisers have in the Red Network's ability to sell goods. A confidence substantiated by facts unearthed in the only network survey ever made which covered not only the usual radio research territories, but the "Other Half" of the national radio audience as well—the previously "uncharted" areas where 51% of all U.S. radio-owning families are located!

### *New Light on Radio*

The revelations in the "Other Half" story prove many things of greatest importance to advertisers. Facts are brought to

the fore which no profit-minded advertiser can ignore. Puzzling time-buying knots are unraveled. Proof is given that a *CAB* rating on the Red means a greater nationwide audience for a program than the same rating on another network.

In short, a completely new conception of comparative network circulations and values has been born! As one agency executive put it—"At last I understand how radio works, and why the Red Network

produces extra results for my clients!"

### *Missing Extra Sales?*

We believe that when you hear all of this astonishing story, you'll know why it is the country's No. 1 advertising medium...why, ever since network broadcasting began, it has aired the majority of the leading day- and night-time programs. The Red's extra national coverage means extra sales for you.

# NBC *Red* NETWORK

The network *most* people listen to *most*

NATIONAL BROADCASTING COMPANY  
A RADIO CORPORATION OF AMERICA SERVICE



**ECHOES OF HISTORY**  
With Mrs. Harold V. Milligan, Wal-  
lace Ford

15 Mins.  
GENERAL FED. OF WOMEN'S  
CLUBS  
WIZ-NBC, 2:15 p.m.  
WIZ-NBC, New York

The General Federation of Women's Clubs has this Wednesday afternoon quarter-hour on alternate weeks with the National Council of Women, a collaborator in the field of 'culture' which today (20) presents Peggy Wood and a 'Quilting Bee' as its entry. In each case the arrangement is called 'co-sponsorship' between NBC's Women's Activities division, of which Margaret Cuthbert is head, and the organization. There is a sharing of the money and the expense.

'Echoes of History' has an idea to reproduce famous orations 'as if radio existed then.' The historic scene is recreated, in other words, with radio eavesdropping. With this fanciful device the series began last week. NBC visited the Gettysburg battlefield where the president of the United States was to speak.

Program was rather a clever one in conception and a pretentious responsibility for cluwbombers. It was on the whole, closer to right than similar tries heretofore. Aspiques were misguided in their choice of actor to read the classic Lincoln address. Failing to get Raymond Massey, Richard Gaines, Walter Huston or any of the actors identified with Lincoln and the right kind of voice, a hasty thoughtless booking brought in Wallace Ford, something of a name (which was deemed indispensable) and, in his own line of roles, a successful, forceful and able performer. But as Lincoln he ran second only to that not-altogether-forgotten classic of radio miscasting Clark Gable as Washington. Ford lacked the authority for the rich, simple Gettysburg lines and he may

have, as an astute actor, sensed this, for once or twice he seemed on the point of losing his nerve, which was what he was running on.

Ford's performance was handicapped admittedly by an unfortunate production touch, having the imaginary audience make itself realistic by putting in sound effects of coughing. This made it something of a struggle between actor and production. Complete authenticity might have put in a few wild ducks winging their way overhead.

In carrying out the modern technique of covering a speech, interview, during the color of the occasion, the program suggested dramatic possibilities of a first-rate order. The obvious intention to contrast the bombast of professional orator, Edward Everett, and the classic brevity of the great man, seemed, at the start, to promise much. It was disconnected by the intervening trivia and the disappointing climax.

The program opened provocatively with Everett (a swell bit of acting) in the last stretch of his windy speech. It thus opened on a high plane of dramatic expectancy that was not sustained. Notwithstanding, it was pretty listenable throughout. Mrs. Milligan, radio chairwoman of the group, said a few dignified words at starting. *Land.*

**JAMES BOWEN**  
Grand Specter Incident  
From Montevideo  
Sunday, Dec. 17  
NBC, New York

NBC chalked up a scoop on Sunday (17) through the instrumental-ity of James Bowen, who, doing a 18-hour standby on the shoreline of Montevideo harbor, finally at 5:56 p.m. gave the world the first flash that the German pocket battleship had been self-exploited. Bowen, now a film man in Montevideo, pinch-hit for RCA-NBC and came through with a news break that had no competition.

Speaking with a clear but non-professional announcing style, Bowen went on the docks pretty steadily through the day and was given the air four or five times during the vigil. It added up to good drama that must have held millions glued to NBC during the Sabbath afternoon.

A news story appears in this issue. This review is for the files. *Land.*

**WSPD, Toledo**, recently proposed the erection of a fountain, to be built with WPA aid, and subscribed \$1,000 of the cost. Steamed city council approval and ballyhooed raising of funds.

**LANDY TRIO, MAHR and FLYNN**  
Songs, Quilt  
10 Mins.—Local  
D. & H. COAL  
Tuesday, 7:30 p.m.  
WGNY, Schenectady  
(Leighton & Nelson)

Hudson Coal returns with a quiz show that has novel twists. Listeners can win \$10 by stumping Landis and accompanist Carly Mahr on any popular song of past 30 years, boys being required to sing, hum or play it within fraction of a minute. Members of visual audience may grab a fever by doing same thing. An additional dollar if question popper warbles few bars or recites part of lyrics.

Landis then turn to name titles. All in words, identify theme use, etc., of pops, and sponsor pays \$5 to each clicker. Final brings volunteers to repeat advertising slogans, for money. Between the quiz bits Landis sing in their characteristic style.

Program is ingenious, but without trousters like Landis and Mahr to buoy it up might be slow, and dull. They register pretty consistently; even on chatter. Program could be improved in spots and loose ends taken up. Some contestants are not sufficiently identified. Certainly, questions (purposely made easy) should not be left up in air when contestants fail. *Jaco.*

**HERB CAEN**  
15 Mins.—Local  
REGAL AMBER BEER  
Sunday, 7:15 p.m.  
KFO, San Francisco

Having built a following during the past two years with his gossip column in the Chronicle, Herb Caen, punning, wisecracking newspaperman, winds up on the air. Feeding that because of inexperience he might not be able to carry the quarter-hour in solo fashion the brewery tossed in veteran NBC announcer Larry Keating to take half the lines, read the breezy commercials, and act as stooge for Caen.

Actually Caen was free of nervousness. Script was light, filled with fast-some good, some reached for; such as, in a discussion of Billy Rose and his offer to underwrite a Fair next year: 'What's a Rose by any other name?' And the answer, of course, Eleanor Holm.

Beer plugs short and acceptable, with kidding, following along the lines of: 'Got a date with a tall blonde—a tall blonde bottle of Regal Pale.' Show was built and delivered by Larry Allen of Consolidated Radio Artists, Agency for the beer company, M. E. Harlan.

William J. Bailey, formerly with NBC, has joined with Fred Coll in establishing a puffery.

**NEW**  
**AND COMPANY**  
NEW YORK  
DETROIT  
CHICAGO  
SAN FRANCISCO  
★  
RADIO STATION  
REPRESENTATIVES

**4 NETWORK HITS!**  
**PAUL SULLIVAN** REVIEWS THE NEWS  
CBS Network—39 stations  
Every night but Sat. 11-11:15 E.S.T.  
for RALEIGH CIGARETTES  
**UNCLE WALTER'S DOG HOUSE**  
NBC Red Network—65 stations  
Tuesday nights—10:30-11 E.S.T.  
for SIR WALTER RALEIGH TOBACCO  
**AVALON TIME** featuring RED SKELTON  
NBC Red Network—71 stations  
Wednesday nights—8:30-9 E.S.T.  
for AVA LON CIGARETTES  
**PLANTATION PARTY**  
NBC Blue Network—76 stations  
Friday nights—9-9:30 E.S.T.  
for BUGLER CIGARETTE TOBACCO  
Presented by BROWN & WILLIAMSON TOBACCO CORP., Louisville, Kentucky

**"THE SHADOW"**  
Sponsored by White Coal  
Another M-T-U-A-L Cooperative  
Exclusively on  
K F E L  
MBS  
DENVER

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

# Further—And Open Hearings On Television May Follow To Protect FCC from Kickbacks

Washington, Dec. 19.

Controversy over the next move in handling a television station applying to the FCC several ways. With detailed report on their desks for nearly a month, the kilowatt power still are under review to decide whether to hold general hearings or put the proposed regulations and location plan into immediate effect without further discussion.

Chief question is which course will provide most protection for the public interest in visual broadcasting. The special three-man committee, which pondered the matter for many months believes that testimony would be superfluous but some of the other four members insist that it is imperative to make a record before taking final action. Ironical aspect is that both sides agree informally that unrestricted license is fair, as urged strongly by RCA, is not desirable at this stage of development.

No open breach has occurred, but the opinions are rather sharply registered in private circles. Crowd wanting a hearing—chiefly to protect themselves against any possible criticism—believing that adoption of the committee recommendations without opportunity for public debate would be embarrassing since the three-man delegation held secretly only with individuals who are active in the field. Some of the committee is that all possible information is in the hands of the Commission and nothing more than delay will result from anything like an open hearing.

The issue was pointed up last week when formal complaint against the proposed channel distribution formula came from Philco. Another squawker is General Electric of Boston. Both were unable to get the frequencies they want if the formula follows the yardstick prepared by the experts.

Squawks are condemned as out of place some quarters. Because all individuals seeking routine assignments were told to get together and try to work out their differences amicably, through time-sharing if necessary. Furthermore, it has been pointed out, the distribution scheme is based on standard recommendations by the Radio Manufacturers Association and also not intended to be a rigid inflexible formula.

Underlying idea in minds of the committeemen was to adopt some sort of formula which would insure adequate spacing while simultaneously affording room for outlets in each metropolitan area, but without involving the danger of a plethora of transmitters. Because the berths are so limited, it will be necessary for the Commission ultimately to work out some method, keeping in mind the high cost of operation and engineering difficulty in distributing programs via interconnections, and the density of population.

It conceivably would be possible for the Commission to adopt the regular and rubber-stamp allocation scheme, then permitting any disgruntled applicant to seek special privilege or revision. Some authorities think that way would be on the permit-seeker to show that departure is in the public interest. Anyone can ask for a change or suspension after rules are adopted—as was done by the National Broadcasting Company, which refused to the goodwill-culture requirement which was put on the last summer after volatile protests.

Argument has been heard that adoption of the formula without a hearing would be tantamount to snubbing the general public and acting on behalf of a few interests. Just who would come in as spokesmen for the public and what information he could give is a matter is admittedly a conundrum. The Commission is charged with looking out for the public's welfare, but in this particular situation is better fitted than any unofficial group to pass judgment.

## BEESON LEAVES TOLEDO

Toledo, O., Dec. 19.

Sterling Beeson, Jr., has resigned as station manager of WTOL, Toledo, for lack in Chicago. He says that if he doesn't like it there. His wife, a concert cellist, wants to live in Chi-

# New Orleans Expects Unions Eventually, Odd Status Prevails

New Orleans, Dec. 19.

Unions in New Orleans are being radio in a strange absence because policies cannot be formulated until preliminaries requiring outside assistance are completed.

Engineers assertedly have practically a unanimous membership among New Orleans stations. But the would-be union has no charter, and cannot present the demands which they intend to make without a charter.

Announcers in New Orleans seem unanimous on wanting to organize under the AFTRA banner. But AFTRA has no organizer available to send to New Orleans.

Meanwhile, with all this organization, all the station operators can do is watch and wait. It is a safe assumption that when the groups are organized they will make some demands on the station management and seek to control them. As the stations are naturally curious to know what these demands will be. But nobody can do anything without action on the part of town.

The engineers have gone through the routine process of organization, and await only a charter. Frank Jacobs, supervisor of controls at WFL, has been elected head of the New Orleans group.

## RCA-NBC Television

Wednesday, Dec. 20.

2:30—Louisiana, film, building exercises.

2:45—Burn 'Em Up Barnes', film serial.

3:05—'Inca Land', film travelogue.

3:15-3:30—Wayland Gregory, with Caroline Bredon, on Ceramic Sculpture.

3:30-3:45—Ned Wrayburn's Holiday Revue, with George Tapp.

Thursday, Dec. 21.

2:30-3:35—'The Curtain Rises', film.

3:30-4:00—Wrestling at Ridgewood Grove.

Friday, Dec. 22.

2:30—'Was I Wrong?', film.

2:40—Stephen Foster, film.

2:50—'Fishing Fishermen', film.

3:10—'Water Boy', film.

3:20-3:30—Singing in the Tyrol, film.

9:00-11:00—To be announced.

9:30-10:00—'Forbidden Music', film.

9:30-10:30—'Little Women', dramatized by Martin De Forest, with Flora Robson, Francis R. Jones, Arling, John Craven, Wilton Graff, Molly Pearson, and Frieda Altman. Directed by Anton Brown.

9:30-10:30—'The Curtain Rises', film.

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# \$3,000 IN AIR BLURBS TO OPEN DRUG STORE

Chicago, Dec. 19.

Large per capita expenditure for announcements has been assigned by Schwimmer & Scott agency here for radio plugs for the opening of what is being heralded as the first drug store in the country, on the corner of Randolph and State streets on

Druggstore opening will be announced on every radio station in the city. The party is scheduled for starting on Jan. 10, and the bill for the 10 days of announcements will run to \$3,000.

## CAROLS IN DEPOT

Commuters Sing in Boston & Maine Railroad Terminal

Boston, Dec. 19.

WEEL and the Boston & Maine Railroad have teamed again this year in a Christmas promotional stunt that gets top response.

In the main concourse of the North Station (B & M Terminal) the radio station has installed a Hammond Electric organ which is played every morning, 8:30 to 9 and evenings 5:30 to 6:30, by Irene Hanly and Del Castor. Organists are given a special concert only organ music is heard. But in the late afternoon, a screen is set up on which the words of carols are thrown. Community singing is led then by Bill Elliott, the station's radio announcer.

During these sings, recordings are made and then played over the station. The program is being written herself from this point on.

# F. C. C.'s WASHINGTON DOCKET

## MAJOR DECISIONS

Alabama: WFSB, Decatur, granted night power jump from 1 to 5 kw.

California: KPFO, Deane Park Brangelie Association, Los Angeles, granted night power jump from 1 to 5 kw.

District of Columbia: WRG, Washington, granted night power jump from 1 to 5 kw.

Florida: WWSB, Tampa, granted night power jump from 1 to 5 kw.

Georgia: WWSB, Tampa, granted night power jump from 1 to 5 kw.

Illinois: WWSB, Chicago, granted night power jump from 1 to 5 kw.

Indiana: WWSB, Indianapolis, granted night power jump from 1 to 5 kw.

Iowa: WWSB, Des Moines, granted night power jump from 1 to 5 kw.

Kansas: WWSB, Topeka, granted night power jump from 1 to 5 kw.

Kentucky: WWSB, Louisville, granted night power jump from 1 to 5 kw.

Louisiana: WWSB, New Orleans, granted night power jump from 1 to 5 kw.

Maine: WWSB, Bangor, granted night power jump from 1 to 5 kw.

Massachusetts: WWSB, Boston, granted night power jump from 1 to 5 kw.

Michigan: WWSB, Detroit, granted night power jump from 1 to 5 kw.

Minnesota: WWSB, Minneapolis, granted night power jump from 1 to 5 kw.

Missouri: WWSB, St. Louis, granted night power jump from 1 to 5 kw.

Montana: WWSB, Helena, granted night power jump from 1 to 5 kw.

Nebraska: WWSB, Omaha, granted night power jump from 1 to 5 kw.

Nevada: WWSB, Las Vegas, granted night power jump from 1 to 5 kw.

New Hampshire: WWSB, Manchester, granted night power jump from 1 to 5 kw.

New Jersey: WWSB, Newark, granted night power jump from 1 to 5 kw.

New Mexico: WWSB, Albuquerque, granted night power jump from 1 to 5 kw.

New York: WWSB, New York, granted night power jump from 1 to 5 kw.

North Carolina: WWSB, Raleigh, granted night power jump from 1 to 5 kw.

North Dakota: WWSB, Bismarck, granted night power jump from 1 to 5 kw.

Ohio: WWSB, Cleveland, granted night power jump from 1 to 5 kw.

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Congestion of both lungs and kidneys was accompanied by a heart attack.

## Band Reviews

### FIDDLE BOW BILL'S DEW VALLEY ACROBATS (8)

Mayfair Gardens, N.Y.  
Sensational hit scored by the "Schneikretzes" as a local Irish attraction which has captured the more or less national renown has inspired others numerous to try to follow in their footsteps, with varying degrees of success. Latest of the crew have outfitted Fiddle Bow Bill and his Dew Valley Acrobats, holds forth in the same pop night spot where the Schneikretzes made their prominence, and it's packing 'em in and creating considerable of a Twin City stir, too, as did Freddie Fisher and his z'mies.

Band works perceptibly without a rest from 9 to 11:45 p.m. nightly, throwing new stuff all the way, uncorning and demonstrating unbelievable energy. It furnishes the sole entertainment and gives up so much that the customers even apparently are satisfied to forego dancing. There's the usual routine—lots of clowning, joke comedy business, corn and novelty stuff. Boys locally assembled, proved adept funsters as well as musicians.

A hilariously scenic background, including cowboys, shag, outhouse etc., helps provide atmosphere and laughs. Fiddle Bow Bill Lundgren, a veteran vaudeville and recently appeared in several Gene Autry films. He has a funny deadpan plus to start with and boasts plenty of entertainment versatility in the bargain. During the edgy bits, proceeding the plays a dozen different instruments, including the violin, sax, steel banjo, guitar, etc., and does some cello rube comedy and slapstick. He gets the boys' assistance. His trick waltz on the violin as he turns over on the floor in all directions is a showstopper. He has mirth-provoking trick prop male with a violin attachment on his back.

Oliver Hardie, the pianist, at various times tickles the ivories wearing mitten and boxing gloves and does other trick stuff. All of the boys extract music from a melody assortment of gadgets and they play plenty of hot, fast stuff with the usual corny musical screams and sounds. Jack Ross handles the m.c. job nicely and also performs on the clarinet and sax. Arne Markinson devotes himself mostly to the accordion while Matt Mortinson comes through with yeanman service on the drums.

Rees.

### HENRY HALSTEAD'S ORCHESTRA

Mayfair, Kansas City.

Henry Halstead eleven-piece band playing for dancing in this semi club south of town is now in third month and gaining among the regulars and stay-ups. Take at the Mayfair is perking nightly.

Singing of Clarence Rand and Margaret Reed, neither new, helps

and two make happy vocal backdrop for Halstead. Band is doc-throated with a bulleted while Miss Reed concentrates more on swingy tunes and old favorites, "Blue Sky, Blue Day" and "I Can't Give You Anything But Love" being nightly requirements.

Recently organized for dancing orchestra has line of saxes, clarinets and brasses. But spotlight, they work on piano and drums by local boys. Organized particularly for dancing and at times they play to draw, but constant working together and rehearsing has sandpapered them into shape and increasing popularity.

Mayfair hardly rates classification of clubs, as its more a bring-your own set-up spot, but floor shows and specialties are on the docket after Jan. 1. Management of the Mayfair's hasn't climbed with the music and a lesson of two in handling of customers is needed to bring the atmosphere up to standard.

Quin.

### DUNNY BERIGAN (14)

With Danny Richards.

Apollon, Harlem, N. Y.  
After playing the stage show from behind a curtain, Danny Berigan and his crew emerge for a session of hot tooting as the second portion of the bill. With vocals by Danny Richards and Berigan himself, band unravels half-a-dozen or so numbers, all on the save side and all well handled. Berigan contrasting in a burr-colored suit, fronts and contributes juicy trumpet bits to nearly every tune. Band is composed of five brasses, four reeds, guitar, piano, m.c. and drums. Plus Berigan, although numbers are all more or less alike and have impelling rhythm and climb to raucous climaxes. Of course Berigan toots a potent trumpet, but when he vocals his theme, "I Can't Get Started," he wastes a juicy set of lyrics. He's also a trifle stiff as an m.c.

Robe.

### Luneford's Sentiment

For the seventh year in succession the Jimmie Luneford orchestra will play the Renaissance Ballroom, New York. Christmas Eve, Bob Douglas, operator of the spot and manager of the Renaissance basketball team, gave Luneford his first good break with a booking at the room on Xmas Eve, and Luneford has always kept that date open to return.

Band goes into the Apollo theatre, Dec. 23, and on the same night doubles to a dance in Manhattan Central, N. Y. New Year's Eve it will double into a hop at Rockland Palace, starting at 5 a. m. Does their stay at new Golden Gate Ballroom, Harlem, Jan. 5-7.

## Explained to 'Em

Columbia Records waxed a version of the much-discussed "She Lied" in the "Rhythm" record for U. S. Records (Variety label) by Johnny Messner, but won't release it. Cutting was done by Al Donahue's outfit on Vocalion.

Reason advanced for not marketing the platter is that Columbia didn't realize the tune's impact, where it was made, and it doesn't go in for anything even remotely suggestive.

## Liuzzi Defeats Cella

Philadelphia, Dec. 10.  
Frank P. Liuzzi was elected president of the 177 American Federation of Musicians, over Romeo Cella, former president, by a vote of 921 to 511 last week.

The entire slate, headed by Liuzzi, was victorious. They were: secretary, Louis Ricciardi; over Glenn Coolidge; vice-president, Herbert Woods; over Jacob Pomeroy; sergeant-at-arms, John Pincini; over Michael Saffier; and counsel, Oscar A. Moldauer over Sol Col.

Joseph Bonie was re-elected treasurer with no opposition, as was Harry Kemmerer, assistant secretary.

## Philly Tax

Continued from page 1

the Philly alloc out of the performer's salary.

The inequality of the new tax is shown in the case of James Brennan, a member of the Warner organization, who lives here and in the New York office. Brennan must pay a Federal income tax, a New York State income tax, a New York City income tax, a Philadelphia income tax in addition to Social Security deductions, etc.

City officials say that even big league ballplayers are subject to paying the tax on the money they earn during games played with the local clubs. Prize fighters will be forced to give up 14 1/2% of their purses.

The new income levy has no exemptions. Persons making as low as \$1 a week are subject to the tax as well as \$5,000-a-week executives. Even WPA workers will have to pay.

## Joe Kennedy

Continued from page 1

figured that a couple bucks film dropped on London would wreck film his, leaving the English-produced films a distinctly less desirable proposition.

## Foreign Distributors Not

### As Optimistic on Coin

Ambassador Kennedy's statement envisaging American film companies taking as high as 85% of their current income from England under the net 50% withdrawal privilege caused a number of foreign department executives in New York to question somewhat the envoy's optimism during the past week. Of. Heals fear his glowing statement might have repercussions with the British government, which has authority to designate how the frozen coin may be used in England.

American company execs. claim that as high as 75% of net revenue may be withdrawn from Britain if the English pound remains 20% cheaper than it was at the time the war started.

## Metro Again in England

Hollywood, Dec. 19.  
Early resumption of picture-making by Metro in England is assured by the signing of Ben Croft, production chief and Irving Asher as a producer in London.

Gretz flyers to London Dec. 27 to start preparations for a number of films. Asher will make one picture here before going to Britain. He has made pictures there for Columbia and Warners.

## Wistrom to London

William Sittum, currently producing "Little Orvie" at RKO, leaves for London Jan. 2 to resume filming in England. Assignment came from British-made pictures for RKO release.

Warner Bros. is going ahead with production in Great Britain to carry out British quota requirements. Max Milder, WB managing director in England, has announced that A. F. Solomon will be in charge of British production for the production of the "The Brights Family," with Herbert Mason directing.

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

Following is a totalization of the combined plugs of current tunes from NBC (WEAF and WABC) computed for the week from Monday through Sunday (Dec. 11-17). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbols denote film song, t legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
All the Things You Are... "Very Warm for May."	Chappell	24
Southbound	BVC	24
Did You Know What Time... "Too Many Girls"	Chappell	24
Oh, Johnny, Oh!	Forster	24
Lilacs in the Rain	Robbins	24
Prayer	Robbins	24
South of the Border	Shapiro	24
Onomatopoeia	Shapiro	24
White Lies and Red Roses	ABC	24
Who Told You I Cared?... "Kid Nightingale"	Witmark	24
Beethoven	Witmark	24
Speaking of Heaven	Witmark	24
Are You Having Any Fun?... "Scandals"	Crawford	24
Can't Help It	Remick	24
Patience	Remick	24
In an Old Dutch Garden	Harms	24
Faithful and True	Witmark	24
Indian Summer	Witmark	24
Slip It My Wonderful... "Mask and Wig Show"	Spiel	24
Peist	Witmark	24
Saint Claus Is Coming to Town	Peist	24
My God	Peist	24
Wind at My Window... "The Goin' Go"	Crawford	24
Good Morning... "Bales in Arms"	Chappell	24
Thought About You	Chappell	24
Does Your Heart Beat for Me?	Mills	24
Bring Him In	Mills	24
I Hear a Dream... "Gulliver's Travels"	Famous	24
After Midnight	Shapiro	24
Little Street in Singapore	Shapiro	24
Let's Sing the Grand Grow	Peist	24
At Least You Could Say Hello	Peist	24
Little Red Fox... "That's Right—You're Wrong"	Peist	24
Goodnight Kisses	Robbins	24
This Changing World	Robbins	24

## Music Notes

Joseph McCarthy cuffed 'You've Got Me Out on a Limb' as an added song for 'Tene' at RKO.

Bill Lava's 'We Ride' and Eddie Chert's 'Exploitation' are by-passed by Exclusive Music Publishers.

Adolph Deutsch doing the musical score for 'The Fighting 69th' at Warners.

Carl Stallings scoring 'Mighty Hunters', Leon Schlesinger cartoon.

Marlene Dietrich recording six ditties for Decca. In the group are 'You've Got That Look', 'The Boys in the Back Room' and 'Little Joe the Wrangler'.

Alfred Newman scoring 'Grapes of Wrath' for 20th-Fox.

Victor Young doing the musical score for Harry Sherman's 'Light of Western Stars' at Paramount.

Werner Heymann drew special assignment on scoring of 'Shop Around the Corner' at Metro.

Ralph Kalnger and Leo Robin get special exploitation by Decca for music for their song, 'Faithful Forever', cleared for Paramount's 'Gulliver's Travels'.

Heinz Roemhold and Ray Heindorf collaborating on score for 'Brother Rat' and 'The Baby' at Warners.

Ann Partenture and Nate Gluck sold their song, 'Night on the Prairie', to be used in Republic's 'Carnegie City'.

Frank Loesser cuffed 'Jungle Jingle' for Paramount's 'The Farmer's Daughter', which Andres Sotelo is scoring.

Alice and Kenneth McNaughton cuffed 'You're a Great Little Girl', to be issued by Whitney-Blake Music Publishers, with orchestration by Nathaniel Shilkret.

Gene Autry collaborated on two songs for the 20th-Fox picture, 'Shooting High'. First is 'Shanty of Dreams', with Johnny Marvin, and

second is 'Only One Love in a Lifetime', with Marvin and Harry Tobias.

Werner Janssen is doing background music for Walter Wanders 'Send Another Coffin', for which he wrote original score.

Pinky Tomlin and Harry Tobias working over their new cut, 'If It Wasn't for the Moon', to Paramount Music Corp. for publication.

## YESTERDAY'S HIT TODAY'S REQUEST

Victor Herbert's

## KISSEME AGAIN

As featured in the Paramount film "THE GREAT VICTOR HERBERT", with Allan Jones and Mary Martin.

M. WITMARK & SONS  
RCA Building New York

## Two for the books DOES YOUR HEART BEAT FOR ME?

## BILLY

I ALWAYS DREAM OF BILL

MEMORY REMINDERS

TONIGHT YOU BELONG TO ME

JEALOUS

Mills Music, Inc.

The restrictions are off. And now we give you the Big Hawaiian Ballad Hit!

## "TO YOU SWEETHEART ALOHA"

By HARRY OWEN (writer of "Sweet Lullaby")

This ain't no idle rumor—this song's got stuff and humor!

"HOLY SMOKE (Can't Ya Take a Joke)"

By JOHNNY MERCER

SANTLY-JOY-SELECT, 1619 Broadway, New York

## A New Hit On The Horizon! THIS CHANGING WORLD

Lyric by Harold Adamson Music by Dono Sussie

Radio's Glorious Song Success!

## LILACS IN THE RAIN

Lyric by Mitchell Parish

Music by Peter De Rosa

For New Year's Eve—The Gayest Party Song

## DOWN IN THE ALLEY AND OVER THE FENCE

by the writers of "The Man With The Mandolin"

A New Rhythm Hit by 2 Star Songsmiths!

## SMARTY PANTS

Lyric by Johnny Mercer

Music by Walter Donaldson

## (Week ending Dec. 15, 1939)

## Inside Stuff—Music

## Inside Stuff—Bands

many litterhugs on the other side of the tracks. Poll also placed 'I Didn't Know What Time It Was' as most requested of pops.



## Santa Claus Drops in on Pa. Niteries, Lifts Curfew, Perks New Year's Eve

Pittsburgh, Dec. 19. Santa Claus dropped in on niteries cwners here and all over Pennsylvania last weekend, a fortnight ahead of time, with the best news they've had in years. In effect, it said they could operate both Christmas and New Year's eves, which fall on Sunday, but that was only half of the winif's.

What's more important to cafe operators than just those two nights are the Saturdays when boys have been asked to suspend all music and entertainment promptly at midnight, some time that booze sales cease, that order has been rescinded, too, with Liquor Control Board placing that phase of it back in the hands of local counties, which, in effect, means, in Pittsburgh, the clubs can operate now until 2 a. m. Sunday morning again, merely cautioning their customers to stock up on booze before the midnight curfew.

Couple of hours after newspapers flashed this news, clubs which had planned to remain closed New Year's eve rather than chance a suspension of their liquor licenses, had big announcements of their celebrations on the printing presses, and several other places which have been closed because of Saturday curfew, were making plans to resume big no rights, no state and no federal entertainment in public places.

Incidentally, announcement from Liquor Board came simultaneously with a news dispatch from Dauphin county of a suit filed by organized musicians of Pennsylvania against liquor board, charging latter had no right to institute such curfew.

Although there are local statutes prohibiting music on New Year's Sunday nights, it was learned here from reliable sources that orders have been issued to the department not to stop or curtail any celebration on Christmas or New Year's eves. Not expected that any of them will take advantage of the night before Christmas, however, since that's traditionally had time for big and few spots continental running that evening anyway.

Board officials were in something of a daze here about the countermanding of the Saturday curfew. Curfew was went into effect last July, explaining that new papers would have to draw their own front page with good news to the club clubs that the lid was off again. It's estimated that since the mid-

## Chi AGVA Meet Set

Chicago, Dec. 19. First meeting of the advisory board of the American Guild of Variety Artists local will be held this week, followed by a general open meeting for all Chicago members on Jan. 11.

Open session will be held at the Sherman hotel. It's likely that following the open meeting, there'll be a closed get-together of the advisory board to discuss the points brought up by the general membership.

## CALKINS WILL BECOME AIDE IN AGVA

Harry E. Calkins, once organizer for the American Federation of Actors, is to become assistant to Dorothy Bryant, executive secretary of the American Guild of Variety Artists, which supplanted the AFA in the Associated Actors and Artists setting. Up till now it had not been the policy of AGVA to place former AFA men in official capacities.

Calkins virtually set the spark which resulted in the investigation by the Four A's of Ralph Whitehead's management of the AFA.

(Continued on page 36)

## Co-op Young Pro Group, Strictly for Auditions

'Fumed Oaks,' one-acter, and an original revue will be presented by Backstage's new co-operative org of Equity and AFRA members, in January, probably at Barbizon-Plaza, N. Y. Group, which has about 35 members, intends to follow—with other shows, mostly oral ones, about once a month.

It's part of the continual attempt by younger players 'to be seen' and managers and agents will be invited.

## 'Total Commissions May Not Exceed 10%, Regardless of the Split'—Booking Offices Would Get 5% and Talent Reps the Remainder —\$50 Wage Minimum

### REHEARSAL PAY

In its 'closed shop' code already submitted to Paramount in New York, the American Guild of Variety Artists specifically rules on commissions to agents and booking offices. Stating that 'total commissions may not exceed 10%, regardless of the split,' AGVA indicates that agents are to receive only 5%, inasmuch as every vaudeville act, except in isolated instances where they are booked for a 'net salary,' pays a booking fee of 5%.

Possible curb on commissions has been the New York variety agents' chief concern. The intimation of this in AGVA's agency license agreement was the primary factor motivating the formation of the Artists Representatives Assn. recently by the talent reps.

Other clauses in the proposed code of fair practice which the AGVA seeks to establish in the vaude and niterie fields would set a basic minimum wage of \$50 a week for principals, a 30-performance, 40-hour week with pay for extra shows and overtime rehearsal pay, probably on a tryout periods. Limited layoffs, standard contracts and union approval of all contracts, right to require a bond, AGVA shop and deduction of union dues by the employer (where the performer agrees).

Pact was drawn up by the union's executive committee after several meetings, at which suggestions advanced by the membership were considered. The document has been submitted to Paramount, but no actual negotiations have taken place as yet. Nor has the union approached any of the other circuits, such as RKO, Loew's, Warners, Brandt, Fanchon & Marco. It hopes to begin such huddles within the next couple of weeks, but the union has been too busy with its plans for the membership.

(Continued on page 37)

## Philly Musicians Campaign Against WB, Carman; Asking for Boycott

### N. Y. Burley to Reopen

Triboro theatre, in uptown New York recently closed by License Commissioner Paul Moss after complaints had been made from a nearby church, reopens as a burley stand Christmas Eve. Operators whose license Moss refused to renew are out of the picture, and the theatre will be Margie Hart at the head of a stock company.

Reopening will again bring N. Y.'s burley theatres to seven, partly including the Gaity, Eltinge, Republic and Peoples in Manhattan and the Star and Century in Brooklyn.

## AFA MEMBERS VOTE AGAINST DISSOLUTION

A reported 200 members of the American Federation of Actors, attending an advertised meeting Friday (15) in Unity Church Hall, New York, pulled a surprise' by voting against dissolution of the actors union which was disenfranchised last summer by the Associated Actors and Artistes of America (FAA). Meeting had been called for the express purpose of getting a vote up to last July 14 on whether they wanted the AFA to continue.

Attendance of the 200 or so was small compared to the AFA's total membership up to the time the Four A's conducted its hearings on executive secretary Ralph Whitehead's alleged mismanagement of the union, but the meeting had been advertised sufficiently in advance to attract all those interested.

A motion was then made from the floor, and passed, to appoint Whitehead a committee of one to draw up a national program for what may be a new AFA. This is to be submitted to the membership.

(Continued on page 37)

Philadelphia, Dec. 19. Local 77, American Federation of Musicians, yesterday (Monday) launched an attack on three fronts in what it termed was a 'lockout' on the part of the Stanley Warner Chain and the Carman, North Philly indie, who dropped vaude when they failed to come to terms with the union. In retaliation, the union has:

1. Threatened to invoke the Warner decree and bring suit against the theatres unless they stopped using recordings as overtures and as musical accompaniment for their acts.

2. Started a campaign to drum up assistance from the ranks of organized labor to boycott the houses involved in the dispute.

3. Made plans to utilize radio remotes played by AFM members to sell 'wash acts' to the public through spot announcements.

Frank P. Liuzzi, president of the local, sent a letter Friday (15) to J. Ellis Shipman, WB official, and George Graves, owner of the Carman, demanding they stop using recordings. "We must also allow a reasonable length of time before we instruct our attorneys to file suit," Liuzzi said.

In the Fred Waring decision by the Pennsylvania Supreme Court, it was held that performing artists in this case mostly AFM members) have a property right in records.

Seeking to line up union support, the musicians started distributing 500,000 pamphlets among trade unionists, and sent wagons through New city with signs demanding the 'return of flesh.' A 'citizen's committee' to inform the public is headed by M. Herbert Smyre, labor attorney. This phase of Local 77's campaign will, it is believed, be particularly active among the patrons of the Carman and the WB All-gheny, both of which are in the heart of the heavily unionized territory district. In all night spots and hotels where musicians play remotes the Carman and the WB All-gheny have a plug for the return of stage shows, Liuzzi said.

Despite these developments and picketing around his theatre, Graves said the Carman's business was 15% better last week with a straight film picture than in the same week of 1938 when he had vaude in addition to pictures. He said he'll continue showing one-maybe duals if he's forced to—but was ready to negotiate with the union if it acceded to his request for a 40-week contract instead of the 52 weeks asked by Local 77.

The Earle, shuttered for three weeks since it dropped vaude, will reopen Saturday (23) as a straight flmner. Prices will be the same as the other deluxers. It will run on a first run policy as long as there's enough product available, Warner officials said.

## 'HELLZAFIRE' UNIT WILL RESUME CINCY VAUDE

Cincinnati, Dec. 19. Stage shows resume at the RKO Shubert theatre Dec. 20 with the 'Hellzapoppin' unit headed by Bert Wheeler.

During the week of Jan. 19 to 25 the combo policy will be transferred to 3,500-seat RKO Albee, which has 1,500 capacity, then to the Shubert, for engagement of Kay Kyser and his orch.

## Butterworth, Judy Starr. Kane Set for Mpls. House

Chicago, Dec. 19. Charles Butterworth, Judy Starr and Eddie Kane are being shipped to the Minnesota, Minneapolis, starting Friday (22).

Set through Harry Grebu here in conjunction with Len Morrison-Jack Curtis.

## BIG DETROIT HOUSES O.O. VAUDE EXPERIMENT

Detroit, Dec. 19. Major houses here which formerly ran vaudeville are keeping a firm eye on the experiment of Colonial, just off downtown center, in bringing variety back to Detroit which houses had vaude for over a year. Last week Colonial did healthy biz with headlined by Tito and the former orch, Toby Wing and Faith Bacon, despite letdown in straight film

Colonial is keeping it up this week by bringing in the Little Tough Guys three-day dash. Next week, Colonial comes up with Major Bowes' 'All Star' unit.

Both Michigan and Fox, which have settled down to double-feature policy after letting vaude go, have been watching letters to newspapers wanting to know why they have been without vaudeville. Report is that Musicians Union has been tackled on proposition of permission for smaller house orchs to play in the big theatre.

Theatre men are also aware that the Bowery, big niterie which produced vaudeville, good and bad, for not long ago had to push out its walls and provide seating capacity for 400 more customers.

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## Unions Throw Picket Line Around Bowery, Det., So Niterly Capitulates

**Detroit, Dec. 19.** Burned up by the solid non-union lineup of the Bowery, Detroit's biggest niterly, unionists of unions slapped a picket line 75 strong on the spot Friday (15). On the picket line are the musicians, stagehands, bartenders, waitresses, building service employees and other craft represented in Bowery. Unions also went after Fifi D'Orsay, headliner in current show, and threatened to turn on the heat if she went through picket line. Aroused unions intended to carry their fight to the American Guild of Variety Artists to inform its membership that Bowery was operating non-union.

Miss D'Orsay refused to cross line Monday night (18) for the opening, but went on after pickets were called off on promise of a union settlement for the niterly.

Huge night spot has become a phenomenon in show business recently enlarged seating capacity by the hundreds to bring it close to 1,200. It has been doing a stand-up business—two bars, 18 bartenders, 40 waitresses all on the run. Frank Barbaro, who runs spot in live Hamtramck, has been putting on two shows nightly, each running close to three hours and collecting 25c, admission per head on week nights and 50c a customer on Saturday and Sunday. Plays 12-act shows plus a line of 12.

Present angle that the unions have taken is that spot is a variety house, since it is collecting admissions at the door. They insisted that the niterly be inspected under theatre

laws on exits, standing room, etc. For some time musicians here have been plenty sore about Benny Reish's orch, a long-stander in the Bowery. However, since everything else in niterly is non-union, they waited to get concerted action from other affected unions.

Last weekend bit in the Bowery fell off Detroit has been rapidly growing into a union town with organization of thousands of automobile workers. They have been having their own strikes and aren't going through picket lines.

### PUBLICITY SUIT?

**Billy Rose vs. Lew Brown—Anyway, It's Called French Casino**

Application for an injunction to be heard in N. Y. supreme court today (Wed.) revealed the suit of Billy Rose and Casa Manana Productions, Inc., against Lew Brown and the Apero Realty Co., Inc. Action seeks a permanent injunction to prevent Brown from going through with his plans to open 'Lew Brown's Casa Manana' at 755 Seventh avenue, N. Y. Rose claims that he used the name 'Casa Manana' in connection with a theatre-restaurant for the first time on the premises, his show running a year and a half to an audience of 500,000 and a gross of \$1,500,000.

Brown, declared Rose, is attempting to mislead the public and cash in on the good-will created by him. [Brown's spot is advertised as the French Casino, its old tag, due to open Dec. 27.]

## Jack Sidney Now With Daniels' Seattle Agency

**Seattle, Dec. 19.** Jack Sidney, brother of Louis K. and George Sidney, has joined the staff of Joe Daniels here, to handle the handling of special acts and bookings.

## Mpls. Vaudfilm Battle Between Orph and Mimm.

**Minneapolis, Dec. 19.** City is witnessing fiercest fighting ever on the vaudefilm front. With the Orpheum (Paramount-Singer) training its guns squarely on the indie Minneapolis theatre, the indie is getting into full stride and looks like a battle to the finish.

Starting Friday (22), the Orpheum will set its stage shows in a row—the longest stretch of flesh-and-blood for that house within recent years. The ensuing week it offers Johnny 'Scat' Davis and band as headliner against Charlie Butterworth at the Chicago. In order thereafter, the Paramount-Singer theatre then will have three more band headliners—Buddy Rogers, Tommy Dorsey (against Gene Autry at the Minnesota) and Lawrence Welk. Terry Tucker is booked in for February and Martha Raye for March.

Stage shows are the regular Minnesota theatre fare. Theatre's second 13-week working period expires in mid-January and there's doubt as to what will happen thereafter. Inability to obtain major screen product (it's all served up by the Paramount-Singer pool) makes profitable operation difficult. Plenty of high-grade pictures are tossed into the Orpheum along with the flesh fare, making the going all the tougher for the Minnesota. Both houses have the same top, 40c, after 5 p.m. daily.

Harry Hirsch's Gayety (burlesque) is scheduled to resume operations New Year's eve after a month shutting. Harry Katz is now in Chicago lining up a chorus and guest stars for the roadshows.

## Haley-Carlisle Reopen Roxy, Atlanta, Vaude

**Atlanta, Dec. 19.**

Reopening of Roxy theatre gets for Christmas eve by manager James H. McCoy. Theatre will kick off with stage and screen policy, Jack Haley and Mary Carlisle the first night, followed by Johnny 'Scat' Davis and Rufe Davis. From then on it will be catch-as-catch-can, with McCoy booking whatever he can get for his stage. Pic to be shown first week is 'Everybody's Hobby' (WB).

Lucas & Jenkins' Capitol, next door to Roxy, is operating under similar policy, just finishing Ozzy Raynolds' 'Water Folies.' Same outfit's Paramount has just played Orzie Nelson's band on stage.

## Santa Claus' Gift

Continued from page 35

night-closing-order-went into effect almost six months ago, musicians, entertainers and niterly owners around here have been affected to the tune of at least \$500,000.

In no case, however, does this affect any of the regulations governing booze sales. On New Year's Eve, customers will have to tote their own liquor, and bars will continue to shut down promptly at midnight Saturday (26). The closing time will be 7 a. m. the following Monday.

### Philly Looks Brighter

**Philadelphia, Dec. 19.** Philadelphia law prohibits music, dancing and entertainment at any time Sunday, but the city solicitor's office said it would study the ordinance and see how far the law's eye be stretched to permit Philadelphia an old-fashioned New Year's Eve celebration. An official announcement on this subject was expected tonight (19).

Niterly patrons apparently are confident that the mayor and city council will be liberal, as they are already accepting reservations for the New Year's Eve. Those who are told that they must bring their own liquor, and that food, actup and entertainment will be provided. Reservations have been slow because the niteries have been unable to advertise until hearing from City Hall.

Some persons in the know say the city officials would not interfere with places running New Year's Eve, but would impose nominal fines for the breach of the Blue Sunday ordinance, similar to that imposed on Woodside amusement park each Sunday during the summer because of 'illegal' dances at the park ballroom. Rev. William A. Forney, secretary of

## Toby Wing's Baby III, Drops Out of Vaude Unit

**Pittsburgh, Dec. 19.** Toby Wing last week pulled out of the Hollywood Glamour Girl unit, being booked throughout this territory by Joe Hillman. It was serious illness of her baby in New York. Miss Wing quit the show, which features Faith Woodson, Rita Rio's band, in Detroit couple of days before it opened in nearby Erie, Pa. (Loverpool, O., where she had been given top billing).

According to Hillman, film player said she would resign the unit when her infant had recovered sufficiently. In meantime, no replacement is contemplated.

### Bobby Folsom in Hospital

**Bobby Folsom** (Mrs. Harold Kemp), former vaude single, is under observation in a hospital in Cumulative Hospital, Jamaica, L. I. Kemp, former Warner's booker, is now with the Stack-Goss agency as radio talent chief.

### Calkins' Job

Continued from page 35

a letter to Frank Gilmore, president of the Four A's, Calkins' charges of serious charges against Whitehead and his alleged vest-pocket company. Calkins had been discharged by Whitehead after an incident at a N. Y. niterly, in which the AFA's executive had been charged that Calkins had abused his power. It was stated that Calkins was 'arbitrary' and 'abusive' in dealing with chorus girls.

While it was never made clear that the Four A's action was directly predicated on Calkins' charges, Whitehead himself, following publication of the attack, asked for a probe by the parent body. It was speedily granted and, though Whitehead and Sophie Tucker later refused to take part in the probe, it resulted in revocation of the AFA's charter.

Mrs. Bryant yesterday (Tuesday) stated that the press work at the AGVA is now so great that experienced help is needed, hence the reason for Calkins' entry. He'll relieve some of the pressure on Jean Muir, also an assistant to Mrs. Bryant.

the Lord's Day Alliance, chief Blue-Sunday advocate here, gave notice to Mayor George Connell that his organization would 'keep watch to see that all laws are enforced.'

The biggest New Year's Eve bit in history is expected by downtown theatres. Because there are no taboos against Sunday midnight shows these are being skedded by virtually all Warner houses. Indies, too, are going to be made for show, in addition to continuous shows all day Sunday.

### Mpls: 2-Day Holiday

**Minneapolis, Dec. 19.** With New Year's eve falling on Sunday, some liquor sales are prohibited here, and some credit spots are planning two celebrations—one on Saturday to speed the old year out, and the other on Sunday to greet 1940.

Clubs operating within the law, such as the Hotel Nikko, Minnesota Terrace, the town's swankiest emporium, will not serve liquor on Sunday, but will include a \$2 dinner and, on Saturday, a \$1.50 minimum for which liquor or food may be ordered, plus favors, Ray Weeks' orch and other entertainment. On Sunday there'll be no minimum charges, but a stiff ray will be \$7.50 for cover, etc.

The \$5 per person will be top price for the town this New Year's eve, compared to \$7.50 in 1938, reflecting poorer general conditions. As a matter of fact, many of the leading spots failed to sell out last New Year's eve when there was less prospect.

Night clubs other than the Nicolett will charge from \$1 to \$5, with some asking for no admission, cover charge or minimum whatsoever.

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## KENT NAMED TO HEAD AGENT GROUP

Continued from page 35

Bill Kent, band manager, was last week elected first president of the Artists Representatives Assn., new organization of New York talent reps. Other officers set 'were Charles J. Freeman, Herman Bernie and Mark Leddy, as v.p.s, and Samuel Shayon, as secretary-treasurer. I. Robert Broder was officially designated attorney for the ARA.

The 10 members of the governing board of the ARA, which already has 60-odd agency members, elected the officials. They also decided on a

change in the by-laws of the organization which will permit associate agents a voice on the governing board via the addition of two more members from their ranks to this body. Associates, however, will not be permitted to vote at general membership meetings.

Idea behind not giving voting power to the associates, who also pay less dues than their employing agencies, is not to throw the balance of power within the ABA to the

larger offices. Latter employ anywhere from two to six associates and could virtually control the association if their employees were also permitted to cast a ballot.

Of the officers, Kent, Bernie and Leddy are individual agents; Freeman is general manager of Consolidated Radio Artists, and Shayon is an exec of Fanchon & Marco.

It is expected that an effort will be made this week to arrange contact with the American Guild of Variety Artists on a working agreement between the agents and the actors.

union. Another immediate step by the ARA will be an organizing drive to line up all of the agencies in N. Y. for membership.

### Seattle Also Has Agcy. Licensing; Bert Levey's

### Branch Mgr. Arrested

Seattle, Dec. 19.

Question of whether a theatrical

booking office is an employment agency of the common garden variety, and thus subject to the license and restrictions of the Seattle ordinance governing employment

agencies, is behind the arrest of Le  
Mantell, local manager for Be  
Levey offices. His case is set fo  
trial in police court tomorrow  
(Wed.). He's out on \$100 bail.

The license fee is \$100 per year with-surety-bond of \$1,000.\* Bernar Reiter, son of the late Carl Reiter for many years manager of Orpheum theatre, is attorney for Mantell.

Levey objects to employment agency restrictions limiting commissions to 5% maximum, which he says would make it impossible to operate a booking agency. Levey also con-

T. N. T.

## Testing Nitery Tax Payoffs in Coast Sur

Los Angeles, Dec. 19. Baron Long and the Biltmore hotel filed a test suit to recover \$6,970 paid under protest to the Unemployment Reserves Commission on

Plaintiffs contend that entertainers are independent contractors and do not come under the employer

## Marsh Montgomery More Magician Than Ventriloquist

Marshall Montgomery, the vet ventriloquist, probably set a traveling working record starting Monday (18) afternoon at 4:30, when he boarded

a plane from N. Y. for Pittsburg and wound up Tuesday working an internal revenue men's luncheon at the New Yorker hotel, N. Y. In between, and following the

p. m. cab date in Pittsburgh, Mont  
gomery hopped another plane an  
worked a Ford factory group's din  
ner in Detroit around 11 p. m. Mon  
day. He landed back in N. Y. at 1

a. m. Tuesday.







## What Brokers Pay For

Enforcement board of four will receive \$10 each per session when hearing charges of violations of the ticket-code. Motion to this effect was adopted by the board of New York Theatre last week. The board is the managerial plan on the board and the brace on the Equity side will come from the levy of 3c. per ticket sold by the agencies. In addition to the \$1000 which the board meets, cost of time for printing machines to be supplied theatres by the League, to be used for all tickets sold at the boxoffice, will also come from the ticket levy. Machines approximately \$25 each. Enforcement board of 'authority' consists of Paul Dullzell and Winifred Lennan, for Equity, with Walter Grezza and Jack Blunkall alternates. Managers likely to have James F. Reilly and Marcus Helman, alternates to be chosen as needed.

## Ticket Code in Operation Despite Brokers' Protests; 'Big 3' Signs

Despite the protests and complaints of ticket brokers, the 'code of fair practices,' as revised by the managers (League of New York Theatres and Equity), is in force. One concession was made to the ticket people, but the terms of the code and the enforcement regulations remain unchanged.

Three leading agencies—McBride's, Tyson and Leblanc—led off the signing by the brokers. The so-called independent agency men have been but are expected to sign this week. No deadline was fixed by the League, but such action is likely unless the agencies fail to accept the code within a reasonable time. A few others have also signed, but some are figured likely holders fearing that they would be forced out of business because of possible stiff penalties for violations. That such agencies will be able to operate outside the code is problematic, since no allowances nor side deals are allowed by any League members, although some have been able to do so far.

Acceptance of the code by the 'big three' is understood to be a tactical move on the part of at least two. Tyson was the first to sign. The others promptly complied to prevent the discomfitment of the League. Tyson outfit an advantage in the number of tickets and locations allowed by the code. The code is gradually adding to its hotel stands, a move figured to be part of a plan to control allotments on the stage.

(Continued on page 42)

## Equity Waives Alien

### Actor Rule So Ainley Can Get 'Easy Virtue'

An unprecedented variation from Equity's alien actor rules was made by the council last week. In order to comply with the engagement of Richard Ainley for the male lead in 'Easy Virtue,' Noel Coward play, which Aldrich & Meyers are reviving, English actor, who came here to appear in 'Foreigners,' withdrawn after seven performances, replaced Frank Downing, but the latter must be paid the weekly salary, instead of the usual two weeks required. His contract is said to call for \$100 weekly, but Ainley is reported getting \$500. While the ruling apparently placed a penalty on the managers, Equity figured that because of the divergence of the pay between the two players, the Downing award could hardly be so considered. Council also took into consideration the fact that an American player was being dismissed in favor of a Britisher, also that the entire cast, except for instance Bennett, who is to be starred, are English.

Miss Bennett, her mother Adeline Morrison, who is a casting director, Hassard Short, who is directing 'Virtue,' appeared before council. They all declared that the English player was required for the part and they asked that the alien rule calling for a six months' legal residence for assignments be waived. There had been some doubt about Ainley being cast for 'Foreigners,' but he is under contract to the Shuberts, and the latter insisted that he be used in Fredrickson's play.

Ainley is supposed to have a guarantee of 20 weeks from the Shuberts, but this contract does not so stipulate, and it is believed that the theatrical arrangement. In show circles the term contract caused some surprise since Ainley is subject to being called to the colors by Great Britain.

## TMAT ASKS SALARIES ON SUSPENDED SHOWS

New claim has been filed by the Theatrical Managers, Agents and Treasurers union, which contends that the producers should receive full pay for the pre-Christmas week lay-off, and that company managers should get half pay. Matter was not important last season at this time because there were comparatively few attractions which went dark the week before Christmas, but currently there are a flock of shows suspended.

Producers have registered objection to the pay idea, pointing out that actors are not compensated for such lay-offs, also that there is no provision for the situation in the basic agreement. TMAT responds with the argument that because of their members should be compensated, particularly because they continue to function during the dark period. Union people said early this week that some advance men and company managers received half salaries.

## WARNERS PUTS HALT TO LEGIT

Broadway showmen are letting the revised Dramatists Guild-Hollywood pact lay dormant. Managers considered the document several weeks ago, but the matter has not been brought up since and indications are that they have no intention of doing anything about it. The showmen say that inasmuch as picture backing has not appeared, as had been anticipated for many months, there is hardly any reason for okaying the agreement, even if so inclined.

Reported, however, that the authors are now blaming the managers for the inactivity of the picture people. Showmen heard such conversation recently saying that most of the film people who sat in on huddles with the Guild representatives during certain provisions in the agreement long before it was sent the producers. Those picture people who objected frankly stated they would not re-enter the legit situation unless those clauses were re-negotiated. Showmen also are of the opinion that if reports are correct, the picture people are backing out, whose fault it is that the pact is not functioning.

Warriors, which led the move to help the breach between the authors and picture people, has apparently called a halt on legit participation after plunging at first. Firm did not

(Continued on page 42)

## Dramatists Guild Mulls Dropping All Craft Work Except Unionism; Would Affect Associate Members

### 5 Unknown Writers Get Rockefeller Fellowships

Rockefeller playwrighting fellowships were awarded yesterday (Tuesday) by the Dramatists Guild to five more 'unknown' writers. Those selected were Tennessee Williams, Elmer Rice, David Howard, Caroline Francke and Alexander Greendale. Awards are for a year and are for \$1,000 each. They will be paid in 10 monthly installments. Five previous awards were made last year.

The only one of this year's recipients who has had any plays produced is Miss Francke, whose 'Excelsior' was done several seasons ago, and whose 'Bombshell' was bought by Metro and used for a Jean Harlow vehicle. Author has been a little theatre actress and a play reader for film companies, legit producers and agents. Greendale, the author of 'Walk Into My Parlor,' which the Group Theatre is considering.

Dramatists Guild may discontinue its activities on the laying of craft problems and confine itself entirely to regular trade union policies. The association's main line is in following the move, which would be a radical change in policy. Understood the idea is the result of reported dissatisfaction among the associate membership, particularly as evidenced at a recent associate meeting called by Elmer Rice, Guild president, at the Adelphi theatre, N. Y.

According to certain council members, the Guild's attention to craft problems was undertaken in an effort to help the associate membership, consisting of authors whose plays have not been produced on Broadway. (Though associates pay comparatively little more than a year's salary, the Guild's activities in regard to craft problems are among its oldest enterprises. Writers' guilds carry on activities designed to teach beginners the craft, and if the Guild were to do that policy, it could have substantial amounts.

According to the council members there is not a chance of the associates being given a vote in Guild matters. Pointed out that if such a policy were followed, it would be easy for the producers or the Hollywood studios to pick the associate membership and outside the regular playwrights on vital issues. Certain council members also state that the associate membership is not in an honorary status, adding that the council would not be averse to the associates withdrawing to form their own organization. That idea was discussed at a recent Adelphi theatre meeting, but received little consideration. Explained that the associate membership is not in a position to ever wield much power or influence, since all the established playwrights are in the Guild, and the Guild is through the Guild's closed shop in legit.

One of the craft problems that has long puzzled Guild leaders, but still were in the Guild's hands.

(Continued on page 42)

## GILBERT MILLER HAS TWO PLAYS ON TAP

Gilbert Miller, who recently arrived from Europe by clipper plane, is considering the production of two plays, but whether either will reach the boards this season has not been definitely decided. Shows are 'Boys, Girls and Dogs' and 'Three Dozen Red Roses.' Showman presented presentations in the mid-fall period, but figures the legit seasons are now more elastic due to air-conditioning. He boarded the clipper Lisbon the manager was vaccinated, a requirement for all passengers being in the mid-fall period, but in fact, Miller's arm was badly inflamed upon arrival here, he being the only one on the plane so affected.

Only one Miller's London theatres is operating, and at present he has but one show over here in 'Ladies and Gentlemen,' Beck's, but he is maintaining full office staffs in N. Y. and London.

Miller, who holds a transport pilot's license here and in Europe, is more enthusiastic over vian than before. He operates an airplane factory in England, at first specializing in training ships. The plant now is in aircraft parts for the planes, with enough orders to keep it going at capacity for 14 months.

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**'Sheraga' a N. Y. Guild Issue**  
Alleged disappearance of \$5,800 in New York Newspaper Guild fund during the time of the Brooklyn (N. Y.) Eagle strike has provided a hot issue in the Guild election campaign, which closes today (Wednesday). That, plus charges that the N. Y. Guild is running to seed, has convinced members no longer contented by far in the liveliest election campaign in the history of the profession.

Both charges have been leveled by Oliver Pilat, of the Post, first opponent of candidate for president of the N. Y. Guild since its formation. Pilat, nominated by petition, insists on "bringing" just what he has taken to Carl Randall, of the World-Telegram, renominated by the Guild's Representative Assembly and that the alleged shortage represents bookkeeping errors.

Apathy of N. Y. Guild members is being charged, it's further charged by Pilat, who blames it on a small "vested" group of leaders. He would "vet" group completely clear up the matter of the \$5,800, but restore the Guild's membership to its old enthusiasm.

Pilat is the only opposition candidate. Balance of the regular ticket is unopposed.

**Southern Dailies Field**  
Newspaper facilities were increased by two over the past week when the Chattanooga (Tenn.) News and the Atlanta Georgian-American ceased publication.

Densie of the Chattanooga paper was accompanied by the deal of verbal fireworks by George Fort Milton, its prez and general manager, and "certainly" charged that he was responsible for the paper's finish. Milson accused a majority of members of desecrating the paper's suspension for the alleged purpose of selling the assets to the rival Atlanta paper, the Chattanooga Free Press.

In Atlanta, the folding of the Georgia-American was followed by a few days the purchase of the same city's Atlanta Journal by former publisher Cox of Atlanta. Cox's news services of the Georgian-American, which was a Hearst paper, appeared in the Atlanta Journal on Monday (18). Severance pay was given to about 450 employees of the Georgian-American.

**Daily Fined on Contempt Charge**  
The New York Times later fined two of its employees were convicted of contempt in Federal court for publishing certain headlines and articles dealing with trial of Abraham Shushan, former prez of New York League Against War and Violence, others charged with mail fraud in connection with \$496,000 bond returned for their allegedly split among themselves.

Publishing firm was fined and the trial of J. W. P. Cox, Tribune co-owner, charged with mail fraud, night ed. and James A. Wobbe, assistant city ed. \$25 each. Contempt was also pronounced on Shushan's defense counsel, charging headlines and stories were "prejudicial" to their clients.

**Lansinger Azala a Publisher**  
John M. Lansinger, who recently quit Chicago to return to his home town of Portland, Ore., is back in the publishing biz there. He has become a publisher of the local business paper, the Oregon Mercantile Magazine.

John M. Lansinger founded and published College Humor and Real Detective Magazine, subsequently folded both. Formerly, he was acquired by N. L. Pines, and is now published in New York. He also moved and published a newspaper in countries east of the war.

News was sent out by Stephen Valot, of France, secretary-general of the Federation, who reports the next meeting among members in Britain and France.

**NEW PERIODICALS**  
Living Romances, monthly magazine by M. L. Annenberg to be published in January. It will be published by Clark, Screen Guide and Radio.

Winter Sports Review, monthly magazine, the nature of which is indicated by the title. Edward Leder is the publisher, with publication offices in Boston.

United Railroaders Digest, monthly digest for the model railroad

## Broun's Heritage

Obituary stories in several New York newspapers alluded to the strange death of Broun, which marked the life of Heywood Broun. An uncompromising editor, Broun's life was lived to be right, and at the same time a kindly, soft-spoken and friendly man was an almost universal estimate.

In view of the exceptional amount of newspaper space devoted to Broun's life, the work which appeared in print after his death Monday (18), it is likely that Broun by his passing made a greater contribution to the newspaper craft than ever during his lifetime, replete as it was with active reporting and commenting. For the Broun obituary articles dramatized the newspaper man in a manner which presented him in his best light to the reading public and living story to raise standards of his craft. Dead, universal recognition was accorded to his life, and he was tried to accomplish for others.

News story on Broun on page 42

fan, which Louis H. Hertz will publish and edit. First issue to appear shortly after the start of the new year. The new magazine will be monthly illustrated magazine, as yet untitled, appears initially during the middle of February, being brought out by the New York Herald Tribune, Ltd., Toronto, J. K. Thomas edits.

## LITERATI OBITS

**Hickman Price**, 53 author and former newspaper editor, died Dec. 14 at Delray Beach, Fla. Formerly published in the New York Herald Tribune, he had served as v.p. of the American Press Assn. His writings were varied and appeared in many national publications.

**Arthur B. Chivers**, 66, former publisher of the N. Y. Evening Journal and Editor of the New York Herald Tribune, died Dec. 14 at Delray Beach, Fla. He began his newspaper career in 1921 when he joined the N. Y. Star in 1925, and joined the Hearst organization as publisher of the New York Herald Tribune.

**Charles Frederick Carter**, 72, author and former newspaper editor, died Dec. 11 in New York. One-time managing editor of the Denver News, he was also the old Chicago Inter-Ocean, Chicago Tribune, old N. Y. News, N. Y. Journal and Brooklyn (N. Y.) Star.

**St. John McLean**, 60, former New York, Philadelphia and Buffalo newspaperman, was found dead Dec. 11 in New York. He was a judge, a suicide. Assistant to Queens Borough President George U. Harvey, he was previously the managing editor of the Long Island City (N. Y.) Star and had also worked on the New York Herald Tribune, Evening Journal (N. Y.) and the Philadelphia Ledger and Buffalo News.

**O. R. Tucker**, 55, publisher of the Knox County Citizen, at Fredericktown, Ohio, died Dec. 14.

## Cohan

Continued from page 1

cocky, adolescent Cohan who grinds out a new level of the "hot" and hands and raises the devil when he's put in opening spot on a vaude bill. Several years ago, Cohan's Cohan's spectacular rise as a composer-author-producer-star, with a new level of the "hot" and hands and raises the devil when he's put in opening spot on a vaude bill. Several years ago, Cohan's Cohan's spectacular rise as a composer-author-producer-star, with a new level of the "hot" and hands and raises the devil when he's put in opening spot on a vaude bill.

Cast is entirely amateur, but drew all four first-string critics. The new level of the "hot" and hands and raises the devil when he's put in opening spot on a vaude bill. Several years ago, Cohan's Cohan's spectacular rise as a composer-author-producer-star, with a new level of the "hot" and hands and raises the devil when he's put in opening spot on a vaude bill.

Show is packed with dances, specialties and production numbers, all worked into script cleverly and smoothly. It would take plenty smoothing and pepping up for professional use. The show is a good one. The work for what has been subject of Broadway and Hollywood conversation for years.

town, O., and formerly a publisher in Hillsdale, Mich. Died Dec. 14 of pneumonia.

**Mrs. Florence Finch Kelly**, 81, newspaper woman for 56 years until her retirement in 1936, died Dec. 17 in New Hartford, Conn. She had been the dean of U. S. newspaper women in her recently published book, "My Life as a Newspaper Woman." Mrs. Kelly began her newspaper career on the Toledo (Kans.) Commonwealth. She worked for a number of other papers before joining the staff of the N. Y. Times in 1906, where she remained for 30 years. Besides her newspaper work, she authored a number of books.

**William M. Hayes**, 61, state editor of the Wilmington (Del.) Journal Every Evening, died Dec. 15 in Newark, Del. Death was sudden, with Hayes about to board a bus for Wilmington when he collapsed.

## CHATTER

**Richard Walsh, Jr.**, has joined the book-publishing firm of John Day, which his father, James, as associate editor.

**Milton Kaufman**, exec. v.p. of the American Newspaper Guild, has taken a leave of absence from the Guild, as his bride.

**'Lighting the Stars'** Gene Kornbluth, guide to camera portraiture, hits the bookshelves this week. He's a film cameraman.

**John L. Underhill** elected new president of the New York City Book Guild. He's of the Times.

**'Oedipus at the Palace'** by John Oedipus, is on the market. Book covers the period from 1879 to 1882. The author, John Oedipus, writes much he may dispose of the ancestral place in Rhode Island and move his book to the metropolis for good.

**Edna Ferber**, Lillian Hellman, Arthur Guermant and Lee Huntling talk at the next Book and Author Luncheon at the Hotel Astor, N. Y., on Dec. 21.

**Frank C. Henry**, sales manager of Lippincott's for the past three years, was named as exec. v.p. of the formerly sales manager for Doubleday Doran.

**Overnight** annual convention of the New York State Publishers' Assn. opens in Albany Jan. 23, with the New York Herald Tribune as the preceding day.

**The Press Photographers' Association** will hold its annual convention at the New York State Hotel, New York, on Dec. 21.

**Norman F. Meyers**, of the Evening Journal, is president for the fourth consecutive year of the New York State Press Photographers' Assn.

**Orson Welles'** famed broadcast on Mars to be published in a book by the Princeton University Press. Volume will also contain the experiences of a number of the flight victims.

**R. O. Eastman**, director of editorial research for the McGraw-Hill Publishing Co., has been named as executive to set up his own editorial research organization, and taking his headquarters with his department with him.

## MARRIAGES

**Mild Knutson** to Beatrice Wigdahl, in Mason City, Ia. Dec. 3. Groom is a salesman and announcer with KGO, Mason City.

**Horace Heidt** to Mrs. Adeline Schmitt, in Hollywood, Calif. He's the orch leader.

**Ray Hatfield** to Norman Pincus, in New York. He's a writer and manager of the Alvin, N. Y., legit theatre.

**John Merritt** to Jimmy McCulla, in Des Moines, Iowa. He's the announcer at KSO-KRNT, Des Moines.

**Carmene Calhoun** to Edgar C. (Skinny) Ennis, in Glendale, Cal. She's a singer and Ennis' band.

## BIRTHS

**Mrs. Mrs. Steel Morris**, daughter, in Hollywood, Calif. Father is with CBS sales promotion.

**Mrs. and Mrs. Sam Nelson**, daughter, in Hollywood, Dec. 14. Father is Columbia director.

**Mrs. and Mrs. Denny Thompson**, daughter, in Akron, Ohio. Father is a radio and dance-band leader.

**Mrs. and Mrs. Charles Balhropson**, in San Antonio, Dec. 9. He is commercial manager of KTSB, San Antonio.

**Mrs. and Mrs. Harry Owens**, in Los Angeles, Dec. 12. Father is the orchestra leader and composer.

**Mrs. and Mrs. Wayne Morris**, in Hollywood, Dec. 17. Father is film actor, mother, actress.

**Mrs. and Mrs. Charles Balhropson**, in San Antonio, Dec. 9. He is commercial manager of KTSB, San Antonio.

## OBITUARIES

**HEYWOOD BROUN**  
Heywood Broun, 51, died Dec. 18 of pneumonia in New York. He had been ill but four days.

Details in local edition.

## DR. WILLIAM L. SIROVICH

Dr. William L. Sirovich, 37, playwright, physician and N. Y. congressman, died of a heart attack Dec. 17 while taking a bath in his N. Y. home.

Born in York, Pa., but a Gotham resident since the age of six, he attended the University of Pennsylvania and was graduated from the College of the City of New York in 1922. Four years later he received his medical degree from the College of Physicians and Surgeons of Columbia University and started a practice on the lower N. Y. east side.

He wrote eight plays of which two saw Broadway production. One "Schemers" was presented at the Nora Bayes on Sept. 15, 1924, by Herman Timberg. A comedy concerning a manager who had a string of four successive failures, the play failed to attract a large audience, but Sirovich wielded the power to run a play by the mere stroke of his pen. It ran for two weeks.

Aside from reform in Congress, he often went over one-man campaigns to reform the cities. More than once among these attacks was a discussion held on contemplative revision of the city laws in 1927. Sirovich used the occasion as a platform to assail the N. Y. reviewer, who had been in the city for many years. Sirovich usually hampered the theatre's business rather than aided it. Another of his projects was the creation of the Federal Theatre. He was one of its staunchest supporters. The Federal Theatre was held yesterday (Tuesday) in N. Y. He had been unmarried.

## ALEXANDER FRANK, 73

Alexander Frank, 73, actor, who in more than 40 years in the theatre had essayed scores of roles, died after a lingering illness Dec. 14 at his home in Long Island City, N. Y.

Born in England, he served for a time as a local secretary for William James Ingram, who then was a member of Parliament and publisher of the Illustrated London News. After studying under Sir Henry Irving for several seasons, he played considerable parts in the London stage.

Coming to America in the early 1890s, he was first seen in Charles Frohman's production of "The Spectator" and "Love and Hate." Later he was associated with leading stars of the American theatre, including Mrs. Elsie Carter, with whom he played in "DuBarry," Richard Mansfield, Ethel Barrymore and James K. Hackett.

Other plays in which he appeared were "Monsieur Beaucaire" with Mansfield, "Wandering Friends" with George Kahan, "Waterloo Bridge" in 1930, "Richard of Bordeaux" and "The Vagabond King." His last part was that of Gladstone in "Parade," produced three years ago.

Funeral services were held Monday (18) under auspices of the Actors Fund. The service followed in the Fund plot, Kensico cemetery, N. Y.

## LOLA LASZLO

Lola Laszlo, 21, Hungarian dancer and stepdaughter of Aladar Laszlo, died after a long illness, having plunged to her death early Saturday morning (18) from a 10th floor apartment in New York.

Baron Frederick von Oppenheim, German banker, from whose suite she had leaped or fallen, had questioned four hours by the district attorney's office but could offer no explanation of the fall. He was in San Francisco, he agreed to postpone his return to Europe until the investigation. Contents of a note which Miss Laszlo had left was released by police. It expressed her disappointment in discovering the baron was a married man with two children.

Surviving, besides her stepfather, is her mother, with whom she lived in the Yorkville section of Manhattan.

## CHARLES H. PLUMMER

Charles H. Plummer, 86, theatre manager, who had been associated with the theatre for more than 40 years, died Dec. 15 in Philadelphia, following a week's illness.

He was born in Rochester, N. Y., he started his career in Syracuse as

manager of the Grand Opera House there. Joining the New York City, he acted in a similar capacity for many of their road shows before coming to Philadelphia in 1900 to be the manager of the Little Theatre. He had also operated the Lyric and Adelphi, Philly, which have since been One road manager for Al Johnson, and for Willie and Eugene Howard in "The Flying Show." He was also the manager of the Lyric and Adelphi, Philly, which have since been One road manager for Al Johnson, and for Willie and Eugene Howard in "The Flying Show." He was also the manager of the Lyric and Adelphi, Philly, which have since been One road manager for Al Johnson, and for Willie and Eugene Howard in "The Flying Show."

Surviving are his widow, son and daughter.

## KALMAN JUVILER

Kalman Juviler, 76, Yiddish legit actor, who retired four years ago, died in Brooklyn, Dec. 14.

A director of the Hebrew Actors Union and v.p. of the Jewish Theatre Alliance, he was born in Lemberg, Poland, and began his career as a choral singer. Coming to the U. S. in 1899 as director of the Windsor Theatre Co., he later portrayed many character parts, appearing with such stars of the Yiddish stage as Jacob P. Adler and David Kessler.

Surviving are his widow, Mrs. Sarah Brunsvick, 85, who as soprano and founder of the Brunswick Opera Co., started her career 40 years before it was disbanded, died in her sleep Dec. 15 at her home in Manhattan.

Educated at Evanston college, now Northwestern University, Evanston, Ill., he had taught in several public schools before going abroad for six years to study the opera.

On his return she formed the opera troupe.

For the past 34 years she had resided in New York, where she had been a music teacher. Surviving are two daughters and a son.

## DANIEL W. ROBERTSON

Daniel W. Robertson, 81, vaude performer, manager and operator of a theatre, died after a long illness, having plunged to his death early Saturday morning (18) from a 10th floor apartment in New York.

Born in England, he served for a time as a local secretary for William James Ingram, who then was a member of Parliament and publisher of the Illustrated London News. After studying under Sir Henry Irving for several seasons, he played considerable parts in the London stage.

Coming to America in the early 1890s, he was first seen in Charles Frohman's production of "The Spectator" and "Love and Hate." Later he was associated with leading stars of the American theatre, including Mrs. Elsie Carter, with whom he played in "DuBarry," Richard Mansfield, Ethel Barrymore and James K. Hackett.

Other plays in which he appeared were "Monsieur Beaucaire" with Mansfield, "Wandering Friends" with George Kahan, "Waterloo Bridge" in 1930, "Richard of Bordeaux" and "The Vagabond King." His last part was that of Gladstone in "Parade," produced three years ago.

Funeral services were held Monday (18) under auspices of the Actors Fund. The service followed in the Fund plot, Kensico cemetery, N. Y.

## AUGUST HERMAN

August Herman, 52, vet Omaha exhibit, who operated the Music Theatre, died after a long illness, having plunged to his death early Saturday morning (18) from a 10th floor apartment in New York.

Born in England, he served for a time as a local secretary for William James Ingram, who then was a member of Parliament and publisher of the Illustrated London News. After studying under Sir Henry Irving for several seasons, he played considerable parts in the London stage.

Coming to America in the early 1890s, he was first seen in Charles Frohman's production of "The Spectator" and "Love and Hate." Later he was associated with leading stars of the American theatre, including Mrs. Elsie Carter, with whom he played in "DuBarry," Richard Mansfield, Ethel Barrymore and James K. Hackett.

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Funeral services were held Monday (18) under auspices of the Actors Fund. The service followed in the Fund plot, Kensico cemetery, N. Y.

## WILBERFORCE J. WHITMAN

Wilberforce J. Whitman, 52, father of Paul Whitman, died Dec. 17 in a Denver hospital, following several months' illness.

He was born in New York, he was a daughter, Mrs. Fernie Whitman Smith, of St. Louis.

He was a pianist and organist, for many years superintendent of music departments in Denver public schools, had been a theatre leader's first teacher of music.

## EUGENE HENIG

Eugene Henig, 39, pianist and violinist in niterdy bands, died Dec. 12 of pneumonia in New York. He was born in New York, he was a daughter, Mrs. Fernie Whitman Smith, of St. Louis.

He was a pianist and organist, for many years superintendent of music departments in Denver public schools, had been a theatre leader's first teacher of music.

## LEO KENNEDY

Leo Kennedy, 56, legit actor, died in New York Dec. 11.

He was a pianist and organist, for many years superintendent of music departments in Denver public schools, had been a theatre leader's first teacher of music.

## GEORGE HARM

George Harm, 60, actor of KARV, (Continued on page 46)



# Film Reviews

## BALALAIKA

Continued from page 14

The Balalaika, which Ruggles has established as a counterpart of the famous Russian bottle where the star's romance first started, is the most charming much of the 'Bitter Sweet' treatment in the libretto, the operetta having been derived considerably from the Eric Anderson-George Greyward Gruen original, playing down the tune and end-referencing the book.

Miss Massey will become a bona fide personality by word of mouth chiefly on the comparison to the Dietrich-like Gabor qualities. She sounds like Gabor qualities, and reminds of the Swedish star. Eddy is he-mannish and leading, well fitting his role. Personal, his singing is a bell-ringer, Ruggles as the impresario are capital in their comical assignments.

Lonel Atwill is as the mad scientist teacher; Charles Franz, as the girl's brother, is a new face and a bit much. Aubrey Smith well fits his role of an Imperialistic Russian general, who is brightly spotted as Ruggles' comedy villain; Walter Woolf, as the Russian, is a capable supporting cast member; Philip Terry, Abner Bibber, and Sutton and Will Costello.

The title song, a tango, is a likely one for tuneful exploitation, since it lends itself well also for general dancing. The production is very incidental, including an operatic excerpt from 'Carmen' and a scene directed as part of the audition sequence before impresario Morgan.

Considered everything, 'Bitter Sweet' is a good, clean, and good editing job. Photography excellent, joining the rest of this ultra production.

Abel

## RAFFLES

Hollywood, Dec. 18. (U.S. production, Shinn David Niven, starring David Niven, Shirley Temple, and Shirley Dingle. Directed by David Niven. Released by RKO.) The story of a young man, David Niven, who is a gambler, and Shirley Temple, who is a girl, and they are in love. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Samuel Goldwyn's second telling of the adventures of the amateur detective is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Previous Goldwyn production of 'Raffles' had Ronald Colman and Joan Henne as the stars. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Niven, as Raffles, is intrigued by a police officer, who is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

The charming tale has moments of interest and suspense in its present form, but overall is able to generate a slight, but not a very familiar yarn. Too many copies of the story struck the public, and the film in the past decade to provide Niven is adequate.

Niven is adequate, but the story is not. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

the cast are adequately selected for the recent and mammoth.

'Raffles' is rounded out by A production values throughout, with the story, the music, and the acting, excellent. But, on the entertainment side, it's a lower A.

## Charlie McCarthy, Detective

(WITH SONGS)

Hollywood, Dec. 16. (Universal release of 'Frank' with producer, John Northrup, executive producer, John Northrup, director, John Northrup, starring, John Northrup, Charles McCarthy, and John Northrup. Released by Universal.) The story is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Whatever boxoffice reaction 'Charlie McCarthy, Detective' is able to generate depends on the ability of the film to carry its wooden songs to carry this inadequate script and in spite of the fact that the film is a struggle as top half of the duet. It won't assist the screen progress of the film.

Bergen and Charlie, with spasmoid comedy, and Mortimer Snerd, are burdened with a second-rate story which is not lifted on the directing side. The film is a struggle as top half of the duet. It won't assist the screen progress of the film.

McCarthy's routines are entertaining, but the film is a struggle as top half of the duet. It won't assist the screen progress of the film. The production is very good, and the acting is very good.

First film song for Charlie, 'I'm a Detective' is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Production looks like a corner-cut, turned out within a budget as low as possible. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Everything Happens at Night is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

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ing, looking suspiciously as though doubles were used. In any event, the action on the test drive is relatively unimportant.

Miss Jones comes into the picture supposedly on ships when she runs into a couple reporters at the foot of the hill. The film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Also seeing him are two rival reporters working on tips that Dr. Hugo Norden is still alive. Double-crossing each other in order to get a scoop, one of the newshounds finds the missing doctor and cables his paper, which is mentioned in the New York Times, but the other reporter interjects the news and shifts it to his sheet, the London Globe, instead.

Meanime, the two reporters are in a race to get the story first. Robert Cummings, a cut-type, wins over his adversary, Ray Milland, in a race to get the story first. The film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

In a scene in which Miss Hene and Cummings are being drawn by the director, the film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

In addition to the main skating sequence to 'Blue Danube' and Latin music, the film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

20th-Fox's M. Vartel production and release, 'Fantasia' is a comedy, and it is a very good one. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

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## LAUGH IT OFF

(WITH SONGS)

Universal release of 'Laugh It Off' with producer, John Northrup, executive producer, John Northrup, director, John Northrup, starring, John Northrup, Charles McCarthy, and John Northrup. Released by Universal.) The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

The kindliest thing to be said about 'Laugh It Off' is that nearly all performers are far better than the alleged original story or screenplay. It's light musical fare that may suit a night in certain dull locations.

Plot for this picture reads like something the Hollywood scribbles might come up with after an idle hour. Film is a disjointed, mixed up affair. The authors set down a group of characters in a search of work when the Spencer Tracy character, a detective, disrupts them. They also show a juvenile band leader trying to become a law-abiding citizen.

Johnnie Downs is lightweight as a crook, but a lot better than the original. Costance Moore is pretty good, and the film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

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to build atmosphere on the opening are a wail. A minor duet, however, he wails it. 'Laugh It Off' is called into action to settle a much rusted area's policing problem, and he wails it. 'Laugh It Off' is called into action to settle a much rusted area's policing problem, and he wails it.

'Trigger' is probably McCoy's best, and he wails it. 'Laugh It Off' is called into action to settle a much rusted area's policing problem, and he wails it. 'Laugh It Off' is called into action to settle a much rusted area's policing problem, and he wails it.

Not many westerns have boasted two femme leads, but this one does. Bill Martin and Joyce Ritzer. Later, a looker, and when, in appeared capable enough to do better, a larger assignment, Carleton Young and Ted Adams appeared in the outwary, doing okay.

## ROLL WAGONS ROLL

(WITH SONGS)

Monogram release of 'Roll Wagon Roll' with producer, John Northrup, executive producer, John Northrup, director, John Northrup, starring, John Northrup, Charles McCarthy, and John Northrup. Released by Universal.) The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Monogram has developed Tex Ritter into a substantial boxoffice draw, and he wails it. 'Roll Wagon Roll' is called into action to settle a much rusted area's policing problem, and he wails it.

Tex Ritter is probably McCoy's best, and he wails it. 'Roll Wagon Roll' is called into action to settle a much rusted area's policing problem, and he wails it. 'Roll Wagon Roll' is called into action to settle a much rusted area's policing problem, and he wails it.

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Production looks like a corner-cut, turned out within a budget as low as possible. The production is very good, and the acting is very good. The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

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## Maestro-Judge

(Continued from page 1)

William M. 'Bill' Pickens when latter enjoyed it and lead seasons in the 'Maestro-Judge' circuit. Pickens bowed out at the beginning of the current season after 15 seasons. The film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Reidinger holds several sessions of court daily, the first starting at 10 a.m. and continuing until 10 p.m. The film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Speders, etc., who may have been shut into the village housework by the judge, and he wails it. 'Maestro-Judge' is called into action to settle a much rusted area's policing problem, and he wails it.

Speders, etc., who may have been shut into the village housework by the judge, and he wails it. 'Maestro-Judge' is called into action to settle a much rusted area's policing problem, and he wails it.

## TRIGGER FINGERS

Victory release of 'Trigger Fingers' with producer, John Northrup, executive producer, John Northrup, director, John Northrup, starring, John Northrup, Charles McCarthy, and John Northrup. Released by Universal.) The story is a comedy, and it is a very good one. The production is very good, and the acting is very good.

'Very run of mill is 'Trigger Fingers', a continuation of the old G-man-movie formula with Tim McCoy as top hand. The film is a comedy, and it is a very good one. The production is very good, and the acting is very good.

Eugene Forster is able, job, and some of the incidental clips


**PAPA SAYS:**

"I want a New Year's show with music and gayety. I hear Miss Massey is an eye-ful—but don't quote me!"


**MAMA SAYS:**

"Give me laughs and an exciting, romantic film at New Year's! Nelson Eddy—Um!"


**BROTHER SAYS:**

"My New Year's dish is musical comedy, pretty dames. I'd like to be alone with Ilona!"

# THEY ALL LIKE A "BALALAIKA" NEW YEAR'S!

*(Holiday Bookings are Zooming! Hurry!)*


**SISTER SAYS:**

"If it's gorgeous, gala, melodious and romantic, it's New Year's to me!"

**HELD  
OVER!**



"BALALAIKA" starring NELSON EDDY. Ilona Massey with Charlie Ruggles. Frank Morgan. Lionel Atwill. C. Aubrey Smith. Joyce Compton. Dallis Frazier. Screen Play by Leon Gordon. Charles Bennett. Jacques Deval. Based upon the Play "Balalaika" by George Posford and Bernard Gran. Di-rected by Reinhold Schunzel. Produced by Lawrence Weingarten. An M-G-M Picture.

**RADIO CITY MUSIC  
HALL SAYS:**

"After the biggest December opening we ever had it's doing the greatest pre-Christmas business in the history of the house."



**ME, TOO!**

RADIO

SCREEN

STAGE

# VARIED

PRICE  
25¢

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Vol. 137 No. 3

NEW YORK, WEDNESDAY, DECEMBER 27, 1939

48 PAGES

## RADIO'S 1939 FACE-SETTERS

### Year's Attention-Getters

Programs which, as newcomers or established favorites, were most in the radio spotlight during the year, are listed below. This is printed as a matter of news, reflecting general trade opinion.

#### COMEDY

Jack Benny  
Edgar Bergen  
Bob Hope  
Filler McGee and Molly  
Burns and Allen

#### VARIETY SHOWS

Kate Smith  
Bing Crosby  
Major Bowes  
Alec Templeton

#### NOVELTIES

"We, the People"  
Kay Kyser  
"Information, Please"  
"Vox Pop"  
"Professor Quiz"

#### DANCE ORCHESTRAS

Guy Lombardo  
Paul Whiteman  
Benny Goodman  
Bob Crosby

#### STANDARD MUSICAL

Arturo Toscanini\*  
Phil Spitalny  
Mark Wornow ("Hi Parade")  
Percy Faith (Canada)\*

#### NIGHT-TIME PLAYLETS

"First Nighter"  
"Blonde"  
Orson Welles  
"Amos 'n' Andy"  
"Woodbury Playhouse"  
"Those We Love"  
"Dr. Christian" (Jean Hersholt)  
"Lum and Abner"  
"Gang Busters"

#### NEWSCASTERS

(Commentators or Bulletin-readers)  
Raymond Gram Swing  
John Gunther\*  
Elmer Davis

\* Network, but unsponsored.

### AUDIENCE NOW BEING STARRED

**Not a Very Encouraging Year for Professional Performers, Although Dance Orchestras Did Well—Lot of Radio Names Not on Air in 1939**

#### NO NEW STARS

At year's end the pace-setters among sponsored radio programs for 1939 were, in the main, the same standard turns and setups that have been drum-majoring the parade for two, three or more years. Again in 1939 there was not much to hail, either in personality or in ideas, as original to the year itself.

Alec Templeton, blind British pianist, was one exception. He brought one of the few fresh touches of charm and off-the-beaten path talent. In the realm of stinging, one characterization, (Continued on page 45)

### Catholic Priest Asks Boycott Of Nixon, Pitt, Legitt

Pittsburg, Dec. 26. Protesting against "indecent" being presented at the Nixon theatre this season, Father Thomas F. Coakley, pastor of the Sacred Heart church, one of the biggest Catholic parishes in the city, warned his members last week to stay away from town's only legit site. Warning was made in an open letter to the Sun-Telegraph, which that paper printed in full few days ago, and stirred up quite a tempest in show circles locally.

Harry Brown, manager of Nixon, (Continued on page 45)

#### BILLY CONN IMPATIENT

Decides Not to Wait For U's 'Jim Corbett' Film

Pittsburg, Dec. 26. Unwilling to stay idle in Hollywood while plenty of dough in the ring awaited him back east, Billy Conn, light heavyweight boxing champion, returned here, after only a week in the film colony.

#### Wax Air Raid Warnings

Paris, Dec. 26. Film theaters here are using phonograph records to warn audiences where to find shelters when air raid signals are given.

### Indie Mpls. Vaudfilmer Trailerizes That Its Non-Major Co. Pix Are NSG

#### Prosperity Keynote

Take it from circuit execs, U. S. prosperity is on the rise and unemployment is decreasing. At the depths of the depression, theatres were registering about 50% of their take in the afternoons and 50% in the evenings. Average is now 40% at matinees and 60% at night. To the circuit heads, that means more people are working.

### DISC ROYALTY UP IN '39, BEST IN 12 YEARS

Music publishing business will take in about \$750,000 this year from royalties on phonograph records, which, ranked as the highest amount that has come to the industry from that source in 12 years. Royalty income from transcriptions figures around \$270,000, some \$30,000 more than was realized in '38.

About \$220,000 of the transcription coin came through the office of Harry Fox, agent and trustee. The increase in Fox's instance is \$20,000. Among the tunes that fetched big royalty payoffs were "Beer Barrel Polka," "South of the Border," "Deep Purple" and "Sunrise Serenade."

#### VALLEE QUITS MUSIC TO PRODUCE PICTURES

Hollywood, Dec. 26. Rudy Vallee is laying down his baton Jan. 1 to become a film producer. Crooning maestro checks in at Republic as production assistant to M. J. Siegel to learn the picture making technique in various studio departments.

He is slated to supervise two musical productions in 1940, beginning with "The Hit Parade of 1940," which rolls Feb. 15. Currently Vallee is making his final appearance as a band leader in Miami, Fla.

#### Caribbean Serenaders

Praise Crosby, Winchell One of those comical, topical chants from the Caribbean calypso minstrels will be available shortly on Varisay was in praise and explanation of Walter Winchell. Herald Clark's calypso band with Cecil Anderson ("the Duke of Iron") improvised the hurricane belt salute. This bit of Winchelliana will be available on Decca's calypso disc on Bing Crosby.

Minneapolis, Dec. 26. Frankest admission and one of most unique appeals ever made by a Minneapolis theatre to the public are contained in the trailer being run by the independently operated 4,000-seat (vaudfilm) Minnesota theatre. Trailer confesses that the showhouse has been unable to offer "good pictures" and that its business has suffered because of lack of good screen entertainment. Blaming major distributors for refusing to service it because it is an individually home-operated institution, the theatre pleads nevertheless for patronage. Without such patronage and without the "good pictures," it explained, the theatre will be compelled to close.

Minnesota Amus. Co. (Paramount-Singer pool) has all the loop major screen product sewed up and there have been threats of an appeal to the Government in the theatre's behalf.

"Trailer, which is somewhat of a slam at the Republic, Monogram and Grand National features which the theatre has been running exclusively along with its big stage shows, points out that 'as residents of Minneapolis you (patrons) are entitled to close the truth.' It states the number of people employed—all localities who spend their salaries here—and the amounts paid in taxes and for electricity. It also emphasizes the importance of the screen portion of the type of entertainment offered."

"The Minnesota theatre is operated by a group of 650 Minneapolis people," the trailer states. "We have 97 employees and we deal with Minneapolis firms entirely for everything required to operate this theatre. Our electric bill is \$500 weekly and taxes run approximately \$1,000 a week."

#### Strike-Coin Tribute

Instead of sending flowers to the funeral, friends of Heywood Brown have organized the American Newspaper Guild to send a coin collected for that purpose to the strike fund of the Chicago chapter of the American Newspaper Guild. To be used for relief of striking employees of the Chicago Herald-Examiner and one of the founders of the Guild.

### 'HELLZ' NEARING \$2,000,000 TAKE

"Hellzapoppin'," currently in its fifth week on Broadway, will have piled up an estimated total gross of \$2,000,000 by the end of next week. This is believed to be the biggest coin any show ever grossed in a similar length of time.

As of last Saturday night (23) the Olsen and Johnson revue has taken in a total of \$1,955,700, according to Varisay's boxoffice estimates. Figuring on the increased take for this and next week, including extra matinee, it should easily pass the \$2,000,000 mark. Show is at the Winter Garden, having moved from the 46th Street a few weeks after opening late in September, 1938.

### ELECTRIC EYE TO RECORD FIELD GOAL?

Detroit, Dec. 26. Leo Fitzpatrick, v.p. of WJR and a director of Detroit Lions pro football team, has put station's engineers to work on an electric eye that will decisively record whether a field goal is good or bad. Fitzpatrick got the idea after watching the hullabaloo raised by referee Bill Halloran's decision which gave the New York Giants the championship of the eastern division of the National Football League in the final game of the season with Washington.

"Our engineers believe they can make an eye which will record the kick immediately and throw a light on the scoreboard to indicate whether it was good or bad," Fitzpatrick declared.

(Continued on page 47)

**By William Kerry Halligan**

By golly, you get smart out here.

# WORLD OF PICTURES

## U.S. Gives Brushoff to Rumors That Pre-Trial Averages Any Compromise

Washington, Dec. 26. Suspicion and trade gossip that the Justice Department has abandoned the principal assault in its anti-trust campaign against the film business drew a flat-denial denial last week. Willingness to hold pre-trial parties with the accused majors is not a confession of weakness, but a move to expedite the actual court proceedings, it was made clear.

Reaffirming their intention to press the issues to a conclusion, spokesmen stood pat on statements of Assistant Attorney General Thurman Arnold that divestment of exhibition is imperative to insure sufficient competition in the film industry. An unusual move, issuance of a formal declaration that there is no truth in any rumors about prospective surrender on the part of the law enforcers.

The official statement read: "Information has reached the Department of Justice that reports are being circulated in the motion picture industry that the equity action of United States v. Paramount Pictures, Inc., et al., pending in the District Court for the Southern District of New York, will not go to trial. These reports are being circulated, understanding the fact that they are stipulated by counsel for the defendants and the defendants that the case will proceed to trial on May 1, 1940.

"Any such reports as are being circulated to the above effect are utterly without foundation. The department fully expects that the case will go to trial on that date. All necessary steps for preparation are being taken.

"Through pre-trial conferences, to be held commencing March 1, 1940, it is hoped that the length of the trial may be materially shortened.

"While departmental spokesmen were loathe to go further, the announcement was regarded as refutation of whispers that the Commerce Department has smoothed the way for a consent decree. In the past fortnight there have been tips that the Commerce department expects "something big" to happen when talks are resumed with the majors early in the year. The department's staff, but aides of Secretary Hopkins have whispered that the "cooperation" plan now are likely to yield some worthwhile results and that much progress has been made during the six-month interval since the last group session.

## Judges Woolsey, Caffey Unlikely in Trust Case

Two possibilities that loomed strong as trial judges in the Government's anti-trust action against the major film companies have appeared, leaving the probability that a judge from an outside district will have to be appointed to hear the case. Judge John M. Woolsey disqualifies himself, his wife owns 100 shares of Loew's, which he does not deem advisable to sell now.

Judge Francis G. Caffey, mentioned as the other possibility, has been sitting on the aluminum anti-trust case for almost two years in Federal court. Since Caffey is no longer young, it would not be advisable to transfer another long and tedious procedure into his lap, without giving him a much needed vacation.

## Lloyd-Skirball Starter

Hollywood, Dec. 26. Frank Lloyd and Jack Skirball, new indie production combination, move into the General Service studio early today to make "The Tree of Liberty," recently purchased from Columbia, which retains the releasing rights.

Budget is said to be around \$10,000. Sidney Buchman is polishing his own script.

## Hail the Losers

Perhaps most unique of all the Christmas parties, which caused work to halt in film company offices at noon last Friday (22) was that arranged by Larney Goodkind, Universal's eastern talent scout. He invited all the talent he had interviewed during the year and had not done. About 25 people attended.

## RFC MULLS GN \$450,000 LOAN TO MAY WEI

Christmas rush to get out of Washington last Friday (22) held up consideration by the Reconstruction Finance Corp. of the \$450,000 loan to Grand National which was on the agenda for consideration that day. Next meeting of the RFC directors is called for today (Wednesday) and an answer to the long-hanging negotiations is expected to be forthcoming.

Saul E. Rogers, GN's attorney, is meantime preparing the answer to the above effect. He says the \$10,000,000 suit filed three weeks ago against Educational; its subsidiary, GN; Earle W. Hamann, ex-Jack Skirball, who was formerly associated with him; relatives of the two men, and others. Rogers said there has been no decision as yet as to what type of answer would be made to the motion picture certain portions. He declared there might be a general denial; a motion to dismiss; a motion to strike certain portions; or a motion for more particulars.

Suit, which was filed by two stockholders, is regarded as having been brought for its nuisance value, Rogers said.

## Comm'r of Commerce C. J. Ryan, Jr.; Want Other Big Biz in N. Y.

Cleindien J. Ryan, Jr., who recently resigned as deputy commissioner of sanitation in New York to devote full time to Mayor LaGuardia's bid to bring film production to the city, moved into new headquarters in the RKO building, RKO City, yesterday. Ryan said he has been working, since his resignation two weeks ago, in the Mayor's office. Ryan's new title is "chief of commerce. Working with him, but concentrating on bringing other industries but films to New York, will be James Pettit.

## KORDA TO COMMUTE PROD. IN U.S. AND ENG.

Alexander Korda, English production member of United Artists, will divide his picture-making between Great Britain and the United States when he completes current picture in England on the work of the British navy. Korda has several feature films in production, but he is best known in England, where others require facilities, and stars of Hollywood. UA chief said he believed Korda would arrange his affairs accordingly during his present stay in England.

Exclusive contract held by David O. Selznick on Vivian Leigh, star of "Gone With the Wind," permits her to make one film for Korda, who is laying plans for a film for her.

## PLANS TO OFFSE Metro's District Sales Manager Tells NW Exhibs to Clean Own House On Inequitable Zoning-Clearance

## Other Perspective Argues Against Odd Admissions Prices—However, 16-21-23-32-42-57. Scales Not Unfamiliar in Many Parts of the U. S.

## MUST BE WIDESPREAD

Using figures supplied by the Hays office, major circuit execs in New York point out that an increase of 16¢ in the nation's current average 23c admission levy would take care of the loss of income to American picture companies by England's coin-freezing regulations and drop in attendance. Possibility of an increase of at least this proportion—which would not even conflict with the 40¢ ceiling caused by the Federal amusement tax—is seen as strong for the spring if the foreign situation remains static and domestic business conditions continue to improve.

Figures issued by the Motion Picture Producers & Distributors of America, Inc., show that there are 85,000,000 theatre admissions every week. It is pointed out that a 16¢ increase would mean additional gross revenue of \$850,000 a week or \$44,200,000 a year. Inasmuch as distributors receive only 30¢ of the ticket price according to present estimates, their share of the increase would amount to \$13,500,000. If the cap could be pushed up 2¢, the increase of the ticket would amount to more than \$26,000,000, a much higher figure than American distributors are now bringing throughout all of their world markets.

Taking another tack, J. O'Connor chief of RKO circuit operations, declared that if the major affiliated circuits would up their average admission only 3¢ they could bring into their producing companies an additional income of almost \$9,000,000, which would go a long way to offset the foreign cuts.

## 5 Chains Gross \$285,000,000

Grosses of the five leading circuits total about \$285,000,000 a year. That's figured at \$120,000,000 for Paramount and its partner-affiliates; \$45,000,000 each for Loew's Fox-West Coast and Warner Bros. and \$30,000,000 for RKO. Average admission to circuit houses is about 30¢, higher than the general average because of the higher proportion of first-run theatres. If this 30¢ were upped by 3¢, O'Connor explained that would be 10¢. And 10¢ of \$285,000,000 is \$28,500,000, which would be an annual increase. Inasmuch as distributors get an average of 35% of this, their take would hit near the \$9,000,000 mark.

Theatre men do not only point to the long-term damage to their situation, but advocate that if any increase be made it be in such odd amounts as 16¢, 21¢, 23¢, 32¢, 42¢, 57¢ and so on. The very minorities of squeak would be heard from those places where the 16¢ would be made 17¢ or the 42¢ made 44¢. There would be more beef from customers in locales with even admission fees, such as 20¢ or 30¢, but even so, it would

(Continued on page 40)

## Metro's District Sales Manager Tells NW Exhibs to Clean Own House On Inequitable Zoning-Clearance

## Tunev Titles

Hollywood, Dec. 26. Gene Autry is doing a cycle of dramatized song titles at Republic, beginning with "South of the Border," recently completed. Schedule consists of "Rancho Grande," "Down By the Old Mill Stream" and "Carolina Moon."

## 20TH-FOX'S 48 PIX MOSTLY BIGGIES

Hollywood, Dec. 26. Fewer and more expensive pictures is the idea at 20th-Fox, where the 1940-41 program has been whittled down to 48 features, as against 52 for the current year. Studio is moving toward the complete elimination of all films in the lower-B bracket. Films now budgeted at \$135,000 will be upped to \$200,000 or \$250,000.

Two high-budget pictures originally sketched for 1939-40, "Brighton Young" and "The Californians," have been shifted to next season.

## Juarez' Sets Warner Democracy Precedent; 'Nazi' Type Walks Plank

Success of 'Juarez' in the world market, where the democracy idea has considerable appeal, will likely prompt Warner Bros. to make other such films about national figures in foreign lands, probably imitating pictures of the 'Nazi' spy type.

WB has decided to abandon subjects like 'Nazi' spy in obedience to President Roosevelt's emphasis on neutrality.

## 'Juarez' Clicks in India

Bombay, Dec. 1. 'Juarez' (WB) is doing a big biz here and elsewhere in India due mainly to its democracy theme and stress on rule by the people.

Home rule has long been the bone of contention between England and her India dominion.

## DETROIT'S RECORD \$28,000,000 SPENDING

Detroit, Dec. 26. Some idea of what theatre biz has been doing in town was revealed by Retail Merchants' Bureau that shopping rush which started early this morning poured \$28,000,000 into the stores. This is up 6% over 1938 and comes close to record for last decade.

On top of this, with part of holiday falling on Blue Sunday of Michigan, when liquor can't be bought nor served, the boys and girls laid in \$2,500,000 in liquid refreshments. With New Year's Eve coming on another Sunday, liquor stores expect similar hype.

## Oberon in 'Nymp'h'

Hollywood, Dec. 26. Merle Oberon will be starred in "The Constant Nymph" at Warners. Production starts early in February.

## Los Angeles, Dec. 26.

Metro, through George A. Hickory, its western district sales supervisor, is first of the major distributing companies to help pave the way for exhibitors in the Oregon and Washington territories to shake off inequitable zoning and clearance laws that have been one of the chief obstacles to successful theatre operation in those states for number of years.

Addressing a conference of Oregon exhibitors at the Benson hotel, Portland, to which he was invited by Robert H. Poole, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, under whose auspices the Portland meeting was held, Hickory told the theatre operators that it was up to them to clean their own house, and then to bring in greater pressure brought about by a more equitable setup of zoning and clearance, in which all would benefit. Hickory stressed the fact that the theatres, providing it did not cut into Metro's revenue as a whole from the territory.

Constructive organization, such as the Pacific Coast Conference of Independent Theatres, is only thing that can benefit the theatres. Such constructive organization, the Metro supervisor stated, must be 100% for mutual benefits. Such a step, he emphasized, had not been taken since Metro would demand higher terms from the exhibitors, but a clean house of clearing would be almost certain to increase company's receipts from the territory.

Portland and Oregon exhibs, as well as majority of theatre operators throughout the Pacific Northwest, have for just number of years been at loggerheads, due to inability of forces to get together on an amicable platform. Hickory stated: "The first thing necessary, he reiterated, is for a thorough housecleaning by the exhibitors themselves.

Clearing up of a proper zoning and clearance, he added, would work out (Continued on page 18)

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# Par Would Like to Release Goldwyn's Pix But Chary of Tangling With UA

Confabs have been held during the past few weeks between reps of Sam Goldwyn and Paramount on release of Goldwyn's next pic, "The Westerner," but nothing has been signed as yet, it was learned yesterday (Tuesday). Par is waiting to see the legal reaction by United Artists to Goldwyn's having made them of late last week, before making any kind of pact.

Goldwyn, it is understood, had some assurances from Par on possibility of a distribution deal before he made the break with UA. He, he is said to have been told by the company that it would take no chances on sticking its neck out in a legal involvement with UA.

Talks were also held by Goldwyn before the bust-up with other distribution companies on a deal for the one picture. All exhibited the same wariness of court tangles and the unpleasant publicity that would result to appear that they have been sharp-shooting to bring Goldwyn down to their lot. That there will be legal fireworks as a result of the Goldwyn move is certain, Murray Silverstein, UA chief, has already made a statement to that effect last week.

Par is understood to have the inside track on Goldwyn's pix if the legal end can be worked out, as it is said to have offered most advantageous terms for financing "The Westerner" and perhaps later pictures. The company is also definitely in need, for prestige purposes, of top budgeters by a man like Goldwyn.

UA's Goldwyn Answer Thru. Answer will be given tomorrow (Thursday) by Charles Fox, president of UA's parent company, United Artists, in the second action in eight months brought against Goldwyn by the company. UA will reveal in its reply to the suit whether it will pay Goldwyn, on the date he alleges it was due, his \$54,559.28 dividend in the UA profits for the year 1938, which was declared early in 1939.

Goldwyn's suit, filed through Max D. Steiner, is a demand for interest on the bonus from last Aug. 25, date technically became due, but until indeterminate date, supposedly until it is finally paid. Suit charges, coincidentally, that Goldwyn refused to pay the bonus altogether and reveals that when a check was finally sent (believed to be for \$10,155) it was returned because the interest (Continued on page 11)

## GABLE BONUSED SOG BY M-G FOR 'RHETT'

Hollywood, Dec. 26. Clark Gable's work as Rhett Butler in "Gone With the Wind" has won him a \$50,000 bonus from Metro, to whom he is under contract. He was loaned to Metro by International, which produced "GWTW," as part of the deal by which Metro obtained distribution rights. Bonus is part of the pact made between Gable and Metro when they loaned him out.

## Warners Loses \$13,000 Verdict in Labor Tiff

Los Angeles, Dec. 26. Herbert K. Sorrell, chief agent of the Motion Picture painters, and Ralph E. Teckman, his assistant, won a \$13,000 verdict when the District Court of Appeals reversed the Superior Court decision in their suit against Elwyn Matthews, Warners police chief, for false arrest during the painters' strike two years ago.

At the previous trial, the jury awarded the plaintiffs \$13,000. Judge Walter S. Gates set it aside.

## 2-For-1 Story Swap

Hollywood, Dec. 26. Story swap between Paramount and Warner Bros. gives Par "Shepherd of the Hills" in exchange for "One Sunday Afternoon" and Somerset Maugham's "The Letter." Arthur Landau negotiated the deal.

## Studio Contracts

Hollywood, Dec. 26. Perc Westmore renewed as makeup chief at Warner.

Paramount picked up player option on Sumner.

Kurt Goetz inked writer pact at Metro.

Walter McEwen drew new contract as assistant to Hal B. Wallis at Warner.

Metro hired Daria Hood's option.

20th-Fox renewed Joan Davis' pact.

Metro renewed writer pacts with Leon Gordon and George Froeschel.

James Edward Grant parted with Metro on one-picture writing deal.

John Gunden (not the producer) given term contract as writer by same studio.

Warners has handed new long-term writing contract to Milton Krims.

## Montgomery-Goetz To London for 2-M-G Pix; Sistrom's RKO Setup

Hollywood, Dec. 26. Robert Montgomery and Ben Goetz leave for England today (Tuesday) to revive Metro production in London. Two pictures are in the works with Goetz as producer and Montgomery as star. First to roll is "I Had a Comrade," a yarn of East intrigue. Second is "Sammy Honeymoon," a detective mystery.

William Sistrom is pulling out for London within two weeks to arrange for setting up RKO's English production at Denham, which he will supervise. Two stories are being readied for resumption of British filming, one dealing with evacuation children from England in February, and another about British naval activities.

Herbert Wilcox and Anna Neagle are returning to England in February to resume British production.

## WARNERS BACKLOGGED WITH PIX TILL JUNE

Hollywood, Dec. 26. Heaviest backlog in recent years is being carried at Warners today, enough pictures wholly or partially finished to meet release dates until mid-March.

Production of the 1940-41 program starts early in February.

## Selznick Orders More Camera Work on 'Becky'

Hollywood, Dec. 26. David O. Selznick, upon return over weekend from eastern premiere of "Gone With the Wind," ordered "Rebecca" back on shooting schedule Jan. 2, with indications pointing to intensive camera work.

While studio contends only minor reshooting will be necessary, other reports are that principal photography is to be resumed for two or three weeks for new footage replacing advance shots at that location.

## Renews Dietrich

Hollywood, Dec. 26. Marlene Dietrich closed a deal to star again for Universal as a result of the b.o. reports on "Destiny Riders."

Next picture, still untitled, rolls early spring with Joe Pasternak producing.

## SCHWANNKE'S PLAY

Ellen Schwannke, continental actress who played in screen version of "Maecenas in Uniform," tentatively inked for lead in a new play to be produced by Courtney Burr. Labeled "Not for Children" and written by Wedel Towner, it goes into rehearsal in mid-January if deal goes through.

Burr is angling for Herbert Marshall for the vis-a-vis.

## Ladies, Be Good

Hollywood, Dec. 26. Jane Bryan and Olivia de Havilland, Warner stars who refused to play in "Married-Pretty and Couple" of two-reel doghouses, known as featurettes. Miss Bryan draws "The Japanese Girl" and Miss de Havilland gets "Lucky Baidy."

Studio has scheduled six melodramatic shorts to replace the abandoned B productions.

## FEATURETTES WITH NAME CASTS

Entirely new type of short subject, to combat double features by a sort of compromise, is being considered by Warner Bros. for next season's schedule. New shorts, if a current poll of 5,000 exhibitors prove favorable, will consist of series of two-reel adaptations of such Warner full-length feature series as "Penrod" and "Torchy Blane." They will be made in regular feature style and with name players.

Warners feel that this subject might bring a valuable place a compromise for double bills. There are many complaints from organizations and parents that dual keep patrons in theatres too long at a time. New type should give the exhib some something longer to put in his marquee and yet keep down the length of the show. New two-reelers are compared by WB execs to the "shortest stories" in magazines, which have proved very popular.

Questionnaire sent out by Norma Moray, Vitaphone sales chief, asks exhibs more than 35 questions on the subjects of advertising, series, musicals, band shows, value of color, comparison of one with two-reelers, and other subjects. The competition and asks for general ideas. Included in the 5,000 exhibitor replies were many suggestions. There were 440 Warner house managers, each of whom is expected to fill in the quiz, and returned it frankly.

Moray recently returned from a trip to the Coast on which he visited exhibs. He will leave again about Jan. 1 to visit 20 more exhibs in a further endeavor to learn what type of shorts are most desirable.

All companies producing the briefs are holding off as far as possible being carried at Warners today, enough pictures wholly or partially finished to meet release dates until mid-March.

Production of the 1940-41 program starts early in February.

## RKO Trustee Sold Out \$2,775,142 In Five Claims Down to \$107,284

Federal Judge William Byrd in N. Y. Friday (25) reversed decision on an application by Irving Trust, RKO trustee, for a reduction and allowed in a larger amount previously. This amount added represents

Underwriting Plan Set. Justice William Byrd in N. Y. approved the underwriting agreement for the new RKO common stock, and approved the terms and conditions of the company, and Irving Trust, trustee, to proceed with consummation of the plan. The plan is slightly different from the one submitted Dec. 11, in that the Atlas Corp., the underwriters, has voluntarily agreed to assume the risk, as unsecured creditors (15% of all unsecured claims), be allowed to participate in the purchase of the stock. This would have meant that Atlas would be receiving the stock at \$27.50 and not the \$25.00 actually in the underwriting. Atlas has now withdrawn this provision and will not participate as unsecured creditors, but will still receive all stock not taken by Rockefeller Cen-

## 'Wind' Goes Big in 4 Keys

First-week boxoffice returns from initial showings of "Gone With the Wind" reveal the Selznick film version of Margaret Mitchell novel to be pointing to hefty grosses. VARIETY correspondents in Boston, Cincinnati and Atlanta, the only out-of-town spots already opened, besides Broadway, report boxoffice extraordinary. In the first three hours (40 and 40 minutes) as holding down receipts despite boxoffice queues.

On Broadway the small capacity Astor has been a sellout since last Tuesday opening, on the basis of two-a-day, reserved seat policy. Astor receipts for the first seven days were \$23,000, tops. At the Capitol, the Lowry organization, which is the bigger picture in the future, the boxoffice scale pushed to 75c. mats and \$1.65, even money possibilities in the Capitol at these prices are considerable. Film in first seven days reached within a few dollars of \$70,000. Considered good in view of the absence of audience turnover and unorthodox starting times.

In Boston film will collect \$38,000, as a three-a-day at the Orpheum, and will do about \$33,000, two-a-day at the State. The Atlanta premiere, opening, finished first week with capacity big of \$53,000, showing two-a-day. In Cincinnati, the picture will touch \$30,000, on a three-a-day policy. Plan to switch the Cinipal policy to two-a-day, reserved seats, has been abandoned.

Pictures shown in Los Angeles tomorrow (28) at Carthay and United Artists, day-and-date.

## '10% Guaranteed Profit' Idea On 'GWTW' Creates Many Pros and Cons

### New Newsreels' Union Deal K.O.'s Interchange Of Footage by the Co's.

New wage-hour pact for the International Photographers (made up largely of newsreel cameramen from the east) was signed last week, with details agreed on late Friday (15). Pact differs little from the original agreement handed the photographers shortly before the NRA was killed.

The 1935-tilt in salary was regarded as a clean-cut victory for the union. This is based on the \$100 weekly base rate, meaning that most cameramen will receive \$100 weekly minimum. Whether salaries exceeding the \$100 minimum are to be included in the raise likely will be settled by arbitration. Wage boost is retroactive to October 1st.

Workers hired by the day will get a \$40 minimum instead of the old \$25 scale. Insurance clause will be decided at a later date.

One vital change as the new contract reads prevents the exchange of prints by various newsreels unless Government regulation or the physical setup surrounding a story makes necessary the coverage by a single camera crew. In case of any exchange of prints, the cost of the union scale must be paid to the photographers thus forced into illegality by the arrangement.

This is a new form of the old "stand-in" rule of musicians, and obviously intended to sustain employment in photographer union ranks. It will the newsreels had for trying to operate on the Associated Press deal.

The sales policy on "Gone With the Wind," under which an account is guaranteed a 10% profit, regardless of what happens, has set a precedent for the bigger pictures in the future. It is believed, and to some extent feared, in various operating and distribution circles that Metro's willingness to indemnify a theatre against loss may start something that can't be stopped so easily.

Theatre operating sources point to the fact that a 10% profit on any exchange of prints from the studio and that no exhibitor should be reluctant to make a deal under which he is assured of a profit as good as that.

While Metro may take it on the chin for a few theatres, should "Wind" fall down on the account, the general feeling in the trade is that Metro is taking only a very small gamble in view of the property it is distributing. Moreover, the record shows that Metro has the vast majority of exhibitors who serve as a tremendous cushion against such possibilities and even if business does not live up to expectations in some cases, Metro may still get out with 60%.

But the picture's overhead is \$3,500 and the theatre, for the sake of argument, grosses only \$25,000, then the picture's overhead is \$3,500 and the theatre, for the sake of argument, grosses only \$25,000, then the picture's overhead is \$3,500 and the theatre, for the sake of argument, grosses only \$25,000.

Metro-RKO's 75c Test For 'GWTW' Scheduling

Cincinnati, Dec. 26. First half of this opening week for "Gone With the Wind" at the Capitol, where it's doing socko business, is \$2.00 and the local theatre management to learn the public's time-and-price preferences for the pic's three-day screening.

Starting scale, a tester, was fixed at \$2.00 for the first two days and afternoon sessions, and \$1 for all but 230 reserved lodge seats at night. Theaters will be able to apply for a 75c test. Attendance and requests the first three days developed a new scale which will be used for the last three (28). It is the same 75c general admission for forenoon and matinee shows and reservations for evening shows. The number of \$1.50 seats will be increased.

### Butler's Crosby Pic

Hollywood, Dec. 26. David Butler gets the Crosby-Gloria Jean co-starrer, "If I Had My Way," at Universal.

Starting date is Feb. 1.

# STREET SQUAWK

## Predict Other Studio Labor Will Align With IATSE in '41 on New Deals

The five-year studio basic agreement which expires April 1, 1941, will in all probability be renewed at that time with the International Alliance of Theatrical Stage Employees returning as a signatory. It is predicted in informed circles. IATSE withdrew to handle its negotiations with the studios individually, leaving four other internationals under the basic agreement.

Presumption that these four unions, all affiliated with the American Federation of Labor, will seek a renewal in the spring of 1941 with the producers and that they will not only want the IATSE back with them, but that the George K. Brown organization will itself desire it, is founded on dissatisfaction that has come up. It is also believed that negotiations for all five large internationals in the studios will be returned to New York. Recently the I. has centered its negotiations on the Coast, while just a week ago the other big unions met in Atlantic City to formulate a new scale.

The musicians, of this group, decided to string along at the same scale as has applied for the past year, but the others, the teamsters, electricians and carpenters, asked and received a 10% boost. It is effective immediately. Musicians are assumed to be willing to remain at the same scale, since in the studios it is regarded as high.

As a result of the 10% increases voted in Atlantic City, the overhead for the studios will be increased about \$1,000 each weekly.

Pat Casey, who represented the producers in his capacity as the studio-adviser, contacted at the Atlantic City meeting, plans to leave for the Coast for Wednesday and will spend the holidays there.

## WELLES' CUFFO FILM FOR RKO

Orson Welles is making 'The Smiler with a Knife' for RKO without a pay. He's using many of the treasury Theatre players located on the Coast for 'Hearts of Darkness', which was originally scheduled to be produced first, 'Smiler' is being filmed while technical preparations are still going forward on 'Hearts'.

Reported explanation for Welles' choice is that it's a partial recompense to the studio for the unexpectedly heavy expense on 'Hearts'. Not only were a number of Broadway actors taken to Hollywood for the picture and paid several weeks' salaries without work, but the production difficulties have held up production since early in the summer, now understood that Welles' figures on using the most ambitious setup of sound stages for 'Hearts' had have yet been attempted at RKO.

Meanwhile, Campbell's soup is said to be dissatisfied with the way Welles is handling his Playhouse dramatic series Sunday nights over CBS. Sponsor would prefer to air the program from the east, because of simplified tax problems at this end, as well as the fact that Campbell's officials could be placed to agency-production contacts. But with Welles tied up in a picture deal, the studio must originate on the Coast.

## 'Brother Orchid' Back

Hollywood, Dec. 26. 'Brother Orchid', the religious gangster yarn, comes off the shelf for Warners for February production by Mark Hellinger.

Richard Connell's story was turned down several months ago by Edward G. Robinson. It is being revised by Earl Baldwin.

## Busy Young Man

Hollywood, Dec. 26. Ezra Stone finished his picture assignment in Paramount's 'At Good Old Sivas' and checked out for New York.

Among his chores in the east are playing 'Henry Aldrich' on the radio and 'See My Lawyer' on the stage, lecturing at women's clubs, teaching at the American Academy of Dramatic Art and casting plays as assistant to producer George Abbott.

## F&M's Union Squawk Lost, Threats Chain Files \$200,000 Libel

St. Louis, Dec. 26. A few days after the plea of Fanchon & Marco for an injunction against members of IATSE Local No. 143 from picketing the 5,000-seater Fox and six nabes of the St. Louis Amus. Co., operated by F&M, had been named by Circuit Judge Julius Nolle of Clayton, St. Louis County, F&M filed a \$200,000 libel suit against eight officers and 44 members of the Local.

In 'nixing the injunction plea which had been under advisement for several weeks after a trial lasting a week, Judge Nolle made no comment. The libel suit alleged damages to F&M's business through false statements contained in handbills distributed by union picketers.

The petition filed in the Circuit Court asks for \$100,000 actual and \$100,000 punitive damages and charges that the handbills distributed to patrons and prospective patrons were calculated to expose patrons to public hatred, contempt and ridicule and injure its good name and business standing.

The picketing began Sept. 20 and was the outgrowth of F&M transferring projectionists from one house to another without the sanction and knowledge of the Local. During the injunction suit C. B. Nelson, personnel director for F&M, testified that biz has dipped 25% since the picketing began.

## MORE DEAS TO STIMULATE BIZ

Spotting the No. 1 Film (Percentage Picture) at Awkward Hours Discourages B. O. Patronage — Frequently on Too Early or Too Late

## CONTRACTUAL MUST?

In line with the squawks that a lot of customers are being alienated by bad scheduling of pictures in the theatres, action may be taken with a view to forcing exhibitors into playing the top films on double bills at more convenient times of the day, notably in the evening. It is claimed that public protests against the way most theatres schedule the showing of their pictures must mean that plenty of people pass up theatres because the film they want to see is being spotted at bad hours.

If a campaign to enlighten the exhibitors, awakening them to the fact that it is poor policy to continue, as most do, the practice of showing top pictures on duals or where stage shows are played, fails to get anywhere, it is a question whether the distributors could force action in some way. Making it a part of the contract to assign the best hours of the day to the choicest picture might be attempted. However, occasions are certain to arise where the pictures on a dual are of comparable value.

This does not occur so often, however, the majority of double bills being made up of what is generally referred to as the No. 1 picture, the other being of secondary importance. The No. 1 picture is usually the percentage film, while the other is bought.

Principle complaint is that the No. 1 feature is being spotted at what is deemed the 'wrong' hours, with result that fans who want to see the lead picture, not caring about the other, have to catch it at a time that is inconvenient. Too often, it is declared, a customer will call the theatre, only to learn the film he or she wants to see goes on at a time that interferes with dinner, or it's on the last show, so late, that getting out would be around midnight or thereabouts.

(Continued on page 47)

## Studio Decorators Push Demand For Wage Boost Up to \$35 Week; Pact Signing With P.A.'s Near; Inkers Move

### Hedda's Good Deed

Hollywood, Dec. 26. Hedda Hopper, columnist for the L. A. Times, turned the Christmas spirit to good use by informing studios that her most valued gift would be a \$5 check, payable to the Nursing School for the Blind.

Six checks came through the first day.

### \$3,167,896 Paid

### Pix Extras in '39; Bigger Checks, Too

Hollywood, Dec. 26. Film extras drew \$3,167,896 in salaries from the studios for 1939, a gain of more than \$400,000 over 1938. Total of atmosphere jobs placed through Central Casting hit 294,688, against 256,426 in 1938 and 290,107 in 1937, one of the top years.

June was the most prosperous month for extras, with 34,946 jobs handed out. Second was July, registering 32,229. Low months were November, with 16,883 placements, and December with approximately 16,000.

Central Casting reported a trend toward more use of players in the \$2.50-a-day and higher classifications and less in the \$5.50 bracket. It was pointed out that the increase in jobs refutes the claim that producers are aiming to cut down the use of extras.

Following is a comparison of jobs for this year and last:

	1938	1939
Jan. ....	15,655	21,253
Feb. ....	23,326	23,280
March ....	15,326	24,304
April ....	18,531	22,918
May ....	23,958	27,596
June ....	34,946	34,946
July ....	29,316	32,229
Aug. ....	26,524	23,540
Sept. ....	16,683	26,421
Oct. ....	24,698	23,918
Nov. ....	20,981	16,883
Dec. ....	20,000	15,500
	256,426	294,688

Los Angeles, Dec. 26. Wage increases up to \$35 a week will be demanded by the Society of Motion Picture Interior Decorators at a meeting with producers scheduled for Jan. 3. Demands will also cover setting up special classification for some of society's members, and five-year wage pacts of 10% and more for others.

Present five-year pact between decorators and producers runs until 1942, but contract recently was opened by the Society to negotiate wage tilt. Special classification will be asked for decorators who have worked on a picture for two years or more, with members in this division seeking \$135 weekly instead of present \$120 per week wage.

Regular division of decorators employed on less expensive productions, currently drawing \$100 weekly salary, are seeking increase to \$110. A demand will also be made for a \$15 increase for members on picture tours, presently drawing down \$60 per week.

Producers executive committee meets this week to consider demand of Society of Motion Picture Film and Television Interior Decorators, standing in that producer-labor contacts who have handled negotiations with increasing success in the past. Tentative deal calls for hike to be retroactive to Aug. 25, last, at the end of the year.

(Continued on page 11)

## MA JOBS PLAY NEELY ATTACK

Major picture companies and their principal organization, the Hays Office, have outlined main points of attack in combating the Neely bill before the House of Representatives at the forthcoming session of Congress next month. All angles which drastically alter the present methods of doing business are being stressed as likely to be ruinous. Seven principal objections have been drawn up and detailed for those now actively engaged in trying to defeat the measure, already passed by the U. S. Senate.

One outstanding complaint in this list of anti-Neely objections is that the bill is a price control law which forces retail prices on wholesale transactions. It complains that the bill requires the wholesaler distributor to sell a single item to the retail dealer at the same price that would be quoted for the same item as part of a large order. Further charged that to impose such a price control on law on wholesale distribution is unheard of in other businesses.

Opponents of the Neely measure sum up this series of arguments by contending that the curtailed foreign market for American motion pictures present a serious problem which is not helped any by the Neely bill. Claimed that a law to abolish wholesale selling and advance buying on top of the uncertain foreign market may well wreck the business for years to come.

Third argument against the bill points out that the only unenforceable part of the measure, besides that eliminating wholesale selling (Sec. 3, which is taken to be the essence of the bill), is Sec. 4, which outlines how a true synopsis must be made of each feature and made a part of the sales contract.

Opponents also contend that the Neely bill punishes the exhibitor, pressure censorship of American films. They claim the charge that the law is to abolish exhibition of indecent or immoral pictures is completely unsupported and has been repeated repeatedly at public hearings.

# LAST CALL!

## 34th ANNIVERSARY NUMBER

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**GWTW' Big Blow on B'way, \$93,000,  
In Two Houses; 'Gulliver'-Glen Gray,  
Colman 50G Each, 'Wives'-Lyman 45G**

[illegible]

for New Year's. "Tower of London" went 12 days, doing remarkable \$19,000.

**Rivolt.** (2,092; 25-55-75-85-99) "Light That Failed" (Par). In spite of the strong competition, including "Wind" and the stage-show house, this straight filmer is pulling "em in a week of \$50,000 or close, excellent. Begins second week Saturday (30). Final three days of "Desire" was \$5,000.

**Roxy** (5,836; 25-40-55-75) — "Evening Happens at Night" (20th). This stage show (2d-film week). Did not much on its first week at \$30,000.

but held for Christmas and will about the same figure, disappointing. 'Swanee River' (20th) being more in Friday (29) for New Years.

**State.** (3,450; 35-55-75)—'Cat Canary' (Par) (2d run) and Lou Parsons union. Plenty of action in this week, \$30,000 or thereabouts very nice. Last week International (UA) (2d run) and James Bar Estelle Taylor, Cirro Rimac orchard around \$15,000, poor.

**Strand.** (2,787; 25-50-55-75-85-9) 'Four Wives' (WB) and Abe Lyric Opening a little off here, Xmas is hurting, but hitting fast.

now and will end the first seven weeks at \$45,000 or around that. This fine business, though not quite national. Final (3d) week for 'Ebeth and Essex' (WB), plus Al Duhue's band, \$16,000, mild.

Baltimore Dec. 2. Shifting opening days and p...  
 day play, local exhibs are antici...  
 ing extra active b.o. on heels of...  
 ported biggest retail store buy...  
 in seasons. Smartly spotted is...  
 of Dead End Kids, at the cor...  
 Hipp, "Gulliver's Travels," at Ke...  
 and "Judge Hardy and Son," at Le...  
 Century.

De luxe Stanley held off 'F...  
 Wives' until Sun. (24) and is bu...  
 to bullish proportions.

**Estimates for This Week**

**Century (Loew's-UA)** (3,000; 25-40)—Judge Hardy Son' (M) Building smartly to strong 111. Last week 'Intermezzo' (UA), much at \$5,600.

**Hippodrome (Rappaport)** (2,15-25-35-40-55-66) —'Amazing Williams' (Col.) leaning heavily up, strong stage show headed by of Dead End Kids. Chalking fine \$15,000. Last week 'Blonde Baby' (Col.) had annual production of local talent, 'Baltimore Folli' to thank for fairish \$11,300.

**Kelth's (Schanberger)** (2,406;

25-35-40) "Gulliver's Travels" (P. Opened Sat. (23) and anticipa big week after promising getaway. I week 'Big Guy' (U). stayed five d to uneventful \$2,800.

New (Mechanic) (1,581; 1-25-55) "Everything Happens Nip (20th) (2d wk). Marking time w 'Swanee River' (20th) announced open Fri. (29). Henie film add possible \$2,500 to uneventful round at \$2,700.

Stanley (WB) (3,200; 15-25-55) "Four Wives" (WB). "Open Sun. (24) and building nicely. I week 'Dress Parade' (WB). sta

this | 10 days to mildish \$8.800.







## Fears of Anti-Yank Laws in Australia Eased as Theatre Circuit Deal Nears

Fears by American film companies of anti-American legislation aimed at distribution interests in Australia were somewhat allayed last week when the report that the Australian production-pooling arrangement between Greater Union and the Hoys directors, which reached the Antipodes, had reached the signatory stage. Apparently, the Hoys, the final obstacle to the pact, has been indicated.

While the deal, when first broached last spring, suggested few possibilities for a snag, lately there have been reports that some Hoys execs had been wandering over the phases of the arrangement, thus threatening completion of the deal. The probable legislative roadblock lay Down Under against American companies.

However, Dan Michalove, exec of National Theatres, 20th-Fox subsidiary, is understood to have gone to Australia in the fall for the purpose of instructing the Hoys directors—20th contacts—how to push through the proposed pooling pact. He calls for the revival of General-Theatres to serve as a joint booking organization for both Greater Union and Hoys. Both chains would share product of U. S. major circuits under the setup.

Norman B. Rydge, chairman of Greater Union, and Hoys officials approved the plan last summer. Rydge and Charles M. Hoys head, were in New York. Until recently, Greater Union had to contend largely with independent production, plus Universal and second-pick of Metro. Paramount found the Hoys majors were giving their pictures to Hoys, leading to Greater Union's loss of monopoly. Now Greater Union has Universal, Columbia, Monogram, Republic and second choice in much of the market, and Metro's lineup. Metro also supplies its own seven theatres in Australia.

## Paris in Wartime

Paris, Dec. 12.—First French propaganda pic, 'Nos Freres d'Afrique' ('Our African Brothers'), started, with Jean Nuvare, former Odon member lead, directing. Pierre Brasseur, Lisette Lavigne, Constant Remy, Claude May, Aimos, Azais, Aimé Clairand, Felix Oudart, and the Arab tenor, Mahieddine, comprise cast.

Comedian Fernandel left his half-muffled army truck to entertain fellow soldiers on the front.

Duke and Duchess of Windsor attended entertainment given at St. Germain in aid of the Light Armoured Brigade, with Josephine Baker, Noël-Noël, Claude May and Jean Maurget appearing in sketch, 'Somewhere in the Ile-de-France'.

French public cannot get used to standing at attention at the start of news programs while the 'Marseillaise' and 'God Save the King' are played. Papers writing editorial about it.

Convent garden actresses Violet Lenoir and Binnie Barnes were injured when their auto was hit by a truck while enroute to entertain at the Marseilles. Binnie's heady car, rushed over from England to replace Miss Lorraine.

French actress Edwige Fenechle now godmother to an entire regiment of 10 soldiers; Lise Delanoue godmother to entire staff of officers; another regiment; Madeleine Renaud French actress after the Comedie Francaise for her part in 'Les Femmes de Jeanne Boitel' is a nurse.

Pic director Alexander Esway has joined the Foreign Legion.

British army now has 20 mobile cinema units in France for the Tommies.

## The Home Front

London, Dec. 28.—Government perturbed over semi-night cabaret shows and undesirable night resorts sought way to ensure officers on leave.

Police squad has raided a number of bottle club joints.

## Decorators, Etc.

Continued from page 5

which time painters and other crafts are given salary scale.

Final linking of new wage pact with Screen Publicists Guild is set for Jan. 1. It is claimed that producers, with last minute details now being ironed out. Flackel pay under new pact, based on hourly rate to equal minimum of \$100 per week for seniors, with corresponding scale for juniors and apprentices. Scale will cover 42-hr. work week, maximum under Waga and Hour draft is demands for overtime at double plus 12 hours of overtime at 54-hour week publicists have agreed upon.

Junior pay scale of \$50, \$55 and \$60 per week, and apprentice pay of 60, 70 and 80c per hour will be worked out. Breaking down Agreement's minimum weekly pay into hours will, it is hoped, any possibility, subject to 42-hr. week provisions.

Inkers Ready Demands. New cartoonists union, which recently affiliated with International Brotherhood of Painters as Local No. 882 of Painters union, has started drafting its demands for admission to producers. Parleys are expected to get under way this week. Cartoonists are asking for a Labor Relations Board they are seeking jurisdiction over catfemmen in cartoon departments. Group of International Photographers Local, 669.

Extended conferences were held last week by committee from Society of Motion Picture Art Directors with producers' representatives. Groups discussed various clauses in proposed closed shop pact submitted by director. Latter is seeking a minimum wage and substantial pay increase for members in lower salary brackets.

Studio Painters, who have offered to trade 10% of their 15% pay increase for job security, are asking independent producers that new minimum wage scale of \$154 per year be paid by major companies. It will be enforced in the indie field. Copy of new rates for all classifications was sent to the American producers by Herbert Sorrell, business representative of the Painters.

Simultaneously, major studios were notified that following rates are recommended: Aug. 26, last, for painters and paperhangers, \$155 hour; location, \$183.00 per day; location weekly rate, \$101.00; color mixers, \$17.70 hour; location, \$20.97; location weekly rate, \$102.00; material men, \$18.00 hour; location, \$21.00 day; location weekly rate, \$129.61; sign writers, \$22.18 hour; location, \$26.56 day; location weekly rate, \$154.56; Shop helpers, \$1.04 hour; maintenance painters, \$1.04 hour. Women on call will receive \$102.19 and keymen \$91.19. Apprentice first year will be paid \$57.50, second year, \$65.00 third year.

## Screen Actors Guild

With the return last week from New York to Hollywood, the executive secretary, Screen Actors Guild is expected to take possible action against the American Federation of Labor conference of Motion Picture Studio Unions in London. The AFL is based in Los Angeles Central Labor Council. Matter likely will be discussed by board of directors of SAG during current week. Letter to Guild, signed by Joe Tooby, secretary of the Conference, was received last week. It was an attack upon the integrity of all unions in this Conference, generally and collectively.

Screen Actors Guild has filed an answer in Superior Court alleging suit for violation of contract. It brought against the wishes of majority of Class B members. Senior body union action was taken to protect any alleged interests in matter of collective bargaining, but for sole purpose to enable members to obtain control of internal management of Guild, its funds and property.

Heim is demanding Class B members be given full voting privileges. Guild reports say it is expected to participate in collective bargaining, and point out that present contract with majors did not become ef-

fective until it had been approved by the Class B membership.

It is also denied by SAG that Class B members cannot call a strike without the consent of Class A members, and point out that only recently Class B members voted—almost unanimously—to remain in Guild. Answer also denies that Guild exercises control over employment of Class B members, pointing out that they may secure employment on any favorable terms that can be secured.

Heim's attorneys contend that court action will be continued in event present plaintiffs withdraw. It is claimed that the majority of extra who endorsed the plan, have expressed their willingness to continue to drive for full voting participation in the SAG.

## 'All's Clear' With Bea Lillie, Looks Like London Hit

London, Dec. 26.—

The past week has seen the West End assume a greater normalcy than at any time since the outbreak of the war, and this factor must be attributed to the premieres of 'All's Clear' and 'The Big Picture' and from some of whose material is from New Broadway Set to the lead part. With the comedienne handily from 'Shepherd's' production of 'Shepherd's'.

'All's Clear' presented by H. M. Tennent, Ltd., and staged by Harold Redfern, revealed itself as an oscillating revue, being alternately good and bad, in its opening at the Queens theatre last Wednesday 300 with Beatrice Miller to the lead. Part with the comedienne handling the same numbers that, she did in 'Ostend' when it was presented on Broadway last season, 'Clear' suggests staying power in these times, when the theatre has become more a means of escape than entertainment.

West End cast that also includes Bobby Howes, Fred Emney, Adele Dixon, Gladys Henning, among others, the revue also has had sketches by Arthur Schwartz and Howard Dietz, while the American song team composed by Richard Rodgers and Lorenz Hart, 'Let's Make Memories Tonight' and 'Have Your New Met Miss Jones' are other clicks.

The Shepherd show, which came into the Princess Theatre, night (21), is a conglomerate of the farcical and musical, with generous excerpts from previous Shepherd shows. It's set for two-weekend performances at popular prices and the premiere audience, which applauded the show, indicated that it's in for a successful run.

Cast for 'Pie' includes such British names as Sydney Howard, John Risoore and Vera Pearce, a vet combination in London musicals.

The other week's opening was at the opposite extreme. 'You of All People,' which bowed at the Apollo on Friday night (22). It's an innocuous comedy that has little chance to survive.

## Seven-Language Dubbing For Disney's 'Pinocchio'

Hollywood, Dec. 26.—Foreign voices for Walt Disney's 'Pinocchio' will be dubbed in by professional actors in seven countries, slated to get the animated feature. First of these versions will start in February. The dubbing will be accompanied by a sound technician, leaves for South America to record, based at Buenos Aires, and Portugal.

In addition Disney plans Italian, French, Spanish and German releases, and is undecided about French and Danish versions. Also possibility of an English version is being considered in Spain.

Each foreign version is expected to cost about \$10,000, for extra prints and dubbing, adding around \$65,000 to final budget of film.

## Oscar, Jr.

Mexico City, Dec. 28.—A group similar to the American Academy, to pick the best made-in-Mexico pix, best players and best director, and to award them prizes every year, has been organized by the national pic industry.

The awards are to be made next month.

## 120 Foreign Films for Home Distrib In 1940 Reported Okayed in Japan; 81 From U.S.; Coin Pact Likely

## 4 More U.S. Pictures Get War Ban in France

Paris, Dec. 28.—

Four more American pics, added to 15 already named, have been added to the list of films tabooed in France for the duration of the war. This boosts the number of pictures, French and foreign, which have had their visas withdrawn to 66.

New American pic banned are 'All Quiet on Western Front' (U), 'The Road Back' (U), 'The Big Parade' (M-G), and 'They Gave Him a Gun' (M-G).

Last week's list included eight WB titles, each from a different M-G, one RKO, one Universal plus a probable UA.

## See American Indies Producing in Mexico

Mexico City, Dec. 26.—Prospects of producing in Mexican territory are being made easier by the American Independent Producers' Assn., according to the pic studios workers' union.

The Mexican organization expects that some American indies will produce in this country.

Tito Guitar is returning here from the 1940 tour in January to play the lead in a pic as yet untitled. Fernando de Fuentes will direct.

## Goldwyn-Pair Continued from page 4

Wagon was added, as Goldwyn had demanded.

Ten days after first papers were served in this latest action on Dec. 8, Goldwyn announced the termination of his distribution contract with UA. His basic complaint is addition of too many producers to the company and failure to give him the amount of control over its affairs that he has desired since he took the preeminent position among its producer-owners which he alleges he deserves.

UA execs regard the latest action as continuation of the 'sniping'—this time over an insignificant matter—seeking legal ways out of his former war UA, which began on July 22, 1935, and runs 10 years from Sept. 2, 1935.

## Sidelights on the Plan

Papers in the new action reveal several sidelights on Goldwyn's plan, the schedule under which UA producers' bonus paid. Goldwyn's plan is said, provided, that if any other producer gets a better break from UA than Goldwyn, the same terms automatically apply to Goldwyn—except as regards shorts and foreign language pic production. UA is not releasing in English-speaking countries.

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Tokyo, Dec. 28.—

Government here is reported to have set the 1940 quota for foreign films at 120. The 1939 quota was 110, comprising 81 from the U. S. and 29 from Britain and Scandinavian countries.

Last year, about 188 pictures were allotted. Setting of film quota is understood to be preliminary to a pact calling for withdrawal of distributive revenue collected in 1939.

It is expected that the quota is reported divided among American firms: Metro, 13; Paramount, 14; Columbia, 11; RKO, Universal, 20th-Fox, Warner Bros., 9 each; and United Artists, 7.

## Highly Favorable

Reported quota lineup for Japan is regarded in New York as measuring up about as expected. It is viewed as highly favorable to U. S. firms since American distributors get about 75% of total allotted foreign distrib.

Picture officials in N.Y. are inclined to believe that additional Japanese films will be imported in Japan next year because England, France and Germany, which always imported a heavy quota, doubtless will have a shortage of product.

Official confirmation of the quota was forthcoming at press time because Major Frederick L. Herron, head of the Hays office in department, was out of the city.

## Japs Push U. S. Accord

Hollywood, Dec. 28.—

Despite the Japanese embargo on all foreign pictures, and the restriction on the export of dollars, there is still a definite desire to create goodwill between that country and the U. S., reports Morton E. Goldwyn, announced the termination of his distribution contract with UA. His basic complaint is addition of too many producers to the company and failure to give him the amount of control over its affairs that he has desired since he took the preeminent position among its producer-owners which he alleges he deserves.

Japan has always been an excellent customer for American films, Peiler says. He pointed out that the Japanese market in Europe and the 'disruption' of that market for American films, the Japanese market is a most important sphere, he added.

Peiler, who was appointed advisor to the Japanese government in 1936, was in Tokyo on invitation of the Japanese government to discuss goodwill relations.

## MEXICANS TO MAKE 43 PICTURES IN 1940

Mexico City, Dec. 26.—

Pic production this year is expected to be the best despite current effects of labor difficulties that have hampered the industry in several weeks last summer. Upward will be 43 features, of which three are in the making.

Producers are satisfied, though they had expected to make at least 70 this year.

Establishment of pic studios in Chihuahua state, on the U. S. border, is being arranged by Miguel de Leon, local producer. Under his plan, studios will be in Chihuahua City, the state capital.

## Fuller Dickering For Colbourne-Jones Tour

Melbourne, Dec. 25.—

Sir Ben Fuller is dickering with Maurice Colbourne and Barry Jones for a season of Shakespeare throughout Australia and New Zealand next year.

Troupe of 50 would be imported following completion of its current Australian tour. Fuller is expected to be securing a suitable theatre in Sydney, but arrangements may be made with Williamson-Tait for base of the Royal.

## 8% Divvy for GFD

London, Dec. 28.—

Despite the war, Charles M. Wolfe, Greater Union distributor, has declared an 8% dividend for 1939.



# WHY DID HELEN HAYES QUIT HOLLYWOOD?

Why did Helen Hayes decide on her very first day in a studio that she would never be a success in pictures?

How was "The Sin of Madelon Claudet" remade from a "colossal" failure into a colossal success?

What actress called Helen Hayes "the biggest damn fool and the best actress I have ever seen"?

Why did one studio threaten to sue her for \$96,000?

Step up to your newsstand today—or wherever you buy the Post—and find out why millions of people are reading this biography of Helen Hayes.

*See...*

**THE SATURDAY  
EVENING POST**

*Out  
today*



**"THE GREAT VICTOR HERBERT"**

**"GERONIMO!"**

**"GULLIVER'S TRAVELS"**

**"RULERS OF THE SEA"**

**"DISPUTED PASSAGE"**

**"THE CAT AND THE CANARY"**

**"JAMAICA INN"**

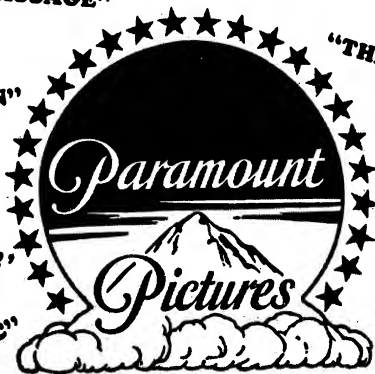
**"THE STAR MAKER"**

**"WHAT A LIFE!"**

**"BEAU GESTE"**

**"UNION PACIFIC"**

**"MIDNIGHT"**



**"INVITATION TO HAPPINESS"**

**"HONEYMOON IN BALI"**

**"MAN ABOUT TOWN"**

**"THE BEACHCOMBER"**

**"PARIS HONEYMOON"**

*We looked mighty fine  
in '39  
But watch our stuff  
in '40!*



# YOU'LL SEE! "INVISIBLE STRIPES"

IS A TOP-BRACKET WARNER WALLOP FOR  
ANY HOUSE, ANYWHERE IN THE LAND!



More of the exciting  
appeal he showed  
in 'Each Dawn I Die'

The major role critics and  
patrons agree she has  
earned beyond doubt!

His first show since  
'Golden Boy' made him  
an important new star!

Picture him against  
Raft...and you'll know  
it's his best picture!

GEO. RAFT • JANE BRYAN • WM. HOLDEN

In "INVISIBLE STRIPES" with  
HUMPHREY BOGART • FLORA ROBSON

PAUL KELLY • Directed by LLOYD BACON

Screen Play by Warren Duff • From an Original Story by Jonathan Finn  
Based on the Book by Lewis E. Lawes • A Warner Bros.—First National Picture

## ALL THESE IN JANUARY, TOO!

**'THE FIGHTING  
SIXTY-NINTH'**

James Cagney • Pat O'Brien • George Brent  
Jeffrey Lynn • Alan Hale • Frank McHugh  
Dennis Morgan • Dick Foran • Wm. Lundigan

**'BROTHER RAT  
AND A BABY'**

The whole brilliant cast of 'Brother Rat'  
and the wonder-baby,  
Peter B. Good

**'A CHILD IS  
BORN'**

Geraldine Fitzgerald • Gladys George  
Jeffrey Lynn • Gale Page  
Spring Byington

**'BRITISH  
INTELLIGENCE'**

Boris Karloff • Margaret Lindsay

JACK L. WARNER • HAL B. WALLIS  
The Chicago Film Exchange • Executive Producers



# **WE DIDN'T WRITE THIS AD!**



**"SWANEE RIVER** is comparable to 'Alexander's Ragtime Band.' Is aimed for popular appeal and can't miss!"

—Daily Variety

**"SWANEE RIVER** comes close upon the heels of 'Gone With the Wind.' They are both in same cycle so to speak. And 'Swanee' is certainly jam-packed with the same beautiful sentiment and charm. Don Amecho's portrayal of Stephen Foster is as good as Paul Muni's Pasteur and Robert Donat's Mr. Chips."

—Jimmy Starr, L. A. Herald

**"SWANEE RIVER** another great Technicolor film from 20th Century-Fox. Tensely dramatic story that has captured the true American spirit and brought to the screen a vivid nostalgic piece of celluloid entertainment and beauty. 'Swanee River' like 'Alexander's Ragtime Band' will have entire nation singing old songs."

—Erskine Johnson, L. A. Examiner

**"SWANEE RIVER** the best blending of story and song the sound screen has ever had, with the combination of story and song magnificently acted, produced and directed. Should ring the box office bell everywhere as swell entertainment."

—Hollywood Reporter



THE KEYSTONE OF YOUR FUTURE

## Noble, Jr.'s Return to Dent Chain Causes Gen'l Shifts; Other Moves

Lincoln, Dec. 26. T. B. Noble, Jr., as of Jan. 1, goes back at the helm of L. L. Dent's Westland Theatres, Inc., general manager and will headquarter in Denver, Colo. He still keeps his own theatre properties in Oklahoma City, and the Nebraska theatres here, since they're affiliated with the Dent string away.

This will cause wholesale moving of execs, Larry Starnore, present acting g.m., going back to Pueblo, Colo., as city manager, and Bob Protenhauer, now at Pueblo, being sent into Oklahoma City, as city manager. Howard Federer, president of NTH here, will stay on.

T. B. Noble, Jr., left as g.m. until three years ago, went to set up the theatres in Oklahoma City.

### Milwaukee's New Exchange

Milwaukee, Dec. 26. Warner-Frist National, as Vitaphone, Inc., took out a building permit this week to erect a \$400,000 film exchange and office building next door to the Fox exchange in the W. State-N. Eighth St. block where all the city's film distribution is being centralized.

RKO's new \$500,000 building in the film center is rapidly nearing completion and will be ready for occupancy in about six weeks. It will be an ultra modern structure streamlined throughout, and not mere warehouse, to serve as the model for approximately 300 other RKO new exchanges to be built throughout the country in the next three or four years.

### WU Update N. Y. Tiddle

Albany, N. Y., Dec. 26. House managers from WB Albany, Troy and Utica theaters met last week for conference on 1940 pictures and policies with Moe Silver, New York state manager for Warner houses, and Charles Smakwitz, eastern district manager. Silver conducted a similar meeting in Buffalo with Ralph Crabill, western district manager, and house bosses in Warner theatres west of Utah. James Faughnan, contact manager for Friedman, head booker, and Joe Weinstein, assistant booker, also made the trip to Buffalo.

Screenkraft Pictures, Inc., chartered to conduct business in New York, with Bernard H. Mills, of Albany, and Jacob S. Berkman, of Buffalo, former upstate Republic franchise holders, among the directors. Berkman is related to Harry Berling.

holder of the Monogram franchise in Omaha and Albany sectors.

### Class Aisle Permit Denied

Application of Bertram Rosenberg and associates to convert the City of St. Louis property at 47th and Oak into a 1,000-seat theatre was denied by the board of zoning adjustment. Protest against commercializing of the neighborhood were made by the University of Kansas City, Nelson Art Gallery and the Barstow School, all nearby.

In line with the trend in the neighborhood, Rosenberg's plans included expenditures of more than \$40,000 for landscaping and decorating, but this failed to sway the board.

### St. Louis Aisle

St. Louis, Dec. 26. Kerastore Bros., Springfield, Ill., to improve the Senate, Springfield.

The LaRosa, Roseville, Ill., operated by George Spicer, damaged by fire that started in projection booth. The Savoy, 300-seater, one of the Crescent chain in Princeton, Ky., being dismantled.

Hayward Opera House, Pana, Ill., recently used as a roller-skating rink and dance hall, destroyed by fire.

### Goodstein's 1,000-Seater

Denver, Dec. 26. J. J. Goodstein will build a 1,000-seat, stadium-type house on East Colfax next spring. Owning the entire block, he will use the balance for parking.

C. W. Hermes has reopened the Bayfield, Bayfield, Colo.

Nathan Salmon, Suite Fo. N. M., operator, to the Mayo hospital, Rochester, Minn., for several weeks treatment.

F. A. Polch, assistant at the Orpheum, resigned, succeeded by Phil Douglas, chief of staff, which job was given to Leland Stewart.

"Thos. Sutton, assistant at the Tabernacle, named student salesman for 20th-Fox, and will start on his duties in Denver, then to Salt Lake, the west coast, to New York, and in about a year is slated to go to South America."

Larry Paulson, 20th-Fox salesman, together with his family, sold his friends from Shanghai, taking the auto trip to Mexico City.

WE ARK, 115. W. R. form, Brighton, Colo., theatre owner, leased the Ploeg, Denver grind, from Dave Cockhill.

## New York Theatres

THERE'S A BETTER SHOW AT THE

THEATRES

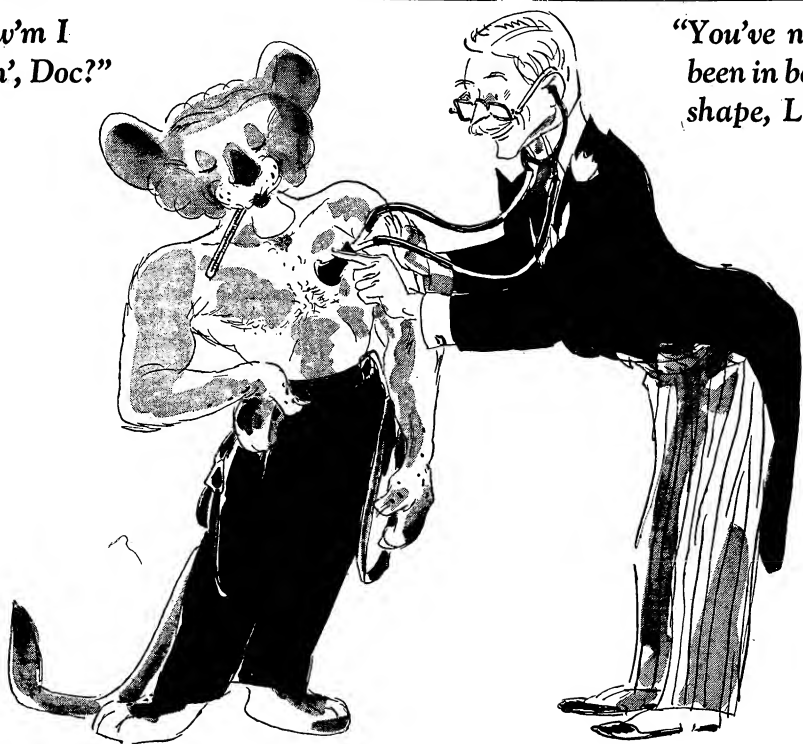
GONE WITH THE WIND

With this magnificent are limited, GWTW will not be shown again.

ASTOR CITY THEATRE, 12th St. & 4th Ave. N.Y.C. 10011. PRICES: \$2.50, \$3.00, \$3.50, \$4.00, \$4.50, \$5.00, \$5.50, \$6.00, \$6.50, \$7.00, \$7.50, \$8.00, \$8.50, \$9.00, \$9.50, \$10.00, \$10.50, \$11.00, \$11.50, \$12.00, \$12.50, \$13.00, \$13.50, \$14.00, \$14.50, \$15.00, \$15.50, \$16.00, \$16.50, \$17.00, \$17.50, \$18.00, \$18.50, \$19.00, \$19.50, \$20.00, \$20.50, \$21.00, \$21.50, \$22.00, \$22.50, \$23.00, \$23.50, \$24.00, \$24.50, \$25.00, \$25.50, \$26.00, \$26.50, \$27.00, \$27.50, \$28.00, \$28.50, \$29.00, \$29.50, \$30.00, \$30.50, \$31.00, \$31.50, \$32.00, \$32.50, \$33.00, \$33.50, \$34.00, \$34.50, \$35.00, \$35.50, \$36.00, \$36.50, \$37.00, \$37.50, \$38.00, \$38.50, \$39.00, \$39.50, \$40.00, \$40.50, \$41.00, \$41.50, \$42.00, \$42.50, \$43.00, \$43.50, \$44.00, \$44.50, \$45.00, \$45.50, \$46.00, \$46.50, \$47.00, \$47.50, \$48.00, \$48.50, \$49.00, \$49.50, \$50.00, \$50.50, \$51.00, \$51.50, \$52.00, \$52.50, \$53.00, \$53.50, \$54.00, \$54.50, \$55.00, \$55.50, \$56.00, \$56.50, \$57.00, \$57.50, \$58.00, 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"How'm I  
doin', Doc?"

"You've never  
been in better  
shape, Leo!"



# CAN M-G-M KEEP UP THAT SIZZLING PACE?

While "JUDGE HARDY & SON" and  
"BALALAIKA" are in the holiday spotlight  
here are two more M-G-M hits just previewed:

## PREVIEW! "EARL OF CHICAGO" SENSATIONAL!

Terrific enthusiasm greeted surprise preview in Los Angeles of Robert Montgomery's new picture "Earl of Chicago." Performance rated of Academy Award calibre. This is the first American production from Victor Saville of "Citadel" and "Mr. Chips" fame.

## PREVIEW! "SHOP AROUND THE CORNER" GRAND!

Ernst Lubitsch fresh from "Ninotchka" triumph clicks again in heart-warming entertainment with tenderest romance the screen has ever seen. Great cast! Margaret Sullavan, James Stewart, Frank Morgan and others. The preview audience raved! Another Topnotchka hit!

**HELLO 1940! LEO IS HOT!**

# Hemie's German Band, WJMJ Coin-Getter, draws Polish Ire; May Be Re-Named Liberty Band

Milwaukee, Dec. 26.

With the city's population and also that of the surrounding territory, largely of German descent, WJMJ's most popular daily shows for a number of years has been Hemie and His Grenadiers with a band program of German music. With its German dialect comedy and many spot announcements, the program has been the station's most profitable program. However, Milwaukee's second largest national group is Polish, and with the war in Europe continuing, this is largely responsible for a number of letters reaching the station against the broadcasting of the German programs. These attacks say WJMJ isn't neutral.

The usual Christmas party sponsored and participated in by Hemie band, held annually to capacity in the Auditorium for a number of years for charity, was called off this year. The party was put on a special program in observance of the birthday of its chairman, Alex. Marx, who is president of the nationally famous Blatz Post, American Legion band. The Grenadiers picked the date for the party and there was so much waving of the American flag that it is now fast becoming the Hemie's Grenadiers "the Liberty Band."

**Diplomats' Kids In D. C.**  
Washington, Dec. 26.  
Prevented by the war against Germany, the children of the world, their usual Merry Christmas, approximately 40 children, mostly daughters of foreign diplomats stationed in Washington—appeared in Washington (D. C.) on the International Children's Party broadcast of NBC. From the crowded stage, the Washington children, youngsters from the "liquidated" countries of Poland and Czechoslovakia, and from a small Finland, twined the heart-strings of their audience with grave explanations of their situation. They waited their own small silent air.

Air of pathos hung over mopees, as witnessed in colorful native costumes, they piped their greetings via shorthand to all parts of the world. Possibility of unending Christmas episodes, however, was avoided when aggressor nations sent "regrets" that their children would not be present this year.

Principal applause went to the daughter of Risto Solanko, secretary of the Finnish Legation, and to the 13-year-old son of Witold Wankiewicz, counselor and chargé d'affaires of the Polish Embassy. Young Wankiewicz declared that "I am like you to say I am a Christian to the children of Poland, but I cannot do so, as it will be a sad Christmas for them." Explaining that their country is not free, their homes have been destroyed, many of them said, and they will have little to eat. "But we pray with them that Poland may be restored and that Christmas shall again be a time of rejoicing, not only for them but also for so many other suffering children throughout the world." Jittery NBC officials, who for weeks have dreaded the annual affair, escaped with but few mistakes in protocol. Some squawks from frosty mothers over the order of precedence in which their sons appeared in the program, but these were expected.

## Ida Bailey Allen Broke

Ida Bailey Allen (Chapman), radio housewife hater and a voluntary petitioner of bankruptcy in N. Y., federal court yesterday (Tuesday), liabilities of \$115,000 and assets of \$7,500, all of the latter being insurance policies.

Miss Allen declares that she has been earning only \$1,500 yearly for the past two years. Among creditors are B. Williams, publisher of the *Edwards*; Edward Peyton Harris, RKO, Bldg. N. Y., \$300 for services; Charles F. Parker, 1,930 Park avenue, \$2,650 on a loan.

## Nicer Now

Edward Klauber loses a cocktail party for the CBS execs last Thursday (21). During the event the network's executive v.p. remarked:

"It's nice to have you all gathered here. The last time I brought you together was in 1934 to announce a cut in your salaries."

# SCHECHTADY DRAWS 3RD WOULD-BE

Albany, N. Y., Dec. 26.  
Ald-Hudson Broadcasting Co., Inc., chartered last spring by WOKO employees for the purpose of operating a station in Kingston, N. Y., has changed its location to corner of Washington and Iroquois streets in the South End of Albany. Papers to this effect have been filed with the Secretary of State by Samuel J. Schachtel, president of the station, where many directors, when company was incorporated. Two other petitions now pend before the FCC for Schenectady (home of WGY) stations. Troy, nearby, also has a new one authorized.

**Syracuse Petitioner Appeals**  
Syracuse, Dec. 26.  
Sentinel Broadcasting Co., unsuccessful so far in efforts to obtain a license to operate in Syracuse, where WGY and WFL are, have been blanketing the F.C.C. with filed notice of appeal from the F.C.C. rejection of its application for a rehearing of the case.

Notice of the move now has been filed in T. Sherman Marshall, president of Civic Broadcasting Corp., which was being granted a license in WOLFE. Civic presently re-hearing application in the scramble for third-station permission in the city. No date has been set yet for the hearing before the circuit court of appeals in Washington, D. C.

## RADIO CITY TOO SMALL

NBC Has to Hire a Hall or Two Outside Its Home Plant

Spotting of two new radio shows in the east forced National Broadcasting Co. last week to hire outside auditorium space. Cavalcade of America, DuPont program, opening tomorrow (Thursday), Thursday into the Ritz theater on West 48th Street.

Also engaged the Barbizon Concert Hall, with about 600-seat capacity, for "The Aldrich Family," which starts Dec. 28, Jan. 2.

# Lorillard Demand for Spot Data Impedes Reps Christmas Hilarity

Lorillard's idea of a cops 'n' robbers show for Union Leader over an NBC hookup has been put on ice until the account sent him what might be done in plugging the tobacco by way of spot broadcasting. The alternate was kept would be Joe McCarthy on the basis of two quarters-hour week.

The tobacco company's decision to take a look at the possibility of spot was a sudden one. It came last week (Monday) and was in the pre-Christmas office parties the staffs of the various station reps who kept their day checking on availabilities and compiling data that the agency on the account, Lennen Fox, said it is expected on the job momentarily by Tuesday noon (yesterday).

## Dolphe Martin Will Train 50-Voice Juvenile Choir

Dolphe Martin, leader-composer who recently returned from Europe, is organizing a juvenile choir of 50 voices out of the talent on Bob Hynery's "Rainbow Hour" Sunday morning show on WOR, N. Y. Believes it can be sold commercially.

# J. L. BOOTH, 32, BURY WMBC, NET.

Detroit, Dec. 26.  
Acquisition of WMBC here by John Lord Booth, 32, son of the Booth Newspapers family, is expected to result in numerous changes in policy at the indie station. Booth's efforts to gain control of the station, reported in several months ago, were finally crowned by the Federal Communications Commission last week.

Don of the former U. S. minister to Denmark had out \$125,000 for 1,842 shares of WMBC's stock, representing 62% of the capital stock. The shares were owned by E. J. Hunt, who is retiring because of illness, who ever since some time has been a minority stockholder in WJBK here, which is headed up by J. L. Booth, a Transcontinental network Jan. 2.

Assuming control of WMBC on Jan. 2, Booth will be the president and general manager of station. He says he plans to retain the present staff, headed by H. S. S. Booth, several shifts in capacities of present staff and the Boulevard building, in basement of which station is located, will transmit the new night program. Booth says he will not pull out his staff until the new program is proved. Booth, a former newspaper advertising salesman, plans to devote full time to radio. There is no indication that he intends to alter station's present set of foreign-language programs.

## Marjorie Lawrence, Met, Not a Milwaukee Name; WTMJ Subs Local Yodeler

Milwaukee, Dec. 26.  
WTMJ broke a big hit by standing in not trying the NBC Christmas program which traditionally draws big listening audience with the tolling of the chimes of New York's Trinity church. The station, however, WTJMT got into the habit originally when the song was sung by the suburban church, a great name in this German city.

Although heretofore making much of the suburban church, the national publicity WTJMT this year decided that Marjorie Lawrence of the Metropolitan opera was not, well, enough known in Milwaukee and that, in any event, the Trinity chimes were not as well known as it was 11 p.m. in Milwaukee.

Instead WTJMT went to a local yodeler, fresh singing for Christmas candle light services and "Silent Night" rendered by a home town soloist, a better known than the Metropolitan.

Bill Shomette new voice at KMBC, San Antonio.

## Ted Collins Misses First Broadcast in Nine Years

Kate Smith on her Grapenuts broadcast over CBS last Friday night is expected to immediately following Ted Collins' sign-on to begin the absence of Ted Collins. Later was home abed with a heavy cold, but was listening in.

Collins explained this was the first time she had been on the air in nine years without her manager-producer present. Too unendurable for broadcast. Collins' neighbors enjoy our programs when they do come in. She'll be in New York about a month.

# Fan Letter Blasts Philly

A long-suffering Philly radio listener sent the following letter to the Evening Ledger Sat. (23) as a commentary on the local radio scene: "I have lived in four of the four Philadelphia areas, but I have never heard worse radio programs than those that issue from all the local stations night after night... 'Oh, Johnny, Oh, Johnny' without end."

I see by the papers that decent radio programs are still produced, and can even be heard in other cities. But you can't hear 'em here. I tried for weeks to get the Philharmonic Orchestra on Sunday afternoon, but found out it didn't come over any Philadelphia station until last week, football taking precedence.

I am nightly driven to desperation and finally by the same redneck announcer, who has one-minute intervals with plunger clothes, 25-cent lunches, installment plan dental work, all of which I know by heart by now, and consequently wouldn't get a new suit or get my teeth fixed if they fell apart or out. There's a limit."

(Signed) Ear to the Ground.

## Studebaker Report Has Some Industry Praise But Little That's New

Washington, Dec. 26.  
Confidence that joint effort will bring about fuller utilization of radio's educational possibilities was expressed last week in the report of four years of mulling and experimenting by the Federal Radio Education Commission. Sandwiched between numerous generalizations, the only noteworthy point was a pat on the back for the N.A.B. code. Asking more questions than was answered, Dr. John W. Studebaker, the Federal Education Commissioner, said that he is convinced the industry, the educators and the government are on the right road in trying to exploit radio through cooperative means. He indicated a feeling that arbitrary requirements cannot be imposed, was silent on the idea of setting up a fixed program of broadcasting facilities for pedagogue use, and conceded that advertising revenue is imperative to keep the industry going.

To this extent, the report was highly gratifying to industry servers, although they felt generally that it was a relative unimportant document.

A plan to carry on vigorous campaign to get stations to use recorded educational programs as a major feature, initiated in recent months, was revealed in the report. With a script clearing house already operating on a broad scale, Studebaker said the Federal Government intends to wax some of the most worthwhile pieces and make them available gratis to stations which will play back. Stations made with prize-winning Interior Department series "Americans All—Immigrants All," financed by special grant from the Carnegie Foundation. So far, 1,008 programs in the series have been cleared by the Script Exchange report.

The Script Exchange has developed a fairly substantial list of Studebaker said. Clearing program ideas, it distributed 210,427 up to June 10, 1939, the bulk to educational and civic groups planning programs and instructors and radio workshops in colleges and universities. There are 5,000 subscribers, although but 354 have actually aired programs.

## 'FANATICOS DE JAZZ'

That's Chilean for Niterjays—Femme Radio Exec in N. Y.

Blanca Anthes de Bombal, manager of Radio Chilena, Santiago, Chile, arrived in New York last week for confabs with execs of W. R. Grace & Co., owners of the station.

Only station manager in Latin America, she will buy new equipment for coming power boost to 10,000 watts. The station is now RCA-powered at one kilowatt.

Senora de Bombal also will study programing and advertising technique. Programs now feature Yank swing parties brought down by plane from New York. The result is development of "jeterbogs" in younger generation. They call them "Fanaticos de Jazz" down there, she said.

Commercialists at Radio Chilena are restricted to plugs for Coca-Cola, Pilsener Beer, Panagra Airlines, etc.

Prospangas battle on Latin America airlines still going full blast, Senora de Bombal reports. Germany still ahead but Britain gaining since the war. Increase. American reception still muddling, reports. Too unendurable for broadcast. Collins' neighbors enjoy our programs when they do come in. She'll be in New York about a month.

# CONCERT STARS BOOKEE QUICK ON WGN

Chicago, Dec. 26.

WGN's sudden scheduling during the holiday period of a series of high-priced concert artists has caused much speculation in the trade. One report had that Col. Robert R. McCormick had decided on this way of disposing of the station's surplus profits for 1939 rather than paying the salaries of the government. WGN denied the report.

The bookings were patently of the last-minute variety, so that there was little opportunity to get out much advance publicity on Grace Berman, Helen Traub-Lloyd, and (23). Jan Klepura is set for tomorrow night (Thursday), while Allan Jones will have a list of name guests in a special program New Year's Eve (24).

## NBC Breakfast Club May Be Locally Sold by Web Affiliates After Jan. 1

Chicago, Dec. 26.

Starting with the first of the year the "NBC Breakfast Club" shows will be offered for local sponsorship by Web Associates. The plan is to charge the stations one-quarter of the station's gross evening rate, with the station making the difference in 15-minute packages.

Show will retain its 60-minute run, however, with the present talent including Don McNeill, Jack Baker, Evelyn Young, Nancy Martin, and others. The show will be sold by Esports and Betty, Three Romes, Dinning Sisters and orchestra under direction of Walter Blauvelt.

## POWELL, BRICE HEAD SAMPLE JAVA PROGRAMS

Hollywood, Dec. 26.

Another wax of a half hour show has been shipped east by General Electric and Benion & Bowles as possible replacement of current "Sample Java" program. Maxwell House, Dick Powell and Fanny Brice in her "Smooches" turn down the show. The show will be sold by Esports and Betty, Three Romes, Dinning Sisters and orchestra under direction of Walter Blauvelt.

## WIP on Mutual Jan. 1

Philadelphia, Dec. 26.

WIP will take ten shows a week from the Mutual Broadcasting System Jan. 1. The station makes the second outfit MBS will have here. The major portion of the network's show will be on WIP.

## Dolan's N. Y. Pitch

Hollywood, Dec. 26.

Ken Dolan goes to New York (Thursday) (28) to open a campaign for Dolan & Dolan. He'll remain there for several months. Shirley Ross (Mrs. Dolan) starts regular appearances next year for Doughty Wiman's "Nice Work, in which she is to share starring with two others not yet selected.

# NEW YEAR

## N.Y. Guest Booking Almost Nil

With the advent of 1940 there remains but one variety show emanating out of New York on NBC or Columbia which regularly programs by program makes use of guest names from the entertainment world. That lone program is the Vitale-George Jessel event on the NBC-red Friday nights. This narrowing down is tough for booking agents who used to look forward to such weekly spots for no small share of their income.

Kate Smith still uses guests but her tieup with the Group Theatre makes the line of importation erratic. With the Fred Allen show the penciling of name guests is even less regular. Booking agents felt the blow hardest on this score last October when the Rudy Vallee show, the original major user of guests, folded.

## Boake Carter on Transcontinental

Sponsored by Blackett-Sample-Hummert Account—Will Drop Wax Series

Boake Carter, out of network broadcasting for almost a year and a half, is scheduled to return five times a week with the start of the new Transcontinental web next week (2). He'll be sponsored by Dr. Lyons Toothpowder via Blackett-Sample-Hummert at 7:45 p.m., his old Philco time.

In line with the code of the National Association of Broadcasters, the splinter will avoid controversial comment, sticking pretty much to straight reporting with some background interpretation carefully balanced to avoid taking sides. Blackett-Sample-Hummert, agency on the account, is understood to hold veto power on the copy. Breakfasts will originate from WMCA, New York, with Carter moving over from his home in Philadelphia to handle them.

Carter, since last September, has been airing via direct line to be mailed to stations throughout the country for local sponsorship. This service will be discontinued on Jan. 26. He had, at the top, 31 clients for the platters and at the moment has 26. It is understood the schedule developed many unseen headaches, as it was found that radio listeners were unwilling to accept comment 48 to 72 hours old, as they are in newspaper columns. Timeliness was discovered to be much more important on the air than in the dailies, where there is a front page to turn to for spot news before reading the columnist. Vagaries of local sponsorship were also found a headache.

### Figures Helped

Although Carter was last heard on the networks in Sept. 1938, survey of favorite radio commentators in the January issue of Fortune places him fifth. He is topped by Lowell Thomas, 24.8%; H. V. Kaltenborn, 20.8; Ed Hill, 9.3; and Winchell, 6.8%. Carter's score is 6%. Raymond Gram Swing is listed at 3.8 and Elmer Davis at 3.5, with the remainder of the airters also-rans. In a coincident survey by Fortune of most widely-read newspapers, Carter ranks third, only Winchell and Dorothy Thompson preceding him. These figures are said to have played an important part in B-S-H bringing him back to the ether.

Carter's last sponsor was General Foods. They bankrolled him for six months, following his five-year stretch for Philco. Gobbler's strenuous side-taking ran him into difficulties which were a factor in his losing sponsorship.

## Holcomb Pilots Penner

Hollywood, Dec. 26. Larry Holcomb, Sherman K. Ellis agency has taken over production of the Joe Penner program for Ward Baking following withdrawal of Glens Heisch.

Letter returns to full time duty as KFT-KBCA program director.

## EARL EBI TO CHICAGO

Earl Ebi, actor and producer at WWJ has joined NBC in Chicago as a producer.

Will work under Wynn Wright, former program director at WWJ, who's now production chief at NBC, Chicago.

## TRADE CURIOUS ON PERFORMANCE

Vagueness Still Prevails as Transcontinental Is Within Week of Start—Behind-the-Scenes Stuff Reported

A. T. & T. ANGLE

Trade attention between the holidays is directed at Elliott Roosevelt's new web. Although scheduled to begin operations on Jan. 2, the course of the organizers of the proposed Transcontinental Broadcasting System became further blurred by rumors and behind-the-scenes maneuvers during the past week. One report had it that Elliott Roosevelt resigned as TBS president following his inability, after repeated pressure from the H. J. Brennan interests in the organization, to put up a required additional \$100,000, but this was denied by Roosevelt in Fort Worth on Christmas Day (26). Roosevelt was slated to meet with Brennan, who owns WJAS and KQV, Pittsburgh, and the bankers yesterday (Tuesday) but he was unable to get into New York on time because a southwest snowstorm had grounded passenger planes. Instead he and Jack Adams, chairman of the TBS, who was also spending the holiday in Fort Worth, took a train with the idea of planning in from some northern point.

The uncertain situation also reflected itself with the prospective station affiliates of the new network. They had been advised that there would be a minimum of 20 hours of TBS commercials for the start and they now find that the most that the organization can deliver on Jan. 2, the scheduled starting date, is 16½ hours. Many of the prospective affiliates hesitating dropping some of their more choice local customers until they feel sure that the income from TBS will put them on the credit side of the ledger.

Brennan, whose stations are affiliates with CBS, is secretary-treasurer of TBS, and, according to reports, Brennan's faction has been at frequent loggerheads with Roosevelt's group on the financing of the project. Among the banking firm still named as figuring importantly

(Continued on page 46)

## Vocal School Wins Award of \$3,000 On Boy Tenor Working in Radio

### THOMPSON WINS ACCT.

Agency Sells Autry Show to Wrigley Gum

Chicago, Dec. 26. Graeme Autry has been set for the Wrigley program, replacing the current Jesse Lasky "Gateway to Hollywood" show, which quits on Sunday (31). New program starts on Jan. 7, with Autry to be used in a semi-dramatic show which has not yet been completely decided upon. Show continues on Columbia, same time. With the shift to the Autry set-up, that particular slice of Wrigley business is taken over by the J. Walter Thompson agency, which first came up with the Autry program idea. Show will originate on the Coast and is set for a 13-week head for the starting contract.

### Danker Flying In

Danny Danker, Coast head of JWP, flies to Chicago Tuesday for signing of contracts. Audition program, which clinched the Wrigley deal, was produced by Paul Rickenbacher and Bob Brewster, from the script of Carroll Carroll, for McManus and Eddie Helwick. Wen Niles announced.

Half hour program is a mixture of songs by Autry and dramatics.

Verdict of \$3,000 against Flisby Marchese, youthful tenor, who has been appearing on various New York indie stations, was awarded the Anthony Scotti Studios last week following trial of the breach of contract action before Justice E. R. Kosoff in the N. Y. supreme court. Scotti, who had sued for \$10,000, charged that under a contract he made with the boy's father several years ago he was to share in the singer's income until he was 21 year old. Marchese is usually billed as the "boy Caruso." During the trial Nick Kenny, N. Y. Mirror columnist, was named as a once frequent broker of the boy tenor on his (Kenny's) various programs. Justice Koch reserved decision on a motion to set aside the verdict.

## GOOD C.A.B. SAVES COPS' VARN

Peposud will go on with 'Mr. District Attorney', even though it had put in a cancellation with NBC the week before last. The latest 12-week extension becomes effective Jan. 14.

Account had previously decided to call it quits for Peposud after a run of 41 weeks on the ground that its \$940 budget did not allow for both Bob Hope and the cops 'n' robbers serial. The reversal came when the account, 'Mr. D. A.' of L.A.'s Lauder and Hooper ratings. Lord & Thomas is the agency.

At the meantime the show had been submitted to a number of other agencies.

## KOA FEEDS REGIONAL COMMERCIAL TO 11

Denver, Dec. 26. KOA debuts its first regional commercial, Chamberlain Laboratories, Jan. 7. The show running a half hour will be fed by KOA to 11 outlets in the Rocky Mountain area. KOA's 15-piece orchestra will be part of the show. Occasion will be celebrated by a special party in the KOA studios.

## Jimmy Saphier Quitting MCA's Air Department

Jimmy Saphier has resigned from the radio department of Music Corp. of America, effective Jan. 15. He was with the org about nine months, having been in on the "O. G. Wolf" sale.

He'll go west in about six weeks and rejoin his Hollywood press agency biz.

## Strotz Gets a V-P.

Chicago, Dec. 22. Sidney Strotz, who has been in charge of the NBC Central division for the past year, has been elected a v.p. of the company. Strotz took over the chieftaincy of the NBC midwest office last year to replace Niles Trammell who went to New York as executive v.p.

## Gale Page with Boyer

Hollywood, Dec. 26. Charles Boyer will have Gale Page in support when he returns to Woodbury Playhouse on Jan. 3. As female lead of the series with Jim Ameche, whom Boyer's return replaces, she has 11 weeks remaining on her contract. Deal with Ameche was settled. Understood the Ameche-Page duo will be reunited during the summer tour of Boyer.

# LAST CALL!

## 34th ANNIVERSARY NUMBER

of

# VARIETY

## Special Exploitation Advantages

### USUAL ADVERTISING RATES PREVAIL

## Copy May Be Sent to Any Variety Office

NEW YORK

150 W. 46th St.

HOLLYWOOD

1708 N. Vine St.

CHICAGO

54 W. Randolph St.

LONDON

8 St. Martin's Pl.



# ASIAN WAVE

## Bishop Was Safe

Montreal, Dec. 26. Rt. Rev. Arthur Carlisle, Bishop of Montreal, was permitted to deliver an address to the Rotary Club, which went over a local station last evening, without first obtaining text of his speech to the Canadian Broadcasting Corp. for censorship.

Due to previous difficulties after McGill Professor Adair's speech was aired the CBC officials granted permission for the talk without the CBC. If anything of an untoward nature was heard on the air the Rotary Club would be deprived of broadcasting privileges in the future.

Rt. Rev. Arthur Carlisle spoke on the need for religious faith in time of war.

## AUSTRALIAN AIR CONTROL REVISION?

Sydney, Dec. 10. Australian legislators are expected to bow to the demand that the Broadcasting Act be so amended as to take the authority over the government-owned and commercial stations away from the federal postal department and invest it in a newly created Air Commission. Advocates of the change declare that the change would complete overhauling of radio as operated by the government and that the medium would advance much more rapidly were it shorn of much of its present red-tape.

It has also been suggested that the privately owned stations share a share of the revenue now flowing to the government station as a result of the license fee on receiving sets.

## JOSE BOHR AND WIFE PLAYING TEXAS DATE

San Antonio, Dec. 26. Jose Bohr and his wife are making their home in this city where they live. He is heard twice each week through XEZO, Mexico City, in a musical program written by his wife called "Remote Control From the Bug House." The skills will continue to be presented by electrical transcriptions.

Bohr opens at the Shadowland Night Club on Dec. 24 where they will feature an exchange of talent from Mexico and the United States.

## LOCAL QUIZ SHOWS

One in Polish—One Has Tyson 'Plicking' Questions

Detroit, Dec. 26. There's no indication of a letup in quiz programs hereabouts, with WWJ and WCRB just adding two of the quizzers. WWJ's quiz, banked by Lakeside Bluzett Co., uses Ty Tyson, sportscaster, and originates twice weekly from WWJ's radio theatre. Sponsor shells out from \$1 to \$3 for correct answers and "wild pitches." Runs 15 minutes Tuesdays and Fridays.

WCRB's quiz show is in Polish, sponsored by a local ready-to-wear ladies apparel shop. Highlights two competing teams, one for purchase certificates good at any of sponsor's stores. Losing teams are treated to Polish radio in Polish.

M. E. Eugene Konstantynowicz, with Mary Grabowski giving commercials in Polish.

## Mexican Show to NBC

San Antonio, Dec. 26. The first series of exchange programs from Mexico to the United States will be presented over the NBC Red Network each Tuesday at 5 p.m. CST.

Program will include the Dominicans (4) and a 16-piece native orchestra and a guest soloist each week.

Bob Bailey, news editor of WTAM, Cleveland, and Chas. E. Smith, managing editor of the Cleveland daily news-handling medium NBC.

## DOCTOR'S 2ND STATION

New Brunswick Physician Sets Up Another 100-Watt

St. John, N. B., Dec. 26. Dr. C. H. Houde, of New Carlisle, Que., who began managing a broadcasting station at New Carlisle 10 years ago (CHNC), is broadening out in the radio field and founding another station. The second one in Campbellton, N. B., which is exactly on the Quebec provincial line. The call letters are CKNB. The frequency is 1240 kilocycles, and at a start, it will be a 100-watt station. To be boosted to 200 watts soon.

Stanley Chapman for several years an announcer at CHNC, has been appointed resident manager of CKNB. Opens next week.

## MEXICAN STATION HAS U. S. NAVY SHOW

San Diego, Dec. 26. XEMO in Mexico, just over the border, recently started a thriving radio program devoted to the United States Navy. Formula for the program includes weekly recordings of sailors wanting share-unique auto trips for visits to homes in east plus information about ships that U. S. navy vessels frequent when their widowhood may end.

Program is sponsored by a credit agency.

## Bill McCluskey an Exec Of Crosley Booking Subsid

Cincinnati, Dec. 26. Bill McCluskey, formerly with the WLS Artists Bureau, Chicago, and for the past two seasons booker for personnel by the Renfro Valley Barn Dance troupe, last week took on an exec post with General Program Service, Inc., which directs theatre and fair dates for the Boone County Tamborelle hillbilly combo and other WLW and WSAI acts.

The Renfro Valley Barn Dance, which originates a Saturday night show on WLW, recently deserted Cincy and neighboring cities for permanent location in the outposts of own hard-core radio, the Renfro Valley Barn, near Berea, Ky.

McCluskey's wife is half of the Gets of Electric's new radio, and lately switched from the Renfro to the Boone County crew.

## Ski News Sponsored

Montreal, Dec. 26. Black Horse Ale will sponsor weekly ski broadcast this winter over the Canadian's Marconi station CFCF, with Gorman Kennedy as speaker giving guide on conditions in the Canadian ski resorts and various ski competitions.

Reliable Ty (Ronalds) also sponsors weekly ski news and information over station CFCF. National Drug taking three-time weekly spot with series of skis.

## Fashions for Latins

San Francisco, Dec. 26. Nino, which also calls the San Francisco Chronicle, will begin a series of weekly broadcasts for Latin America on women's fashion and the Gets of Electric's shortwave, KGEL, San Francisco, Dec. 27.

They will ride the air from 8 to 11 a.m. EST, which will bring salvia into Mexico City and most of Central America an hour earlier, into Peru and Chile on EST. Into Argentina an hour later, into Brazil two hours later.

## PRESENT ANZAC BAN APPEALED

Australian 'B' Stations (Private) Want Government to Relax Stringent 'War Measure' Now Preventing American Transcriptions From Entering

## STOPS IMPORTS

Sydney, Dec. 26. Federal commercial stations, comprising the so-called 'Class B' broadcasters, are requesting the government to ease its restriction on the importation of American transcriptions. They're urging that transcriptions be classed the same as films, because of their entertainment angle, and admitted on a quota basis.

Present restrictions permit only one-sixth of last year's import figure, but formerly waxed editions of U. S. dramatic serial programs were shipped here in volume.

One idea advanced is that the government should permit the importation of a percentage of mother matrices, from which duplicates could be made by domestic producers. At present it is permissible to bring in samples and a few mother matrices. By samples is meant recording of a single program of a series. But subsequent chapters in the series are no longer permitted.

According to Frank Marden, of the Commonwealth network, local producers are now turning out what's known as 'home brew' transcriptions in place of the former imports. The MacQuarrie network has been the heaviest importer of American waxes. Imposition of a 75c per duty had already cut down the importation of U. S. transcriptions, but the recent ban has virtually ended it. Any further shortage will see another boost in domestic-made E.T.s. At the time it was imposed, the government's ban was described as a 'war-time measure.'

## KGKO SELLS 5,000 WAR MAPS IN 2 WKS.

Fl. Worth, Dec. 26. KGKO has sold some 5,000 Rand McNally maps in the past fortnight through a program called "Today's Battle" which traces the war in Europe. Station pays a fee to a United States army officer to provide the experting and so ballyhoos the program, although Government regulations prohibit officer's actual participation on air.

This gives an idea of interest at distance in European warfare.

## Randy Ryan Shifted

Lincoln, Dec. 26. Shifting exec personnel marked the closing days of 1939 in Nebraska-Kansas radio. Most of the changes were due to reorganization of the Herb Hollister-Dom Sealrite interests.

Randy Ryan, manager of KMMJ, Grand Island, Neb., left to join the 1650-watt KORN, Fremont, Neb., as commercial manager. He was replaced at KMMJ by Ted Matthei, who had sold to the new WKZO, Kalamazoo, and formerly station manager of WNAJ, Yankton.

Joe Todd has been made manager at KANS, Wichita, and Hollister has set himself in as general manager of the 1650-watt KORN.

Sealrite is still head man with KFAB-KFOR, Lincoln, and KOIL, Omaha.

Harold Moon at KTSN, El Paso, from KXON, Sweetwater, Texas.

## Gladstone Murray Broadly Hints CBC Staff Must Not Unionize

CAN'T JUST TAKE STROLL

Mexico Will Cancel Licenses of Stations That Close Down

Mexico City, Dec. 26. Mexican Broadcasters that suspend operations without a good reason will have their licenses revoked, the Ministry of Communications has announced. A station which goes off the air without permission will be allowed 15 days in which to make an explanation. If the reason isn't forthcoming or satisfactory the license will be cancelled.

Ministry issued the rule after XEKL, operated by Hemmer & Romero, a German-Mexican company the shoe manufacturing town of Leon suddenly quit operation.

## Canadian Figures Show Big Radio Set Increase Since War's Outbreak

Montreal, Dec. 26. Canadian radio listening audience has jumped 40% since the war broke out if reported increase in sale of radio receiving sets during past three months is any indication.

Some parts of the Province of Quebec, and elsewhere in Canada, sale of radio sets have trebled since outbreak of the conflict. Increase has been noted in cities as well as rural districts.

Decline circles speak of a phenomenal increase in large family homes where two or three sets are no longer desirable despite the annual \$250 radio license fee.

Volume of time sales on Canadian stations has been holding up well, with cancellations the exception rather than the rule. Two of largest agencies here advise they have not lost a single radio account, with renewals mostly as expected, since the war began.

## AUSTRALIAN WAX FIRM ABSORBS RIVAL

Sydney, Dec. 9. Tele-Vox, Australian recording company, has taken over its competitor, the Feature Radio, and will extend its activities to cover the commercial transcription field as well as records. Both firms were leaders in the Australian recording business and the acquisition of Feature is figured to give Tele-Vox a commanding position.

Due to the government import tax on transcriptions, the manufacture of records in Australia has increased tremendously in recent months. Local broadcasters used to import nearly all commercial transcriptions from the U. S., but a duty of \$7.50 a side, or \$15 a player was slapped on by the government and the import now figured to be prohibitive.

Domestic transcription makers, formerly inferior to those in the U. S., have expanded their facilities since the application of the tax and now a drive of turning out records in sufficient quantity and quality to meet local needs. They still copy U. S. patterns, for the time being, American performance as well as the favor of American jazz and swing.

Prevalence of slang and American idiom in dramatic transcriptions was formerly a drawback with domestic players, but since domestic discs are now being used that difficulty is virtually non-existent.

## Byworth Takes Over

Montreal, Dec. 26. E. A. Byworth, former president of the Toronto's Montreal and Toronto setups, has taken over the Toronto division of Associated Broadcasting Limited, after he had changed its name to the Commercial Broadcasting Services Limited.

J. C. Tobin is vice-president.

Winnipeg, Dec. 26. The Winnipeg Free Press fired a questioning editorial against the Canadian Broadcasting Corp. when it became known through local radio circles that the CBS's general manager, Gladstone Murray, had advised all CBC employees to reject all overtures by labor unions, in a carefully worded but quite clear letter.

The CBC g.m. shot a letter to all CBC pen pushers and others stating in part "Members of the staff of the CBC who may be advised to bring pressure to bear on the management through a trade union should realize such a course in war-time would involve grave considerations which His Majesty's government in Canada could not disregard."

While it was pointed out, the actual wording of the note did not officially forbid the formation of a union, employees would be dumb if they didn't get the point. Murray wants no collective bargaining. Free Press asked if this policy, if such it was, was confined to the CBC and advanced the thought that possibly it was the thin edge of new anti-labor warfare.

Local offices of the CBC had no comment to make either way when they were asked to get the point Murray callers directly to Ottawa or the head office.

## BBC SANCTIONS AIR CREDIT FOR SPIELERS

London, Dec. 15. Conservative British Broadcasting Corp. after 16 years of history is making a score in the present by agreeing to give billing to staff announcers. Policy has hitherto been to have no names and no faces behind a veil, but now will be relaxed so that where the lads are seen to be merely "radio faces" announcing they get credits for their contribution to the program.

Facing a score is Alvar Bredell in 'Great Occasions' whose talk is more comparable to emceeing this item than merely announcing it. Close runner-up is Elizabeth, a first woman announcer to be added to permanent strength, who debuts by announcing the "Overture" program, with advance credits 'n' all.

## GUMSHOE INTO TOWN Outside Talent Not Emphasized On Arrival in Winnipeg

Winnipeg, Dec. 26. Talent staff strengthening of the Winnipeg end of the Canadian Broadcasting Corp. is being done by Alit and King White. Miss Alit was in New York awaiting a boat to Canada, but she was delayed by a storm. King White, formerly of WLW, returned to Canada, his native land, to join the army, but he was over-manned he was returned to radio.

Winnipeg studios have also acquired other personalities of varying prominence in Canadian radio. George Washington, musical conductor from Toronto, and Jack Kanan, now head producer here, are cases in point.

The several moves to strengthen Winnipeg radio programming have, contrary to the obvious and customary ballyhoo, been carried through with what seems to be a deliberate intention not to emphasize the advent of Miss Alit and White were announced.

This may have something to do with local Winnipeg pride which once before, years back, overworked with industry that CBS sent outsiders here to entertain.

Ida Allen Discs Bought

Salt Lake City, Dec. 26. Midwestern Daily is set with KSL for two quarters hours daily to promote use of Arden milk.

Ida Bailey Allen transcriptions will be used.





*with the Nation-wide Radio Audience!*

# the TEXAS RANGERS of KMBC-CBS-HOLLYWOOD

ONE OF THE MOST VERSATILE MUSICAL-DRAMATIC ACTS IN RADIO—featuring more than 20 instruments...with Hollywood's new laugh sensation, HERBIE "ARIZONA" KRATOSKA, and his hot guitar...**"MONTY" SELLS** and his sweet accordian...**"IDAHO" HARTMAN** and his original felt hammer technique on the bull fiddle...the romantic songs of **IRISH MAHANEY**, who with **CAPT. BOB CRAWFORD**, **DAVE MAY** and **TOOKIE CRONENBOLD** make radio's sweetest quartet. All set to the smooth continuity of **GOMER COOL**.

MORE THAN TWO YEARS ON THE COAST-TO-COAST COLUMBIA NETWORK—Texas Rangers—"Night Time On The Trail"—"Under Western Skies."

THREE 1939 MOVIES NOW SHOWING THROUGHOUT THE COUNTRY: "Colorado Sunset" with Gene Autry for Republic; "Oklahoma Frontier" with Johnny Mack Brown for Universal; "Chip of the Flying U" with Johnny Mack Brown for Universal.

Ridin' high, and rarin' to go, for an alert advertiser who will add the magic touch of exploitation and set himself for the Big Payoff. Available—right now—network from Hollywood, Kansas City, Chicago, New York; or transcriptions.



**"Believe award will appeal to trade generally as obviously fully justified"**

**"Bob" Landry**

CAROLINE ELLIS—Author-Star of "Caroline's Golden Store" on CBS for General Mills Gold Medal Flour; FRANK HEYSER—KMBC producer in charge of "Caroline's Golden Store"; available for other productions in Chicago; MARGARET AND GORDON MUNRO, "Across The Breakfast Table" early morning chuckle makers who have stolen the hearts of the Kansas City audience; BRUSH CREEK FOLLIES—KMBC's big barn dance show originated to CBS from Kansas City Saturday afternoons; PHENOMENON, "Electrifying History"—world's most romantic adventure story, load-builder for power and light industry transcribed in 65 exciting episodes; LIFE ON RED HORSE RANCH—Adventure-packed dramatic-musical featuring The Texas Rangers; 65 episodes a sure bet for the ally family audience. These and other Arthur B. Church Productions—developed at KMBC—have done outstanding jobs for national advertisers. Variety's award proves we know how it's done!

**Call one of these offices for an audition—you'll hear something, brother!**

COLUMBIA ARTISTS, Inc.  
485 Madison Ave.  
Wickham 2-2000  
New York City

GEORGE E. HALEY  
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ARTHUR B. CHURCH  
KMBC—Pickwick Hotel  
Harrison 2650  
Kansas City, Mo.

Columbia Management,  
Inc.  
Columbia Square  
Hollywood 2484  
Hollywood, Calif.

HARRY SINGER  
Personal Manager  
The Texas Rangers  
CBS—Columbia Square  
Hollywood

**'COURT OF MISSING HEIRS'**  
Probate Dramatizations -  
25 Mins.  
**IRONIZED YEAST**  
Tuesday, 8:30 p.m.  
**WABC-CBS, New York**

WABC-CBS, New York  
(Ruthrauff & Ryan)

These two acts from the pro-  
courts, money lying in the unclaim-  
ed, vanished heirs of people who  
or died under peculiar circumstances.  
The idea is good enough, but as pre-  
sented on its first time out at the  
of the new CBS hook-up of 62 station  
of the efforts was not unduly  
guished because the script was  
well as the production. It left a  
impression of being rather hokum  
pokey and trashy. An organ  
striking a note was not very hot  
a musical note either.

This one has been tested in a  
gional campaign and has presuma-  
ably its right to a wider spread. It  
may suggest that the broadcast  
last week was below average. So  
the fact that the mainly fair was  
missing at the heirs of the fo-  
restates dramatized.

The cases are supposed to be real names are used, the missing he is sought over the radio. (After radio found that missing copy of the 1887 St. Nicholas magazine for Al and under Woolcott!) Cases were rather lack-lustre.

The idea is to sell Ironized Yeast to thin, weak and nervous people. A selective market presumably. May be that kind will like the show. Lan

**Taylor Grant**, gabber and L. Tiernan, salesman, at KWK; **Sue McCaslon**, continuity writer at the same station on her eve of vacation. After repairs at hospital s

**"THE SHADOW"**  
by Wadjet Cont  
Cooperative

Sponsored  
Another MUTUAL  
— Exclusively on

KFEL • THE MUTUAL • DENVER  
MBS  
BROADCASTING SYSTEM

***Happy  
New Year***

THE  
**SMOOTHIES**

**BABS - CHARLIE - LITTLE**

**WBAL**  
means business  
in Baltimore

# at Baltimore

**YOU A VERY  
PEROUS AND**

# APPY

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# NEW YEAR

# ARMSTRONG TO TELL FCC

## COMMISH NULLS F-M PROBLEMS

New Modulation Methods Up for Hearings Feb. 28 in FCC Reply to Charge It Is Too Cautious Toward Radio Engineering Changes

### MORE STATIONS?

Washington, Dec. 26. Eventual desertion of the standard broadcast band, with commercial stations moving upstairs to the ultra-high frequencies for which unusual characteristics are claimed, appeared possibly nearer last week when the FCC called a hearing on the relative advantages of frequency and amplitude modulation. Testimony also will be taken on a score of applications now pending for permits to use the channels above 25,000 on a regular, as distinguished from experimental, basis.

The inquiry will be directed at the Armstrong system, which some experts contend will outmode every existing transmitter and receiver, paving the way for unprecedented expansion in the business. While regular reports have been received concerning experimental operations by 20 stations using frequency modulation, nothing resembling a real weighing of conflicting opinions has been attempted. Recently, with Fortune magazine, among others, focusing attention on the subject, charges have been made that the Commish, with undue conservatism and fearing to injure present licensees, has been regarding the Armstrong theory from an old fogey viewpoint.

The informal hearing, scheduled to be conducted before the full Commission and to open Feb. 28, is the first direct step toward establishing a permanent policy toward both frequency and amplitude modulation. Until a course has been fixed, the Commish will loosen up with special authorizations. Pending the outcome of the hearing, the regulators will grant permission to carry out programs of fundamental research not authorized in the past, providing there is reason for expecting substantial contributions toward the art, and permits to existing licensees to broaden their experiments with additional stations on frequencies above 25,000 kc.

### Proceeding Carefully

The Commish made it clear that a permanent policy will be laid down only after careful thought and thorough discussion. Among the matters to be considered are the patent situation (to avoid any possible monopoly), the frequency needs of all radio services, whether amplitude or frequency modulation or both should be used for other service than broadcasting, and the relative value of the two systems.

Great claims have been made for the Armstrong system, which has been allowed either space for the past

### A Meanie

Bob Hawk, quizzer on the "Name Three" show (Revelation) over Mutual asked a contestant for three ways to keep water in a sieve. The contestant wise-cracked:

"The woman who sent that question in must be in an awful mess."

two years on an experimental basis. Sponsors insist that it will open the door to a host of new stations, providing badly needed service in numerous areas now dependent on only one station or for secondary signals from remote clear-channel plants. Technical arguments are that the system provides greater services with low power than the amplitude

modulation method now in use by standard broadcast plants, together with less interference and distortion due to electrical noise and static. The technique is said to be particularly adaptable to various types of radio service clamoring for berths, such as police and aircraft stations.

### KTUL AT '66' MAN'S PARTY

Tulsa, Okla., Dec. 26.

KTUL ran lines to Bartlesville and picked up the '66' birthday party which was tossed for Frank Phillips, head of the Phillips Petroleum Co. By attaching a large insignia banner to its mile KTUL got much camera attention in the newspaper pictures of the event that appeared the following day. News reels and Life mag also had men on the job.

Broadcast lasted 66 minutes and was fed to other stations.

### Benny's Title Gift

Hollywood, Dec. 26.

Jack Benny Xmas-gifted his writers, Bill Morrow and Ed Beloin, with all rights to the title, "Buck Benny Rides Again."

Understood, Paramount will have to make a deal with the scribes for use of the handle in the picture starring Benny.

### WRR's Profit Pace

Dallas, Dec. 26.

WRR, municipally owned, scored a net profit of \$5,460 for the first two months of the fiscal year. This cheered the city fathers no end. Included was net of \$4,890 for November.

Charles Jordan now managing.

## WSB INSPIRES SPECULATION

Atlanta, Dec. 26.

Denials have failed to stop talk in Atlanta that WSB will at some vague future date go to Columbia Broadcasting System as an affiliate. Transfer of ownership to interests dominated by one-time Democratic presidential nominee, James M. Cox will be consummated with the okay of the Federal Communications Commission, the okay being taken for granted. Much conversation persists, too, as to prospective

(Continued on page 30)



## MUSIC



74 years musical experience is represented by Director Cherniavsky, Co-Ordinator Rogers and Personnel Director Weiner—here examining one of the 287 special orchestration in the WLW Music Library.

## WLW - Music Library Facts

Over 100,000 pieces of music.

2,827 special orchestration by WLW arrangers.

16,252 stock orchestration.

4,960 vocal arrangements.

Popular tunes filed chronologically from the year 1854 on.

Show tunes filed chronologically from the year 1884 on.

One of the oldest libraries in Radio, valued at well over \$250,000.

Like a lode star, the high quality of WLW music draws the appreciative ears of millions. Maintaining this high standard requires more than brilliant presentation before the microphone. Back of it is a vast fund of musical literature—the WLW Music Library. So carefully is it systematized and cross indexed, each of the 100,000 pieces is instantly available. Pride of the Station, this WLW Library of Music is surpassed by no other independent radio station. Another "behind the scenes" reason why they listen to—

### MAKE A NOTE

### TO USE



# WLW THE NATION'S most "Merchandise-Able" STATION

JOHN BLAIR & CO. Representatives

**A RADIO CORPORATION OF AMERICA SERVICE**

## Blackout on Long Commercials While Cash Customers Are Present

By GEORGE WIEDERHOLD

Louisville, Dec. 26.—'Kentucky Play Party' which occupies the 2,400-seat National theatre every Saturday night (admission 25c and 41c) has a significant policy when the various long-winded commercial blarney on behalf of Consolidated Food Products are interrupted by Randy Blake into the proceedings. Audiences forestall restlessness among those who paid to come in by mentalizing the advertising from the wings and covering the period with fill-in entertainment not heard over the air.

A typical made-to-order entertainment for the buyers of Peruna, Rock-a-bok and Zymole Trokors the hillbilly rodeo begins at 8 p.m. with over 50 musicians doing a marathon under the leadership of Louisville's woman maestro, Elsie West. Radio part of the evening hits the air via WHAS at 9:15 and runs until 10 p.m.

Buddy Brock, youthful m.c. paces the show nicely, and works in several comedy routines. Rural fun permeates the entire proceedings. Guffaws are scored by the antics of Sally and the Coon Hunter, and various other rustic comedy. Black music in evidence, and even a 'Hellzapoppin' and jumbo fiddle solo. The Coon Hunter firing a pistol and racing through the aisles and back to the stage. Plenty of guitar plunkers, bass players and musical instruments alternate at the mike, the smoothest of which were Sunbeam and the Rock Creek Rangers, and Gordon and Betty Sizemore. Sunshine Sue has a mellow set of pipes, and she's ably backed instrumentally by three permanent young chops.

Re: Christmas Bonus

### Situation in K. C.

Kansas City, Dec. 26. Radio bit at end of 1938 looking up over that of 1938 as evidenced by bonuses and payroll increases at several stations. KMBC under Arthur Church passed out bonuses Christmas week to every employee, amounting being based on term of service and amount of salary. In most cases it approximated a week's salary. Bonuses have been policy here before, but 1938 was a misout year.

KCMO announced a wage increase for every employee effective Dec. 1. Jack Stewart, g.m., stated that the increase averaged 15% to 25% per person. New salary scale also included considerable realignment as to basis for pay with amount of increase dependent upon both service and responsibility.

WIB eliminated the 10% wage reduction which has been in effect past year. This amounted to a virtual increase to all hands, and a fin was handed to each of the roster of about 50 employees Xmas week.

WDAF, the Kansas City Star station, like the Star, is operated by employees on profit sharing basis.

### WJR's \$25,000 Melon

Detroit, Dec. 26. Following custom of several years' standing, WJR passed out bonuses amounting to 10% of annual salaries, to all employees at station's annual Christmas party last Wednesday (20) in Reccs Club. Bonus figured to have cost WJR about \$25,000.

Station recorded all spot and stand-bys for use over ozone while party was on, thereby enabling every employee, except one engineer at control board and one at transmitter, to attend fete.

### Leighton-Nelson's 10%

Schenectady, N. Y., Dec. 26. For the fourth consecutive year Leighton & Nelson agency distributed a 10% Christmas bonus to employees.

### WHAS Slices Big One

Louisville, Dec. 26. Employees of Courier-Journal and Times, as well as WHAS, were recipients of 8% Christmas bonus from publisher Harry Brinkman. In addition to employees of the station and newspapers, entire staff of the affiliated Standard Gravure Corp. will participate in the bonus.

Some 1,000 employees eligible. Largest Christmas melon ever distributed by the newspapers.

San Antonio, Dec. 26. All employees of WOAI here were given a Christmas bonus. Amount not reported.

## Flashes from Boston

Boston, Dec. 26. Gene Krupa, appearing with band at the Southland, guested on WOR's 920 Club Friday, when a program of his own recordings was played. Club members will hold a Christmas party at the Southland when Krupa will beat it out.

WBZ song team, the Smarties, played a four-day engagement at RKO Boston vaudeville last week. Quartet consists of Donna Wood, George J. Jackson, Jr., Edward T. Jones and James B. O'Brien.

Gene and Glen went out WBZ three days last week when Gene Carroll was hit with laryngitis. William Lundin of films, visited friend Kingsley F. Horton, WEEL sales manager, last week.

Evelyn Thomas, telephone operator at Doremus agency, broadcast over WBZ-WBZA. Yuletide program based on her hobby of collecting Christmas fads and fancies around the world.

### Union Electric Back on KMOX

St. Louis, Dec. 26. Union Electric Co. of Missouri will resume 'The Land We Live In' series over KMOX. Shirley Seifert will write the programs to be produced under the direction of Arthur Casey.

## Woof-Man's Offer

Chicago, Dec. 26.

Bob Becker, who does a weekly NBC Dog Chat for Red Heart dog food, has a sound effects man who as part of the broadcast barks out an understandable message so realistically that a woman listener wrote in to say that she recognized the bark as that of a particular breed of dog. She then asked what the chance would be to make the animal with a female of the same species that she owned.

Becker said that it might be possible to breed a line of talking dogs with great commercial possibilities.

## GEN. MILLS-WHITE STAR RENEW DET. BASEBALL

Detroit, Dec. 26.

White Star Refining and General Mills signed last week to bankroll broadcasts of the Detroit Tiger baseball games at home and away in 1940. Moblugs and Wheaties also split sponsorship of last season's broadcasts.

Although several details are yet to be worked out, it's believed both WWJ and WKZY state network will carry the games as heretofore. Ty Tyson would supply play-by-play accounts for Detroit fans, with Harry Hellman miking to the Michigan pen. Sponsors will probably again alternate as they did last season, with Wheaties being plugged on WWJ and Moblugs on MNRN one day and vice versa next day.

## FCC Delays Until May 1 Denial Of Stations' Right to Sell Any Extra 'Experimental' Time

Washington, Dec. 26.

Enforcement of the rule which would end several important synchronization experiments has been deferred by the Federal Communications Commission for four months. The latest date of effectiveness is May 1. The rule, adopted last spring, is primed to make inoperative the FCC's special authorization which has made it possible for the experimenting stations to sell the additional time provided through such experiments.

The suspended rule stipulates that 'in case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored programs or make any commercial announcements during such time of operation.' It would not shut down the transmitters, but would have a very serious effect on their income, inasmuch as most of the special authorizations cover night-time operations, and would deprive networks of outlets in several leading markets after dark.

Adoption of the rule came over strong protests but was brought about to large extent by criticism from Capitol Hill. It was aimed primarily at WLW, Cincinnati, when the Cross-

plant was using 500 kw. Complaints were heard that the FCC was giving WLW favored treatment and special privileges, besides following a course contrary to the underlying principles of the Communication Act and the expectation of Congress. In theory, the special authorizations were to permit some unusual operation which might produce information advancing the art of radio, not to fill the pocketbooks of the 'experimenters'.

When the rule becomes effective, it is expected to end the synchronization stunts, which are regarded by many engineers as of dubious value. For with revenues shut off, there would be little reason to keep step with other stations just in order to be able to spray programs beyond normal hours.

Among the plants with a direct stake in the rule are WBBM, Chicago; WTIC, Hartford; WBAL, Baltimore; WWL, New Orleans; KTIS, Hot Springs; KRLD, Dallas; KFAB, Lincoln; KVOO, Tulsa; WAPI, Birmingham; KEX, Portland, Ore.; and KOB, Albuquerque.

Allan Jackson, former announcer with WHAS, Louisville, added to staff of Texas State Network.

# Feel that EARLY MORNING Muscle!



KLZ's Early Risers' Club, conducted by Walter L. Hekanson, physical director of Denver's Y. M. C. A., is a popular KLZ early morning feature.

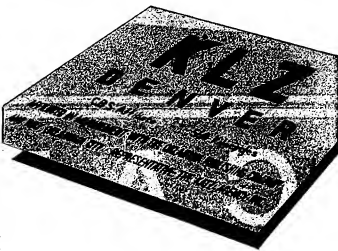
## THE POWER TO DO THINGS FOR ADVERTISERS

- KLZ jumps out of bed at six in the morning, eyes wide open and with a vigor that shows no sign of sluggishness.

Take the 6 a. m. KLZ show that pulled more than 1,600 pieces of mail in two days! Take the three-month KLZ mail count: 39% of the total mail response came from programs aired before 8:45 a.m. It is difficult to imagine any time commanding a greater listener attention than these early morning hours over KLZ.

Who starts spinning dials so early? A goodly part of the 629,000 urbanites in KLZ's regular day-time listening area begin their day with KLZ's Early Risers' Club exercises and KLZ's breakfast time tunes. Then there are 826,000 rural folk in this section who get up with the chickens. KLZ has educated these folk to start their day off by following its market reports, weather forecasts and direct-from-the-stock-yards broadcasts... and to breakfast to KLZ's early morning melodies.

By specific program planning for its rural listeners, KLZ has turned the 6:00-6:45 a. m. time into a farm block to sell merchandise. This three-quarter hour period is recommended—and available—to sponsors who want to see rural sales swell in the Denver-Rocky Mountain area.



## On the Upeat

Skippy Martin, Charlie Barnet sax tooter dropped in the street in Boston last week, where he was playing, with a burst appendix. In Beth Israel Hospital there. Okay now.

Linda Keene exited from vocalist spot with Lennie Hayton. Scheduled to step in with Tony Pastor's new outfit.

Emil Coleman leaves Waldorf-Astoria Hotel, New Orleans, for four weeks Jan. 18, to shift to the still uncompleted City in Hollywood middle January. Plays several dates on way out.

Mike Reilly and Ed Farley, writers of the yesterday novelty "Music Goes Round" where they were co-leaders of a band, building another outfit, currently in rehearsal.

Edward Witkin outfit plays SL Cecelia at Charleston, S. C., for sixth straight year. Date is split into two separate days, Jan. 11-25.

Larry Clinton band shifts to the Roosevelt Hotel, New Orleans, for four weeks Jan. 18. It's his first date in that city. Clinton never having played that far south or so far west.

Tommy Martin of General Amusement conducted and supplied talent for benefit for Post Graduate Hospital, N. Y., last week.

Bob Chester plays Davidson College Feb. 2-3. Price, \$1.75.

C. A. Van Nordstrand now road managing Hal Kemp's band replacing John Peterson who shifted to same spot with Bobby Parks.

Nordstrand was once a Kemp piano player.

Jimmy Lally starts a season run at the Glensia Country Club, Hull, Quebec, Jan. 5.

Will Bradley band does a shot on CBS' "Young Man With a Band" show Jan. 19.

Ted Fio-Rito's nag, Teds' Clover, expected to run in the Santa Anita Handicap this year.

Larry Clinton orchestra will be on the air almost eight solid hours this week. Did "Show of Week" on WOR Sunday (24), own Sensation commercial finale, and about 14 sustaining shots from Meadowbrook.

Wanda and Her Escorts, strolling avenue out of Pittsburgh, into Hotel Willard, Toledo, for an indefinite stay after a run at Rita-Carlton in Atlantic City.

Maurice Spitalny and his KDKA staff orch set for New Year's Eve ball of Pi Lambda Phi fraternity's annual convention at Sehenly Hotel, Pittsburgh.

Howdy Kaum band set as house crew at Senator theatre, Pittsburgh, for two weeks with options. Hours resumed stage shows Monday (25).

Herman Middleman, with Janet Heller doing the vocals, went back into Show Boat, Pittsburgh, when it reopened as the Yacht Club over week-end.

Shep Fields set for flock of one-vantrons and split-week stands in

Western, Pa., Ohio and W. Va., by Joe Hillier for CRA.

Rube Wolf's orchestra returned to the Paramount theatre in L. A.

Will Osborne pencilled into Senator theatre, Pittsburgh, week of Jan. 5.

Nick Stuart has replaced Jimmy Joy at Plantation Palm Club, Dallas.

Don Bestor due Jan. 6 for ten nights in Baker Hotel's Mural Room, Dallas.

Richard Blake, singer, joined Lloyd Snyder band at El Tirol, Dallas.

Layton Bailey in at Blackstone, Fort Worth.

Johnny Burkhardt playing holiday season stand at Casino Park, Fort Worth.

## TAC Swing Sesh

Second annual Theatre Arts Committee benefit encompassing "Spirituals to Swing" was given Sunday night (24) at Carnegie Hall, N. Y. Extensive line-up of talent elicited to touch the race prejudice area, reviewing quickly the Marion Anderson-Daughters of the American Revolution case. (Miss Anderson was barred from singing at a Capital H. L. Lyrically expressive of some theme were a number of the tunes used by several of the spiritual vocalists. Brown also told of the early life of the American negro, including notes on the slave Billy Brown from Africa, from whom came the colored interpreter of modern hot jazz.

Presentation didn't exactly follow the title formula but rather mixed spiritualists and exponents of swing. Perhaps the healthiest click was the Benny Goodman sextette which did three tunes, "Flying Home," "Honolulu," and "Tee Got Rhythm" and two encores, "Honky-Tonk Road" and "Stompin' at the Savoy," on demand. Acts were all solidly appreciated, by a swing-wise congregation.

On tap also was the "Golden Gate Quartet," a group of spiritualists using brisk, syncopated, folk tunes, their work bespeaking discipline, detail and extensive rehearsals. Sister Tharpe has been reviewed several times while at the Cotton Club, N. Y., and is currently at the Apollo theatre, N. Y. The three Boogie Woogie pianists currently at the swing den, Cafe Society, did their stuff. Then Sonny Terry and Bull City Red, former an unusual blind harmonica player, latter assisting him on a kitchen washboard, entertained.

Jimmie Johnson, pianist for the late Bessie Smith, contributed several selections solo then worked with Joe Sullivan, white pianist who now has a mixed band at the Cafe Society. Big Bill, singer-guitarist of the above mentioned Bessie Smith and his original tunes; and Ida Cox, contemporary blues singer of the above mentioned Bessie Smith and she's also at the Cafe Society. Hammond's is the word for the whole repertoire.

In addition to Goodman's group the Count Basie orchestra was on tap. Parts of his outfit played as the Kansas City Six and K. C. Seven, good effect and for a finale outstanding men from the Goodman and out the program a fully.

It's reported the layout enriched TAC with a gross of \$4,000-4,500.

## 15 Best Sheet Music Sellers

(Week ending Dec. 22, 1939)

South of the Border.....	Shapiro
Oh Johnny, Oh.....	Forster
Sauterbrin.....	BVC
My Prayer.....	Shapiro
Lilies in the Rain.....	Robbins
El Rancho Grande.....	Robbins
Blue Orchids.....	Famous
All the Things You Are ("Very Warm for May").....	Chappell
"Gutterbox" ("That's Right—You're Wrong").....	Chappell
"Little Red Fox" ("That's Right—You're Wrong").....	Feist
Beer Barrel Polka.....	Shapiro
Goody Goody.....	Shapiro
Over the Rainbow ("Wizard of Oz").....	Feist
"Faithful Forever" ("Gulliver's Travels").....	Famous
Careless.....	Berlin
"Financial".....	Production.

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

Following is a totalization of the combined plugs of current tunes on NBC (WEA-F and WJZ), and CBS (WABC) computed for the week from Monday through Sunday (Dec. 18-24). Total represents accumulated performances on the two major networks from 8 a.m. to 1 a.m. Symbol \* denotes film song, 1 legit, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Scatterbrain.....	BVC	38
Goody Goody.....	Shapiro	37
My Prayer.....	Shapiro	36
All the Things You Are.....	Very Warm for May, Chappell	29
Stop! It's Wonderful.....	Harms	29
Lilies in the Rain.....	Spiel	29
It's a Hip-Hop, Happy Day.....	Travels, Famous	24
I Did It With What Time.....	Chappell	23
In an Old Dutch Garden.....	Harms	22
Oh Johnny, Oh.....	Forster	22
Santa Claus Is Comin' to Town.....	Robbins	21
Speaking of Heaven.....	Miller	21
Indian Summer.....	Feist	19
Last Night.....	Feist	18
Who Told You I Care?.....	Kid Night	18
Goodbye.....	Witmark	18
This Charming World.....	Glen	17
Girl Bop.....	Robbins	17
In the Mood.....	Shapiro	16
White Lies and Red Roses.....	ABC	16
After All.....	Shapiro	15
At the Balalaika.....	Feist	14
After All.....	Shapiro	14
Darn That Dream.....	"Swingin' the Dream".....	14
After All.....	Shapiro	13
Hello Mr. Kringle.....	Feist	13
I Thought About You.....	Mercer	13
Do You Have Any Fun.....	Shapiro	12
South of the Border.....	Shapiro	12
Fit to Be Tied.....	"That's Right, You're Wrong".....	11
Little Sister in Singapore.....	Shapiro	11
Do Your Heart Beat for Me.....	Shapiro	11
Holy Smoke.....	Shapiro	10
Little Red Fox.....	"That's Right, You're Wrong".....	10
Piggy Wiggie Woo.....	Remick	10
You're a Lucky Guy.....	"Cotton Club Parade".....	10

## Rainchecks Given Out As 5,000 Xmas Gifts As Ballroom Runs Short

Golden Gate Ballroom, N. Y., is issued rainchecks for Christmas presents Sunday night (24) after the spot had exhausted its supply of 5,000 time-packed giveaways. The raincheck holders will get their belated gifts at the end of this week.

The opposition spot in Harlem, the Savoy, had Glenn Miller booked for the evening and to offset this situation the Golden Gate used the Christmas premium idea. The Golden Gate opened several weeks ago and it's been battling with the Savoy ever since for patronage. The Savoy's ace has been top band names.

## Lincoln Ballroom Change


Lincoln, Dec. 26. R. L. Ferguson assumes full control of King's Ballroom here (1) and Harry King, who has operated it for two years, is out. Later will probably go into the band book biz. Spot is located at the Capitol Beach, the sole amusement park here which is also Ferguson-owned. J. Clair Langford is slated to manage the spot, which will close during Lent for an interior redecorating, and a bow later with the opening of the park. Biz has been off at the spot for some time.

## YESTERDAY'S HIT TODAY'S REQUEST

## THINE ALONE

Featured in the Paramount Film, THE GREAT VICTOR HENBERT, with Jan Jones and Mary Martin.

M. WITMARK & SONS  
RCA Building New York



**PARADE OF HITS**

The Hit Of The Week!

**AT THE BALALAIKA**

from M-G-M's "Balalaika," starring Nelson Eddy & Ilona Massey

---

The Two Top Tunes  
from Kay Kyser's RKO-Radio film  
"That's Right—You're Wrong"

The 1940 Novelty Hit!

**THE LITTLE RED FOX**

(NYA NYA YA Can't Catch Me)

Walter Donaldson's Greatest Ballad

**I'M FIT TO BE TIED**

---

Nick Kenny's New Song Hit

**LEANIN' ON THE OLE TOP RAIL**

By the writers of "Goldmine In The Sky"

Packed With Heart Appeal

**GOTTA GET HOME**

An Unusually Attractive Ballad

**CRAZY LITTLE DREAM**

---

HARRY LING, Co. Pres. N.Y.  
BEN GILBERT, Vice Pres.

**Leo Feist inc.**  
1429 BROADWAY, NEW YORK

THE FIRST BIG HIT FOR 1940

# CARTELES

IRVING BERLIN, Inc., 799 Seventh Ave., New York, N. Y.

CHARLIE WARREN Prod. Mgr.

# Westchester Site for New Ballroom

**By Tommy Dorsey-Frank Dailey**

Frank Dailey, owner of the present Meadowbrook, name band spot at Cedar Grove, N. J., and Tommy Dorsey will be partners in the construction and operation of a similar dance and recreation center in Westchester County, N. Y.

Location is not definitely set, neither is the date for the start of construction. Spot will use name bands and probably will be operated by Dorsey's outfit. According to Dailey it will be entirely new building not a reconstruction of the Dailey conferred with Dorsey in Chicago last week at which time plans were completed. Latter's band completes a stand at the Palmer House there Jan. 3.

Plans which had been floating around recently that such a project was contemplated were correct. Dailey explained, adding that a site had been picked along one of the parkways, but the authorities who govern these roadways refused to build a parkway exit convenient to the site. Would have meant that guests' patrons would have been forced to use a roundabout path to gain access.

**MCA Moves In**

Dorsey's outfit comes into the old Meadowbrook Feb. 20, the first Music Corp. of America band to go into the spot in some time, on a direct booking. However, a deal is in the works to put Gene Krupa and his MCA outfit in on Jan. 30. General Amusement up to now has had an open hold on Meadowbrook, but is still, still, said Dailey. Obvious reason then for the MCA cut-in is that Krupa has exhausted his bookings there, some of which have been in Meadowbrook two or more times in the past year and a half. The new contract build-up stand due to such high rates, which often reach as high as 15 cents a minute, no musician's pickup tax for fees emanating from Meadowbrook, although the Newark local tried to set such a rule recently.

Being a partner in the new project will give Dorsey a say in several kinds of the business. He recently acquired the Milton H. Weil record store in New York City under the title Sun Music. Recently he is supposed to have become a band manager, signing Johnny Long and Dick Barrie, and also bought himself a piece of Barney Rapp's MCA in Cincinnati as a build-up plan for his properties. This deal stand with Dailey may affect that.

The most controversial part of Meadowbrook will undoubtedly be the new competition for Murray's, Tuckahoe, N. Y., MCA build-up spot with the current Tommy Dorsey band drawing 12-14 weeks weekly, and Glen Head Casino, which operates during the summer months only.

## PHILLY'S BILL SMITH STRAIGHTENED OUT

Philadelphia, Dec. 26.

William Smith, head of the United Orchestra Service, band booker, was reinstated in the good graces of the Musicians Union and granted a band-bookers franchise at a hearing at the local 77's headquarters on Saturday.

Smith, who was blacklisted for more than three months because of alleged scale-chiseling, promised to adhere to union rates and working conditions, union officials said.

Smith will now be granted a state booking license, which was refused him by state agents until he straightened out his difficulties with the Musicians Union.

The State Department of Labor and Industry had threatened to prosecute Smith on charges of booking acts without a license but agreed to drop the charges when he applied for a permit. He had been put on the "black list" by the AFM after complaints he had booked a local band on a one-nighter tour below scale.

## Molinari Here for NBC

Merranino Molinari, Italian conductor, arrived on the Santa Esmeralda for a series of five concerts as guest conductor of the NBC Symphony Orchestra beginning Jan. 6. Molinari conducted his first American concert in Rome.

The American tour was Joseph Sigel, Hungarian violinist, here for a two-month tour beginning in Philadelphia as soloist with the Boston Symphony.

## INDIGO DISCS

**Established Recording Companies Deplore Newcomer's Output**

Recording his is looking ahead at the U. S. Record Co.'s series of double entendre platters. Starting with Johnny Mesner's "She Has to Go and Lose It at the Astor," the outfit has followed up with "Robert the Rouser" from the legit "Streets of Paris"; "Three Little Maids from Paris"; "Don't Give Me No Goose for Christmas"; and "Flossing Kidney." Sequel to Mesner's "Astor" has also been issued.

Such platters are coin machine fodder and U. S.'s idea in turning 'em out is to put the company into those outlets, and otherwise gain attention which would be unable to get due to present lack of talent. Opposition recorders deem the setup a bad reflection on the record business and something to be deplored.

## Mercer & Morris Buy Melrose Catalog; Job For Simon Provided

Mercer & Morris has acquired the Melrose Music Co.'s catalog for a reported price of \$75,000. George Simon, principal owner of Melrose, joins the M & M interests as general manager of both Melrose and Mercer & Morris. The two firms will after Jan. 1 be quartered in the same offices but their separate identities will be maintained. Melrose catalog is best known for its swing and college catalogs, with "Sweetheart of Sigma Chi" the top item formed number in the latter group.

Takeover of the Melrose catalog makes the second for Johnny Mercer and Edwin H. (Bud) Morris since the two organized their partnership several months ago. Other catalog was that of the Joe Morris Music Co. It is understood that Simon will have stock in both firms.

## J. D. Sadler Sans Orch.

St. John, N. B., Dec. 26.

The J. D. Sadler orchestra, one of the oldest of Canadian dance bands (working out of Halifax), offers an Artie Shaw in reverse. After the group had been together for a dozen or more years, Sadler, who has been a leader, took a walkout powder on Jan. 1, and the orchestra continued, but the leader was out.

Replacing him is Don Low, and with Weidon Nieforth, as pianist.

## Victor's Complete Opera Recording; On 28 Sides

RCA Victor is reported planning to record the complete opera of "Louise" with Grace Moore. Others in the cast will probably be Rene Mason and Esio Pina. The album will be that of the Metropolitan under the direction of Wilfrid Peller.

Fourteen double-faced discs will be necessary to complete the job, which will constitute the first complete operatic recording made by Victor in over a decade.

## ASCAP CUTS BIGGEST PIE

American Society of Composers, Authors and Publishers last week cut the biggest royalty pie in the history of the organization. It exceeded by \$30,000 the previous record distribution which was for the third quarter of 1937 and amounted to \$1,290,000.

Double A writers this time got around \$480,000, which was \$700,000 less than the divvy for the third quarter of 1939. But it was in that final '37 quarter that the same class of writer got its biggest plum, namely, \$5,100. Top publisher money this time between \$30,000 and \$40,000.

At a meeting held last Thursday (21) the Society's board of directors voted the usual Christmas bonus for the organization's executives and personnel.

## WALLACE NEW HEAD OF MUSICIANS ON COAST

Los Angeles, Dec. 26.

J. K. "Spike" Wallace is new president of Musicians Protective association, Local 47, beating Prexy Jack B. Talmey by nearly two-to-one vote at last week's election. Wallace polled 1,511 votes to 829 by Talmey, who is winding up his second term in office.

Ward B. Harrington, financial secretary, was re-elected. John Green defeated Owen Bartlett for vice-president, and Frank B. Pendleton, former prexy, beat veteran Harry Baldwin for recording secretary.

Pendleton and J. W. Gillette were elected as delegates to American Federation of Musicians convention. New officers will be installed fourth Monday in January.

Milwaukee, Dec. 26.

Volmer Dahlstrand, president of the Milwaukee Musicians Protective association for the past six years, was re-elected to that post at this week's annual meeting.

# Songpluggers Regulate Conditions For Stiff-Priced Opening Nights

## SONG BOOK FOR SOLDIERS

**Canadian Inquiries on Copyright Clearance in Manhattan**

Gordon Thompson, of Canadian Music Sales, was in New York recently inquiring about special prices that he might get in connection with a songbook which the Dominion government might want to distribute among Canadian soldiers, either in training or en route to France.

The numbers would be cleared through the Music Publishers' Protective Association.

## Dealers Pushing 50c Discs, So Columbia Talent Follows Drift

Columbia Records expects to shift quite a lot of artists from its current 35c Vocalion label to the recently created 50c Columbia tag. Within recent weeks Orrin Tucker, whose "Oh, Johnny, Oh!" platter has reached over 250,000 in sales, hopped over, Count Basie's latest eight tunes were released on the higher-priced sides only week or so ago, and Will Bradley's new band, which has made less than half dozen Vocalion records, will also change. Many more are to follow.

Reason for the shifts is that the Columbia label is selling so much faster than the Vocalion. Dealers are inclined to push the 50c platters, which net 'em a bigger profit.

## E. B. Marks Scores Point In 'Rancho Grande' Suit

Federal Judge Edward A. Conner in N. Y. has struck out the affirmative defenses of the Slaty Music Corp., but allowed the counterclaim of the amended answer to counterclaim to the suit of E. B. Marks Music Corp. against it. Action seeks an accounting, injunction and damages for the alleged infringement of the plaintiff's copyright in the song "Alla En El Rancho Grande."

The defense which was not allowed declared that the song was in the public domain in Mexico, and hence should be in the U. S. The new defense claims the song's author, Sylvanus Ramos, was not the real author, as he had used a traditional composition in his song. The counterclaim asks that the defendant's wrong arrangement of the song be declared its own, and an injunction be issued to prevent the plaintiff from interfering.

Acting for the first time on the question of attendance at opening nights, the executive committee of the contactants' union last week ruled that its members were not to put in an appearance at the unveiling of the new show at the International Casino, Broadway spot. The covert for the opening night, and Friday (22) was \$7.50 and the council took the position that this figure would put the contactants with slim expense accounts at a disadvantage. The Casino management later suggested that the publishers' meeting instead attend en masse on Christmas night (25) when the cover charge would be and this arrangement was readily approved by the union.

By introducing this policy the union has not only revolutionized the opening night stand but curbed the influence of the publisher having a large number of attendees. Through the device of dictating condition of attendance the union has also succeeded in putting the spending relationship between the publishers' meeting on a pretty even level.

Under the system which previously prevailed the publishers were expected to have men on hand at all openings, regardless of the minimum price for the occasion. It had become customary for major publishers to try to outdo the other in showing up. The new policy will result that the small publisher's attendance was practically lost in the shuffle. The publishers are expected to vary the other come-ons instituted by bandleaders, in connivance with the publisher. The new policy will result that the small publisher's attendance was practically lost in the shuffle. The publishers are expected to vary the other come-ons instituted by bandleaders, in connivance with the publisher. The new policy will result that the small publisher's attendance was practically lost in the shuffle. The publishers are expected to vary the other come-ons instituted by bandleaders, in connivance with the publisher.

## SPA Suits Vs. Berlin Ended With Sign-Ups

With the publishing industry having already accepted the new standard writers contract almost 100%, the Songwriters Protective Association has ended its long fight against the SPA suits. The SPA had brought against Irving Berlin, Inc., in 1938. The action was based while the industry was based strictly on what Fox collected from the picture producer and not what went to the publisher. Fox had deducted his fee. The application for withdrawal of the case occurred just while the industry was being counseled, was prepared to go to trial. It was near the top of the N. Y. supreme court's trial calendar.

## HARRY REVEL'S MUSICAL REUNION WITH GORDON

Harry Revel, who flew back to the Coast over the weekend, has three films for which he has many studies lined up which reunites him with Mack Gordon. Each had been written with other partners the past year or so. Revel also has been working for six months in "I Found an Erdum," his autobiography on the Hollywood scene through a songwriter's eyes. It's due for spring publication.

## Chas. Spivak's Orchestra

Charles Spivak, formerly one of the managers and member of the Jack Teagarden orchestra, is now rehearsing his own band. He is ready for a public hearing shortly after the first of the year. It will be repaid by General Amusement.

# LAST CALL!

## 34th ANNIVERSARY NUMBER

### Special Exploitation Advantages

### USUAL ADVERTISING RATES PREVAIL

### Copy May Be Sent to Any Variety Office

**NEW YORK**  
154 W. 46th St.

**HOLLYWOOD**  
1708 N. Vine St.

**CHICAGO**  
54 W. Randolph St.

**LONDON**  
8 St. Martin's Pl.















# TICKET SITUATION

## Critics Take Worst Beating of Season; Four Shows, No Hits, Plenty Errors

The presentation low in legit this season was touched last week, when there were four new entrants listed, all getting an adverse press. The degrees of panning handed out ranged from mild to violent. Most notices were brief, but included a few criticisms. Only regulation squawks from the critics, general sense of their being being in there is a limit to what they can stand as reviewers.

It appears that the critics were tricked into attendance, two of the shows having amateur casts and a third peopled with unknowns, or semi-professionals. Only regulation production was "Billy Draws a Horse," an English comedy which debuted at the Playhouse. While regarded as fairly diverting, the critics gave it thumbs down. It is figured that the import was panned because the boys were still suffering from the beating they took from two floppers earlier in the week.

Two segments from "Yale," or its drama department, were given a severe brush-off, they being "Steel," dropped off but claimed to be still at the Provincetown Playhouse, and "Once Upon a Time," stopped at the Lincoln Theatre at Labor Stage (formerly the Princess). About that play, Brooks Atkinson (Times) has a brief mention with "Well, anyhow, Yale put a good tooth into Solders' Field last month. It was authored by Lawrence Joseph Dugan."

The fourth suit on the pre-Christmas front was something called "Altemate Current," Daly's 63rd Street, written by one Syd Porcelain, who actually is it. He drew a severe beating as conceived in a formula which has not been previously used in "copyrighting." The play is non-Equity and co-operative, which was a tip-off the critics took a swift look and walked away. (Continued on page 46)

## Shuberts Delay 'Plume' Preem in Wash. Due To Mediocre Advance Sale

Washington, Dec. 26. The White Plume, Shubert's musical production of Cyrano de Bergerac, was due to open at National last night (26), but light reservations for Christmas night, plus desire for extra rehearsals, resulted in premiere being postponed until tonight. Cancellation of Monday show was announced in Friday's papers and what tickets had been sold for Monday were exchanged for other nights. Cap's only legster was dark last week, first blank stanza of season, and was another unsuccess week Jan. 1. "Three After Three" is due Jan. 8 and San Carlo Opera, which has been here at least seven years, is slated for week of Jan. 15.

## MPLS.' BIG ROADSHOW SEASON JUST AINT

Minneapolis, Dec. 26. Legit roadshow season, which was expected to prove one of the most successful and flourishing in years, has suddenly taken a nosedive here and apparently vanished into thin air. Although a long list of important attractions had been announced as "coming," there's not a sliver one definitely in prospect now. The fact that only three out of the six shows to play the town thus far this season did profitable business probably has something to do with the present situation. Attractions that came through at the box-office were Lunt and Fontanne, "Tobacco Road" and Katherine Cornell. The broodies were "I Married An Angel," "What a Life" and "On Borrowed Time." It's expected that the two remaining attractions of the Legitimate Theatre Corp., series, "Golden Boy" and Eva Le Gallienne, will be cancelled because of the fate of the first two.

## INDIE BROKERS VOTE VS. CODE

Poll of ATTA Members, Revealing 14 to 1 Against Signing, Comes as Surprise —Claim That Rules Are Based on Force and Not Reason

### ACME DROPS APPEAL

Broadway's ticket situation was torn wide open again at a meeting yesterday (Tuesday) morning, when the Associated Theatre Ticket Agency's rebels against signing the code atiffy revised by the managers and Equity. ATTA is the independent group of brokers who claim to distribute 40% of preferred theatre tickets.

They voted 14 to 1 not to sign the code as now constituted, only one member being absent. Result was a surprise even to those close to the indies. Only six agencies are known to have signed the code, including the big three—McBride's, Tyson and Leblang. ATTA adjourned until last night, when ways and means to protect their interests were considered.

Feeling among the protesting brokers was that the code is based on force and not reason. Under the regulations they would have to pay all the costs of administration and enforcement, yet be placed in the position of being "kicked around." Previously it had been indicated that some brokers, who were accredited last season, would attempt to operate outside the code and when the major agencies signed, it was expected others would follow. Virtual unanimous refusal to the field resulted in a hurry call to managers for a huddle in the League of New York Theatre offices.

### Acme Drops Suit

Appeal from a decision handed down last July, dismissing the complaint against the League of New York Theatres by the Acme ticket agency, was dropped in the supreme court, N. Y., last week. Understood that Mike Alias and Walter Friedman, who conduct the Acme, reserve the right to appeal at a later date. They had applied for an injunction against the managerial body (Continued on page 44)

## Equity's Membership Favors Boosting Minimum Wage to \$50, But Council at Odds Over Issue

### SINCLAIR LEWIS STARS FOR N.O. AM GROUP

New Orleans, Dec. 26. Bernard Soid, director of the Little Theatre, really got a leading man for his next play, "Shadow and Substance." The actor is Sinclair Lewis, who will drop his pen for grease-paint.

Father Murphy, of this city, had arranged with his old friend, Eddie Dowling, to use his play wherever he wished, so he and Soid got their heads together and the play will be staged early in January. Soid had little trouble securing Lewis to play the lead in the show.

## LUNTS RESCIND MEMPHIS BAN

Memphis, Dec. 26. The Lunts have changed their minds. They are going to play Memphis this season after all, reversing a much-publicized decision of last year against revisiting the town ever again.

Following their spring dates at Ellis Auditorium, Col. Lloyd T. Binford, chairman of the city censor board, issued a statement to the effect that Lunt and Fontanne could never return to Memphis without submitting in advance a copy of their script. Binford said he didn't see "Idiot's Delight" or "Amphitryon" himself, but had some complaints that they were pretty hot stuff. He wouldn't take any chances in the future; he'd see the scripts or the Lunts could't return.

Statement got widespread attention and drew counter announcements that the stars would henceforth pass up this Dixie stop. But now the Lunts have booked "Taming of the Shrew" for auditorium here sometime in mid-June. Nobody is saying what will or won't be done about the script, but it's Shakespeare.

There is evident difference of opinion in Equity's council over raising minimum salaries for legit actors from the present \$40 to \$50 weekly next season, but the general membership favors the boost. This was indicated at a quarterly meeting Friday (22), when the idea was endorsed, but not, however, before lively discussion.

The subject being controversial, it may come before the members at a special meeting, although when the \$40 level was established and when one grade of minimum pay was adopted (\$25 for Juniors being dropped) the council made the decision without putting it up to the membership. Pointed out, however, that when the minimum was first ordered without carry-over to the next pay effect by the NRA.

At last week's session, E. J. Binford alluded in favor of the boost, he originally making the proposal that the minimum be established at \$40 weekly. Binford has since spoken against the proposal, saying the result might be that the new minimum would carry over to the maximum for too many members.

According to those who fear raising the minimum, the average salary of players who formerly got between \$50 and \$100 now being offered the minimum. Opponents have a different slant and insist the idea is for the good of the average actor. They say the high-paid players should have no objection because it is not reasonable to suppose that a pro-

(Continued on page 44)

## HAROLD JOHNSRUD DIES OF BURNS IN HOTEL FIRE

Harold Johnsruud, one of the leads in "Key Largo," Barrymore, N. Y., died Saturday (23) of burns received in his apartment in the Brevoort hotel on Friday during a fire believed at first to have been caused by defective wiring. According to the police, the actor fell asleep with a lighted cigaret in his hand. He succumbed in the Misericordia hospital following his removal there from the Bellevue. He was 35.

The blaze had been confined to his quarters. He could have escaped, but after awakening Mr. and Mrs. Charles Ellis, who have the apartment adjoining Johnsruud's returned to his quarters to retrieve belongings, then collapsed.

Actor suffered first, second and third degree burns of the face, hands and body. He enacts the part of the blind father in "Largo," his performance winning attention. Ellis, who is also in the cast, but appeared only in the prolog, replaced Johnsruud Friday night and will hold that role indefinitely.

Johnsruud's first excursion into legit was in 1927 when he was active with productions of the Provincetown Players, N. Y. He had one unproduced play to his credit and often acted as director for various producers.

Victim's parents, Mr. and Mrs. T. Johnsruud, of Spokane, survive.

## Maida Reade Inured

Maida Reade, formerly active member of Equity's council, fell last week during her week-end stay at the hotel where she was quartered about a week. Miss Reade was appointed executive secretary of the American Guild of Variety Artists when the new vaude union was formed last summer, following the break-up of the old one. She was the union charter of the American Federation of Actors.

Reade had been ill before long, however, failing to agree on matters of policy. At the time she took the AGVA job, Miss Reade resigned from the council. Mrs. Dorothy Bryant is now exec secretary of AGVA.

# LAST CALL!

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VARIETY

## Special Exploitation Advantages

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NEW YORK HOLLYWOOD CHICAGO LONDON  
154 W. 46th St. 1708 No. Vine St. 54 W. Randolph St. 8 St. Martin's Pl.







**N. Y. Daily to Appear April 1**  
Projected extension paper for New York will begin publication on April 1, but will be without the names of Edward Stanley, one of the forces behind the undertaking. It will be called P.M., as first suggested.

Ralph Mack, president of Publishers Research Inc., a sponsor of the forthcoming daily, declares this to be official. Most of the money required for the paper is being raised by subscription, with the balance assured in a few weeks. Stanley, who is handling the paper, is president of a public campaign, is definitely out for the present, but the paper will still expect to get into active work on the publication. He remains a stockholder.

It was said the paper is to be called is not being disclosed just yet. Daily will be less than standard size, and will have heavy 30 pictorial matter. Many innovations are promised, including a new and extensive radio program. Staff will not be hired, or even interviewed, until February at the very earliest.

**N. Y. Guild Elects Randau**  
Carl Randau, of the N. Y. World-Telegram, was elected president of the New York Newspaper Guild, defeating Oliver R. Platt, of the N. Y. Post. Platt was elected vice president. Randau is the first open candidate since the formation of the organization, continuing campaign for the appearance of \$5,000 in Guild funds during the time of the Brooklyn (N. Y.) election.

Other officers elected without opposition were Monroe Stern, J. P. Johnson, Tom Tamm, J. P. Johnson, and James Whitaker, Mirror, J. P. Gladys Bentley, Eagle, treasurer, and Nat Elmhorn, exec. sec.

**Nieman Fellowships**  
Applications open for newspapermen for Lucius W. Nieman fellowships at Harvard University next spring. The fellowships, which provide newspapermen of the year with a full academic year of study in any Harvard department, are awarded to those who are expected to result in the usual overhauling number of papers. The fellowships were created by Mrs. Agnes Wahl Nieman, widow of Louis Nieman, founder of the Milwaukee Journal.

**Contest for the Book Trade**  
New contest for a best novel, open only to those connected with some book in the book trade, will be held by the Greystone Press, with \$5,000 as the prize in addition to the royalties. The contest is open to all publishing houses, with the winning team to enter, with June 15, 1940, the closing date.

Prizes are to be awarded C. Smith, editor of Publishers Weekly; Francis Ludlow, editor of the Retail News; and to Ralph Kroch, the Chicago bookseller.

**China Healthy**  
The new feature periodical of that country, which a group headed by Right Rev. Msgr. George Barry O'Toole is publishing in New York. Msgr. O'Toole, former college professor in Peking, is editor.

**American Theatre Magazine**, some what along the lines of the former New York magazine, but with a departmental character, will be published, starting Jan. 25, 1940. It will be published monthly, priced at 25c. Editor-in-chief is Albert J. Isaacs, formerly of Stage. Underneath there's a list of 13 studios.

**Intimate Detective**—Stories is the title of a new periodical, mag which will be published by the New York City of New York. It will be published by the New York City of New York. It will be published by the New York City of New York.

**Libres**, may be printed in Spanish. It was then prompted by growing Latin-American interest for certain books printed in English. To be published in New York, it will circulate here. The border line is between Americans with U. S. books. First issue will appear in January and monthly thereafter.

**LITERATI OBITES**  
Joseph A. Brad, 49, assistant city editor of the N. Y. World-Telegram, died Dec. 21 in his office at the paper. He joined the paper in 1914 as a staff writer six years ago, and was in the paper for 15 years. He was in the paper for 15 years. He was in the paper for 15 years.

**Rose-Scented Ad**

Chicago Tribune last week printed a rose-scented advertisement for the Allied Florists Assn., of Illinois. The Tribune used 60 pounds of perfume in the regular red ink to obtain the aroma.

**Nezota newspaperman** and editor of newspapers in St. Cloud, Minn., for 47 years, died Dec. 24 at his home. He became editor of the St. Cloud Daily Journal Press in 1892, and was in the paper for 47 years. He was in the paper for 47 years.

**John E. Hupke, 74**, vet publisher of the Pierre (S. D.) Capital-Journal, died Dec. 23 in that city. Prominent in the newspaper business and politics, he was instrumental in getting his state admitted into the union. Survivors include two sons, Robert and James, who were associated with their father in the publishing business.

**Walter E. Greed, 83**, 80 former newspaperman, mag-book writer and playwright, died Dec. 15 at his home in New York City. He was in the paper for 15 years. He was in the paper for 15 years.

**Julian O. Hall, 39**, editor of the Evening Star, died Dec. 23 in that city. He was in the paper for 15 years. He was in the paper for 15 years.

**Louis A. Holman, 73**, writer and illustrator, died Dec. 14 in Boston. He was in the paper for 15 years. He was in the paper for 15 years.

**William Fish, 81**, whose sketch, 'A Little Bit of the World', appeared in Harper's Weekly, 1888, is regarded as a classic, died Dec. 19 in Chicago. He contributed more than 100 sketches to Harper's Weekly, Puck and the Life.

**Bert R. Ross, 50**, retired editor and writer died Dec. 23 in White Plains, N. Y. He was formerly in charge of the International Free Press for Dodd, Mead & Co., and also had been with the Literary Digest as assistant editor.

**Dr. Leo Wiener, 77**, widely known writer on history and philology, died Dec. 23 in New York City. He was in the paper for 15 years. He was in the paper for 15 years.

**T. E. Ames, 74**, president and general manager of the Bridge (O.) Jeffersonian, died Dec. 18 in Cambridge.

**CHATTER**  
Edgar Ansell Mowbray back from Europe.

Oscar Levant's book, 'Southward Ho', scheduled to appear Jan. 12.

Roland Barker has joined Carlyle House in an editorial capacity.

Ernest Stone is back at the editorial staff of the late Clarence Darrow.

The British 'Umbrella,' in U. S. for lecture tour.

Rosk Bradford's play, 'John Henry,' to be published by Harper on Jan. 4, a week prior to its Broadway opening.

John J. Finner, of the Baseball Writers Association of New York is to be held at the Hotel Commodore, N. Y., Feb. 1.

An original screenplay, 'Debt of Honor,' has been turned out by Vera Cherny, to be published by Harper on Jan. 4, a week prior to its Broadway opening.

Robert A. Erwin, of the Washington Post, has been elected editor of the American Press Society.

W. Quinn celebrated golden anniversary Xmas eve in Omaha. Quinn is Vannoy Quinn, of Omaha.

Eleanor L. Van Alen has joined Forum Magazine as associate editor. She was formerly literary editor of the North American Review.

Allen Rivkin, the film scenarist, has decided to knock the manuscript of his biog of Frederick Weyerhaeuser, a noted baron.

Harold B. Burke and Anita Dinnant, of the New York City literary society, now have a marital association, too. The two were wed last week.

Publishing activities of Joe Bonomo, the former stage and screen writer, have been curtailed since he's taken a whole floor in a midtown N. Y. office building.

Russell, of the New York Times, has been elected editor of the book about the Pacific Ocean which Felix Riesenfeld left unemployed.

William F. Meade, former member of the Philadelphia Ledger staff, has been elected editor of the Philadelphia Quarter Sessions court at a salary of \$5,000 a year.

George Peck, p. a. for the Italian Line, thought one up the other day. He was in the paper for 15 years. He was in the paper for 15 years.

Overseas Press Club will give a dinner at the Park Lane hotel, N. Y., Jan. 29, coincident with the publication of 'The Inside Story' by the club.

Before going to Canada to report on the election of the new prime minister, Frederick T. Birchall, who was the paper's chief European correspondent, will be in New York with Viking a book on the foreign situation.

Vannoy mugg, will conduct a new series of lectures at the University of North Carolina newspaper institute at the end of North Carolina in January.

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**Film Reviews**

**His Esteemed Neuf Celibataires**  
holding out in quasi-monolog style in a musical-killing setting.

Guitry's theatrical background is well enough to hand the story. Pic depends almost entirely on the plotting for its action, his character portraits being for too easy study. Many of the backdrops are too obvious, and the story is a little flat, indicating a light budget.

Guitry found a logic in Neully for a certain category of foreigners from France. Myre Pissani, as a Polish resident of Paris, falls into this group. Guitry, a man about town, who abhors honest labor and lives on his wits, turns of his predicament. He decides to exploit the new law in order (1), to make some easy money (2), to enable him to meet the blonde foreigner.

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Nine down-and-outers accept, an American, who is the best featured male locally. The story will not, acting generally good, and phonetic, but the story is a little flat, indicating a light budget.

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**OT ORA NEGVEN**  
(Five-Forty)  
(HUNGARIAN-MADE)

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**Pace Setters**

Barbara Jo Allen's 'Vera Vague' (actually long ago) among the best featured female locally. The story will not, acting generally good, and phonetic, but the story is a little flat, indicating a light budget.

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**TEVYA**  
(YIDDISH-MADE)

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# WHY THEY THINK

Actors Meet 80 Years Later  
Los Angeles

**Editor, VARIETY:**  
Driving west on the Lincoln Highway, nearing town called Lodi, I saw a large sign over a male which stated "Oberfelder Lodi." I don't know why I stopped, but I went back to the town I saw that name, for in 1865, a boy about 10 years of age, and myself, never play that my uncle was one of the managers, Mr. Palmer, of Garrett and Son, the proprietors of the "Black Crook." I did not think that he would be still alive, as I was sure he had at least 80 years old, as his birthday was just a few days before him.

I stopped at the town of Lodi, Pole and at a drug shop asked if Mr. Oberfelder lived on the ranch. They informed me a boy was living at Sydney, 18 miles west of this town on the Lincoln Highway. Then I saw how old he was and they informed me that he was past 80 and a very active man—drives his own car and owns and manages several farms and ranches. Then I was not sure that it was my old friend and dancing partner, Bobby Oberfelder, who danced with me when I was only 10 years of age at Niblo's Garden in New York.

The first thing I did when we arrived in Sydney was to seek him in a building with the name Oberfelder block. At his office I found a young man on a typewriter and I walked in I saw a man I did not think was a day over 60 and asked Bobby Oberfelder why he came here and over said, "My name was Bobby Oberfelder many years ago."

He said that he had been "I danced with a boy in 'The Black Crook' at Niblo's Garden in New York before I could say one word more be jumped in my arms and said, 'George Palmer, and then don't think either of us said a word for five minutes."

I invited him to visit my ranch in the next winter and the strange part of it is that he visits California every year for the past 10 years and has been here for nearly every year but never thought it was me.

The world has been good to him and he is the owner of many thousands acres of rich farm land. His office is hung with photos of "big shots" from presidents of railroads to U. S. senators and Governors.

He took me to his apartment in a building, which is a real gallery. I could only remain part of a day but that part gave me more than any day on my trip.

The last time I danced with him was at a benefit for some poor actor who had been hurt, which was held at Kelly & Lane Theatre in New York near Astor Place.

George W. Palmer, Jr.  
Shoreham, Sussex, England.

**Editor, VARIETY:**  
As a regular reader of your paper (what showman name is!) for some years, I recently, whilst disposing of some of the last five years, glanced through them and, per chance, one name appeared to me as follows:

Hollywood's shortage of male names.

Hollywood's shortage of state hits.

The latter, in spite of the enormous sums being poured into productions.

Men are well aware that the average American looks upon a Englishman, either a play or film producer, somewhat slightly, 1. therefore, hesitate to offer at comments on how the American scene appears to be moving, knowing your policy is to keep an open mind.

Firstly, Hollywood's problem of men names. There are at present six men in Hollywood who are wealthy and exploited, would prove a gold mine to the companies to whom they were under contract.

I refer to Robert Wilcox, Joseph Schildkraut, John Edlison, Randolph Scott, Van Heflin and Henry Wilcoxon.

Players have large followings over here, but Mr. Wilcoxon, but due to the trashy stories in which all of them are placed may be in danger of disappearing from our screens, which to players of real calibre, is of course, extremely discouraging.

The latter, in spite of the panic from this happening I am sure that Hollywood should make full investigation of the players who are being discarded in a favor of some new face who, after a brief spell, is

cast on one side along with the others.

Regarding stories, may I suggest for future consideration the following:

A remake of Alfred Hitchcock's "Rich and Strange," filmed some years ago in England.

A remake of Vincent LaRocca's "Enemies of Women."

A remake of "The Phantom Ship," which the "All Men Are Enemies" something resembling the novel, not the rubbishy play.

A remake of "The Man Who Laughs," by Victor Hugo.

And any story by Raymond Ainsworth would make enthralling film.

Here I would like to mention that Summerville's "Old St. Paul's" under another screen title and Capt. Mamet's "The Phantom Ship," would give Tyrone Power two excellent parts.

If Mr. Disney would produce "Peter Pan" and "Alice in Wonderland" the world would be in his lap. [Disney plans to do "Peter Pan."—Ed.]

So, as far as Hollywood goes, that's what we in England would like from them. This is not only my personal opinion.

And now for the New York stage. If any producer has spunk enough to present any of the following plays, they should be well rewarded and I offer them for any country they like.

For the first time, if any or all of them are available for American presentation:

"Traitors' Gate," by Morna Stuart, "Bridge Head," by Rutherford Mayne, "Virgin Queen," by Dumas, by Will W. Whelan; "The Rumpole," by K. Munro; "Public Savour," No. 1 (author not known to me); "The Godfather," by Raymond Beiser (Author of "Barrett's of Wimpole St.)."

Finally, if any manager is desirous of giving his patrons a real treat by presenting two excellent plays that are bound to click, I would like to suggest: "Goodness, How Sad," by Robert Morley; "The Astonished Man," by Archie Mitchell.

I am only a minor English manager myself but am looking forward to coming to New York to see Broadway what a real English play is. Then maybe U.S.A. will change its mind about our theatre and in self-defence I shall provide myself with a return passage to England in case I underestimate our drama.

John Edmund (Jack) Jarrett, Busch Theatre Productions.

**Editor, VARIETY:**  
Your article, "World System Dies After Deadhead Christmas Disc," appeared in January Dec. 6 has been called to our attention by Walter Prichard Eaton, author of "The Man Who Found Himself," who presents the fact that he is referred to as an 'estate'... and we quite agree with him in that he is very much alive.

Mr. Eaton is head of the Drama Department at Yale University, New Haven. He is also well-known as a lecturer and dramatic critic.

Edward A. Wilde.

**Not Blinded.**  
Editor, VARIETY:

In your review of La Ruben Bleu and the play "The Grievance" of course—over the fact that your critic has so definitely felt that I do not fit with the public, but your criticism could still be on 52nd St.

I have kept out of New York for a number of years, trying to overcome this opinion, hoping that in the dignity and appreciation of the scene I would have been eligible for something else going to let us, 52nd St., not appear to be a "show."

But in my opinion, your review is very good and your fair has not been blinded as you stated; my hair is grey, silver grey, but it is all right and to whom they are all addressed to me and to yourself, correct this statement. I have no age count on my face for one moment that I would blonde my hair. Could it be that my hair is color blind? A funny thought!

Non Blinded,  
What's Wrong With Light, Chicago.

**Editor, VARIETY:**  
One drawback in the legit of the day is the fact that the people portrayed in many a play are ignoble when in the eyes of the people. They are not written about in such a way as to make one feel deeply with them.

the particular situation the playwright has created for them. The result is thin and empty plays. It is particularly in this true in the field of comedy. Fiftie and nonsense have their way, and many a playwright feels the heavy weight of boredom at the would-be smart lines and comic dialog. Playwrights need to create real character together with a situation that will allow one to have some natural sympathy about the outcome.

Sidney Noren.  
Dave Beaul's Billing.

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# OBITUARIES

## ALBERT W. CROSS

Albert W. Cross, vet legit actor, man, producer and film exhibitor, died in Long Branch, N. J., Monday (25) following an operation for a tumor on Dec. 12, when he was 69 years old after the following operation.

Cross for years worked for the Shubert and other producers, then turned to producing shows himself, including "We Are King" and "Coke and the King."

He had recently been publishing The Broadcaster, a weekly paper in Leonardo, N. J., where he had made his home.

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but later became a clown. He was on the road with such shows as Ringling Bros. Barnum & Bailey, Sparks, Al G. Barnes and Sells-Forreugh. He was a widower. He was 69 years old when he died, but their whereabouts are unknown.

**MARY JANE STARR**  
Mary Jane Starr, a private life of the Gene Page, leader of Circle Op Cowboys, with whom she had been married for 15 years, died of pneumonia last week in Memphis.

She had also toured with George Adams' Rodeo Troupe, more recently on WMC and WMFS, Memphis.

**JOSEPH MILLET**  
Joseph Millet, who with his wife, Avie, formed the dance team of Perkins and Millet, strikers at the close of an engagement in Youngstown, O., died Dec. 15 in Cleveland from a self-inflicted bullet.

His wife, Avie, a widow, mother and several brothers and sisters survive.

**JOSEPH SINGER**  
Joseph Singer, United Artists salesman in Philadelphia for more than 20 years, died suddenly of a heart attack Dec. 18 on his way to the office.

**FRANK MESSINGER**  
Frank Messinger, 48, unit manager at Metro, died Dec. 19 in Manhattan while a self-inflicted bullet wound. He had been dependent on ill health. His last picture appeared in "Northwest Passage."

Surviving are his widow and daughter.

**JOSEPH SINGER**  
Joseph Singer, United Artists salesman in Philadelphia for more than 20 years, died suddenly of a heart attack Dec. 18 on his way to the office.

**HAROLD JOHNSUD**  
Harold Johnsud, 35, legit actor, succumbed Sunday (24) to injuries from a fire in his N. Y. hotel apartment.

Further details in legit scene.

**DAVID THOMPSON**  
David Thompson, vet film man, one of oldest of RKO home-office employees, died in Jackson Heights, N. Y., Dec. 23, after a long illness. He had been a cashier with RKO at the time of his death.

**MRS. G. B. J. FRAWLEY**  
Mrs. G. B. J. Frawley, wife of the chief of Paramount exchange operations, died at the Frawley winter home in New York City (22). She was 56 and had been ill for some time.

**CHARLES VAN WIE**  
Charles Van Wie, 82, who had organized and directed bands in Hudson County, N. J., died at age 80, Dec. 23 in St. Peter's hospital, Albany, Dec. 16.

**MRS. JOHN CLEIGHAN**  
Mrs. John Cleighan, 30, wife of WMC, Memphis, program and publicity director, died by suicide last week in leap from apartment in Memphis.

**LAWRENCE WEAVER**  
Lawrence Weaver, 32, theatre operator in Tucson, Ariz., died there Sunday (24) after a long illness and two children.

**MOTHER, 80, OF ELLIOTT FUREMAN**  
Mother, 80, of Elliott Fureman of Metro, died Dec. 23 at her home in New York, a victim of pneumonia complicated by a heart ailment.

**FATHER OF NATE AND BEE PLATT**  
Father of Nate and Bee Platt, responsible for the success of the manager and northside district manager, died in Chicago Dec. 24.

**DAUGHTER OF HOWARD FREEMAN**  
Daughter of Howard Freeman, actor in "The Unconquered," Dec. 21 in New York. She was 14.

**'Heltz' 2 Million**  
Continued from page 1.

When it moved to the Winter Garden lot in November, 1938, had topped the box office for 15 per cent of the previous week.

It continued to draw standees almost every night, but the box office was less than \$33,000 a week, passed the \$100,000 mark in its 33d week, the Broadway run was over 100 weeks in a single season on Broadway.

When it completed its run, it had grossed over \$1,000,000 and mounted to an estimated \$1,500,000. The show has ended off slightly below its peak, but has made as far as the \$200,000 mark. New material was added several weeks ago.

The show is now in 'Heltz' had played 55 performances.

**FRED LESLIE**  
Frederick Leslie, 68, professional actor, died Dec. 23 at the Elks National Home, Bedford, Va., where he had lived 10 years.

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*I ain't mad  
at anybody*

Here's one guy who's happy and grateful to be in the music business. I'm not picking up my marbles, because it's always been fun and still is. I'm not taking sides in any argument . . . you know me, I never argue about anything! Of course, if I had an offer I might tell the Satevpost that music publishers (so they have a bad song once in a while), theatre owners, agents and managers . . . in fact the whole music business is okay. It just shortens your life 20 or 30 years but what the hell, look at all the fun you have.

Anyway this is to send Season's Greetings to all my friends, business and personal, and to thank the fellows who've booked me on both record breaking and non record breaking engagements.



# ABE LYMAN

## AND HIS CALIFORNIANS

# HAPPY NEW YEAR

greetings  
to

Joey Jacobson  
and Mike Fritzel  
and thanks for 14  
delightful weeks  
at your great  
CHEZ PAREE

Waltz Time, Fri. 9 P. M. EST.  
NBC Coast-to-Coast

greetings  
to

Art Childers and  
I'll be seeing you  
at the Royal Palm  
Club, Miami, start-  
ing Jan. 16. And  
thank you George  
Woods!

NOW AT THE STRAND THEATRE, NEW YORK,  
UNTIL JAN. 11. A low bow to Harry Mayer,  
Zeb Epstein and Irving Windisch. And thanks  
to Harry Goufain for a swell production.

And a  
special greeting

to one of the grand-  
est of the grand-  
AMON CARTER of  
Ft. Worth, Texas.

Personal Management: HARRY WEINSTEIN  
247 PARK AVE., NEW YORK

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