

4th ANNIVERSARY NUMBER

# VARIETY

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NEW YORK, WEDNESDAY, JANUARY 3, 1940

Take

## GREATEST AUDIENCE RADIO DRAMA HAS EVER KNOWN

**LUX RADIO THEATRE starts its  
6th record-breaking year . . . and  
again says, "Thank you, Hollywood."**

### LEADING CRITICS SAY . . .

*"The pace Radio Theatre has set has been a hard one to keep. But each year, we radio editors have assured you that your pace has not slackened."*

ALTON COOK, Radio Editor, New York World-Telegram

*"Lux Radio Theatre is consistently tops in the radio drama field and is worth the price of anybody's radio set."*

NORMAN SIEGEL  
Radio Editor, Cleveland Press

*"Since its inception the Lux Radio Theatre has provided listeners with the best in radio drama."*

DOROTHY DORAN, Radio Editor, Akron Beacon Journal

*"The Lux Radio Theatre brings the cream of moviedom's crop into millions of homes."*

ELIZABETH L. SULLIVAN, Radio Editor, Boston Globe

*"Radio Theatre's splendid plays and casts have been courageous pioneers in radio drama of high standard."*

ROBERT S. STEPHAN, Radio Editor, Cleveland Plain Dealer

*"Judged on the basis of entertainment value, Lux Radio Theatre is radio's outstanding dramatic show."*

DON FOSTER, Radio Editor, Chicago Times

## LUX RADIO THEATRE

HOLLYWOOD BOULEVARD, HOLLYWOOD, CAL.

**DIRECTED BY CECIL B. DE MILLE**

LOUIS SILVERS, Musical Director

**MONDAYS, 9 P.M. NEW YORK TIME, WABC  
AND COAST-TO-COAST COLUMBIA NETWORK**

**T**AKE ANOTHER BOW, HOLLYWOOD! Throughout 1939, as in all the past five years, you have made it possible for the Lux Radio Theatre to score hit after hit. Awards for the best dramatic program, the best Hollywood program, add "official" recognition to the acclaim of radio listeners the country over. Yes, the Lux Radio Theatre has the greatest weekly audience radio drama has ever known, and to its listeners, its participants and to the critics, it says, "Thank you."

And a special "Thank you" to those who have actually appeared before the microphone of the Lux Radio Theatre—our heartfelt gratitude to them and to the many others who have helped, behind the scenes, to make the Lux Radio Theatre the outstanding dramatic success in radio's history.





# 137 HELL GOOD TOPPERS

## 3 Months After War Sees British B.O. Chaos Veering to Confidence

By Samuel Eckman, Jr.

(Managing Director Metro-Goldwyn-Mayer, Ltd.)

London, Dec. 20.

From chaos to what? After these first three months of war, I think I may say without unreasonable optimism—in confidence—in the future. And confidence that Great Britain in wartime is not too bad a place to be in, even for those of us who have the responsibility of doing our part in keeping the entertainment industry alive, both for the sake of the vast number of people to whom it means their livelihood, and because it is probably the most vital factor in keeping up the morale and cheerfulness of the ordinary citizen, whether in uniform or multi.

The first week or so of the war was pretty grim. Every cinema and theatre shut by Government order. Practically every film company transferred to somewhere in the country—also, in effect, by official command. For the authorities had made it very clear that they would not have films stored in London, and that they wanted as many firms as possible to move their employees to the "reception," or safer areas.

If I may venture a mild criticism, the theatre-closing order was made no easier by the language in which it was couched.

On the fateful Sunday morning when war was declared, we all heard on the radio that every place of amusement was to be shut until further notice. In certain areas, the announcement continued, the matter might be reconsidered later on.

Of course, the authorities were expecting, or at least fearing, immediate mass air raids on London and other cities. Nevertheless, some assurance might perhaps have been given that the amusement houses would be reopened at the earliest possible moment—at least, they were given that. It would have softened the blow, not only for the \$50,000 or more people in British theatres dependent on cinemas and theatres for their bread and butter, but also for the countless number who depend on them as their principal source of mental nourishment, relaxation and amusement.

Although this is a purely personal opinion, I do not believe that, even if severe raids had come—even if they came now, as they may—England could carry on without entertainment. We all have learned good deal of what happened during the last war.

Aircraft then were less powerful and speedy than they are today; but anti-aircraft defenses were infinitely less effective.

During War I there were scores of air raids on London; yet the theatres and cinemas remained open throughout its four years and more, giving comfort, recreation and a sane outlet to the people of London, and to British, Dutch, Belgian, American soldiers and sailors here on leave, or on their way to the front. (Continued on page 66)

### New Model

As the result of her recordings of "Oh, Johnny, Oh" (Columbia) and "Bully" (Vocalion), Bonnie Baker has become one of the most imitated singers in the business. Prior to Miss Baker's rise to attention the girl vocalists with dance units were given to borrowing the style of Mildred Bailey or Maxine Sullivan.

Now they're trying to capture Miss Baker's sub-ingenuously nasal as part of their own vocal mannerism.

## TRAVELING BIG SPEC THROUGH SOUTHWEST

One of the largest traveling spec shows ever seen in this country will tour through New Mexico, Arizona and Texas from the end of May until the end of October in celebration of the 40th anniversary of the coming of the Spanish explorer, Coronado. Special steel scaffolding is being fabricated to make it possible to erect in 24 to 35 hours sets comparable in size to those used in California Cavalcade at the San Francisco Fair last season.

Productions will be presented in football stadiums at night with show of about 1,000 players recruited in the neighborhood and a small nucleus of pros and stunts. With large Spanish populations in the touring territory, some of the productions will be presented in that tongue.

Cavalcade opens at Albuquerque May 29.

## THIS EXPLAINS SOME BAD LEGIT ROAD BIZ

Buffalo, Jan. 1. There's growing resentment here about the final shows of visiting legit. They are consistently interrupted by loud backstage noise due to removal and loading of sets and props used in preceding acts.

On certain occasions, also, shouts and profanity of stagehands and truckers have been loud enough to drown out the stage dialog. And to make matters worse, these audience annoyances happen at last performances, especially Saturday nights, which usually see the largest attendance, with the best of good will multiplied accordingly.

## STEWART-ROONEY and R. O. STAMMOFF

Former's Film Gross Over \$10,000,000, But Rooney Heads 'Em All in New Product Released in 12 Months — Fleming, Capra and Curtiz Leading Money Directors

### FEW NEW FACES

By Arthur Ungar

Hollywood, Jan. 1. The cinematic man-of-the-year is James Stewart. In 1939, five of his pictures grossed more than \$10,000,000, a bit of a record for a male lead. The films were "Made for Each Other," "Destiny Rides Again," "It's a Wonderful World" and "You Can Take It With You" which latter, while a late 1939 release, did most of its earnings in 1939.

Holding strictly within the limitations of films released during the 12-month period, however, Mickey Rooney tops the male star brigade at the boxoffice.

With the war threat and general (Continued on page 28)

## Miller, Chester Both Record for Victor With Ditto Styles; Squawks

Though many of the new bands and quite a few of the old ones have shown a tendency to use Glenn Miller's sweet style, obtained by using a lead clarinet, the first indication of any objection by Miller is his reported pressuring of Victor to request Bob Chester to change his style. Both bands are on the same Bluebird (RCA Victor) label. The request was made to Chester's managers, Arthur M. Schaefer and Jim Papp, who answered with a turnaround, accompanied by a request for Chester's release from his contract. That was in turn denied.

Chester's new band, which follows the current Glenn Gray orchestra into the Paramount theatre, N. Y., was originally signed to Victor for a 10-side test stretch. It was subsequently signed for a year, on which 12 more sides have been turned out, on the assurance there would be no conflict with Miller. Situation remains as is for the time being.

### Deadline Jan. 1

This edition went to press Jan. 1. A deadline, because of the holiday's mechanical problems and the size of this issue makes it necessary to omit certain standard departments this week.

## WLW Shows Hillbillies in Denims; Their Personal Wardrobe Too Flashy

### Top Money Directors

Victor Fleming  
Frank Capra  
Michael Curtiz  
William S. Van Dyke  
George B. Seitz

## THEATRE BLDG. BOOM IN LATIN AMERICA

Expansion of the theatre construction programs in Central American countries and the West Indies forecast a material hike in sales by American equipment manufacturers in the immediate future. That is the word brought back to New York by H. B. Allinsmith, general manager for Western Electric Co. of Cuba, who has been on a month's tour of the company's Caribbean territory. While the European conflict has delayed expansion plans in British dependencies, the increase in American garrisons has tended to improve business in Panama and Puerto Rico; also Latin American republics, especially in Central America, which are going forward with building on a scale unprecedented in recent years.

Largest theatre in Latin America is projected at Bogota while houses of 2,000 and 3,000 seats respectively are going up at Caracas and Baranquilla. Allinsmith's recent trip included stops in Cuba, Puerto Rico, Trinidad, Colombia, Venezuela, Jamaica and Panama.

## LASKER GIVES CHICAGO U. \$3,500,000 ESTATE

Chicago, Jan. 1. Albert D. Lasker, of Lord & Thomas, has given his \$3,500,000 estate in Lake Forest here to the U. of Chicago. Property includes one of the most famous golf courses in the country. (Gift will be made official on Jan. 1, with the university to hold the property for at least two years. It is at that time the university hasn't found an educational use for it, the school may then dispose of the property any way it chooses.)

Lasker, who is a member of the university's board of trustees, had previously given the school \$100,000 to establish the Lasker Foundation for Medical Research. The gift was made in 1928 in conjunction with his first wife, the late Mrs. Flora Lasker.

Cincinnati, Jan. 1.

Most hillbilly entertainers who get into the bucks via radio adopt a yen for flashy street clothes, loud jewelry, classy autos and other big-time splurge. This, it is known to their fans, causes a popularity letdown.

To build up, rather than tear down, fan illusions the WLW Boone County Jamboree folks hold a public reception after Saturday night stage-air shows in Emery auditorium. Patrons are invited to meet and mingle with the entertainers while the latter have on their stage gingham and denims. Several hundred attendees take advantage of the open-house offer after each performance. They get backstage glimpses and are permitted to obtain autographs. Too, they clear out before the entertainers wash up and change to fancy attire.

Hank Richards, who writes and supervises production on the troupe's stage-air shows, adopted the audience-mingling idea this season. He also has discouraged extemporaneous hawking and attempts at attention-hogging during performances.

At a meeting of the troupe last week, Richards said: "The day when radio entertainers were a novelty in the theatre has passed. No longer do audiences look upon you as a member of the family and excuse burn showmanship and rotten stage presence."

"When you play a theatre now, from 35% to 50% of the audience is there to see you perform. Bear in mind that from 90% to 95% of the audience is made up of regular patrons."

"Too many radio acts have let down the people who paid cash to see them perform."

## COAST AIRPORT LOSES BOUT WITH PIX COS.

Hollywood, Jan. 1. Pictures won a decision over aviation when the Me flying school at Tarzana, in San Fernando Valley, was ordered closed by the city of Los Angeles. The flying school, which had been operating out of ranches in the neighborhood, chiefly RKO, complained that the droning of airplane motors interfered with picture making.

Training school, conducted by Mel C. Me, was flying school at Tarzana, in San Fernando Valley, was ordered closed by the city of Los Angeles. The flying school, which had been operating out of ranches in the neighborhood, chiefly RKO, complained that the droning of airplane motors interfered with picture making.

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## Leftist Mexico Bans Pix From the Soviet

Mexico City, Jan. 1. Presumably because of the Finland affair, which leftist Mexico has officially disapproved, the federal government has forbidden exhibition of Soviet Pix at its Teatro Hidalgo here.

The government had made quite a show of Russian films.

## RETAKES OF 1939

By George E. Phair

Hollywood, Jan. 1.  
There was a time when plannet was the rage.  
When beauty ruled the motion picture screen.  
The leading femme was like a fallen pope.  
All spice and spon, no matter what the scene.

In silk and ermine, jewelry and gold,  
The dunce passed to pump a pimpled ball,  
But now they thank her in a triple meow.  
Or stretch her neck in a wretched brawl.

De-Omph, 1939 A. D.

In the history of the motion picture old 1939 will be known as the Year of Degradation. Feminine pulchritude, cultivated, adorned and publicized at a tremendous cost, suddenly found itself behind a celluloid eighth ball.

Not so long ago a femme star could dawdle through a stampee, a hurricane, a sandstorm and a forest fire and wind up by swimming over Niagara Falls without disturbing one look of her permanent wave or doing in wonder. Then she snickered, and the snicker was loud enough to be heard by the Master of Hollywood. Now the glamour girl finds her self pushed around, as if she were a heavy or a roughhouse comic.

Notable example is Marlene Dietrich, once the last word in beautiful woman. Marlene was a girl like Du Sane, only more so. Today we find her in a western honky-tonk, warbling ribald songs and mingling in unadvisable clinches with badies.

Joan Crawford always looked as if she were stepping out of Ye Olde Smartie Shoppe. In her current picture she has the aspect of one emerging from a concrete mixer. Clark Gable clatters a headlock on Joan and drags her through jungles, swamps, fens, bogs, moorlands, quagmires and anything else he can find on the lot. Joan is utterly and irrevocably de-comphed.

For years Alice Faye was the fair-haired girl at 20th-Pk. Modistes, couturiers, cosmeticians and hair-mongers were hired in vast numbers to enhance her natural beauty. Along came 'Hollywood Cavalcade' and Alice's features were puffed and plumped with unerring aim by that veteran pie pitcher, Buster Keaton. There is only one thing more deglamorizing than a custard pie. That is a huckleberry pie.

Even the Great Gatsby was also a huckleberry of Norse Mythology, finally let down her hair and got a snootful.

P. S.—The beauty shops are still working overtime.

Life is a cycle. The back-lashed crowd is coming back. So is Dracula.

Once again the studios are threatening to knock off the high-salaried stars. The play's the thing and all that sort of stuff. It's a good idea if they can dig up another play. 'Boy Meets Girl' is getting a bit frayed around the cuffs.

Diplomats can't agree on what constitutes contraband, but everybody admits that Henry Armetta is a high explosive.

'Primrose Path' was once known as 'February Hill,' but the studio boys thought the title was too cold for so hot a story.

'The Patent Leather Kid' is coming back with the same title but a new story. Patent leather shoes and film stories crack with age.

They change the names of picture plays upon the slightest whim. They change the names of budding stars in spite of her or him.

They even change the morning suit on wonder mountain's brow. The good old California mist becomes a Volo now.

Whether they call it a fog or a mist or a Volo, it still leaks.

'Should Husbands Work' will be followed by 'Should Wives Work', but both questions are unnecessary if there is a nigger in the factory.

Picture industry may be a trust in Washington, but not in Hollywood, where one producer will trust another about as far as he can throw Oliver Hardy.

Years ago the Supreme Court ruled that baseball was a peculiar business, requiring peculiar rules. And if baseball is peculiar, the film business is positively delirious.

In Hollywood, life is a jumpy refrain,  
With options.

Its rhythm interrupted again and again,  
With options.

Not only in matters of cinema art,  
But even in genteel affairs of the heart,  
They promise to wait 'until death do us part'  
With options.

'South of Pago Pago' sounds like the work of Victor Victor. Or Gordon Gordon. Proper spot for the preem is Walla Walla.

O. Henry's life is about to be filmed but it won't be his first appearance on the screen. His yarns have been camera fodder ever since Hollywood was born.

Technically there is a difference between 'Hurricane' and 'Typhoon', but old Joe Fan won't notice. He is interested in oranges.

In Picture Town the evening sky  
Was pierced by flashes rising high.  
A prodigious searchlight gleamed—  
A hot dog stand was getting premed.

We have always wondered what would happen if one goes brash enough walked up to Charles Laughton and said 'Hi ya, Chuck.'

'The Drunkard' staggers into its seventh consecutive year, establishing a new record for marathon hangers.

Ladies who are built like hacks  
Shouldn't walk around in slacks.

Governmental shifting of Thanksgiving opened a new line of thought. Why not lump all the holidays into one grand festival? New Year's Eve always did sound like the Fourth of July and vice versa.

Even a cow must take a serene rest nowadays. If she looks too much like a cow she is not the type.

It Just Keeps Rollin' Along  
All up and down the whole creation there is no more versatile river than the Sacramento. It is not what you might call a big league stream but it has doubled for all manner of waterways, from a rippling rill to Old Man River himself. Cleopatra, on her gilded barge, has two times Caesar and Anthony on the muddy waters of the Sacramento. Tom Sawyer and Huck Finn have paddled on its tide, and many a Memphis gambler has dealt off the bottom while floating on the good ship Robert E. Lee.



PETE SMITH  
Greetings to VARIETY MUGS  
Everywhere

## Inside On Harry Edgington's Orig Tie-In with RKO

Hollywood, Jan. 1.  
Naming of Harry Edgington as head of RKO studio production followed negotiations that have been on and off for a number of years. He was first approached to become executive head of the studio at the time Hiram Brown was prey, later making special trip to the Coast to confer with Edgington. Reportedly, Joseph P. Kennedy strongly recommended Edgington at that time. First overtures to Edgington were made shortly before David O. Selznick moved into plant as executive producer, and were renewed soon after Selznick departed to join Metro. Edgington, in the meantime, is said to have cultivated a close association with the bankers interested in RKO, and that his decision to accept the post was due to pressure from this end.

Universal has abolished post of scenario editor with the departure of Jerry Sackheim, who held the job for the past four years. Reginald Allen, formerly with the Edgington unit, has been made secretary in charge of writer assignments under Dan Kelley, and producers and directors will clear writing ways through him in the future.

Joseph J. Nolan remains as assistant to president George J. Schaefer, in charge of studio operations. Lee Marcus continues in charge of the B's.

### TIME OUT TOUR

Hollywood, Jan. 1.  
Pending recovery of Claire Trevor, hospitalized with the flu, and the turning of cameras again on 'Dark Command' at Republic, Roy Rogers is personating along the Coast.

He'll stay out until the command to return is given.

That never saw the Mississippi. Old Mare Sacramento has played the Volga, the Yukon, the Hudson and everything but the Erie Canal, which no respectable stream would think of playing. Now Old Sac is playing the Swannee, gurgling in southern accents as it meanders through California fields owned by Iowa farmers. 'For men may come and men may go, but my options go on forever.'

In simple days of old, the humble cow Would meet the milkman in the dew, but now She kicks aside the milking can And goes to meet the makeup man And get a smear of grease put on her brow.

Janet Gaynor has something the other Hollywood girls ain't got. A husband who can criticize her new clothes.

While Uncle Sam's gunboat boys are prowling around Hollywood, maybe they will discover an original story.

Prison pictures are so prevalent at Warners that the studio is known as the Big House.

Secret ambition: to see Spencer Tracy in a dual role, stealing scenes from himself.

Warning to young vocalists: Once upon a time Ned Sparks was a crooner, and look at him now.

'Too Busy to Work' is not the life story of a studio exec, although a lot of them are like that.

This talk about the extermination of B pictures is a lot of harmless buzz. There will always be B's, no matter how colossal.

Giveaways are becoming so common that the film fan who wins an automobile demands a chauffeur with it.

For little Algotius.  
He asked a star to autograph A set of gimmick dishes.

## THROUGH THE (34) YEARS

So another year has come and gone and show business makes its 1940 entrance on a world stage that is peopled by strange and terrifying actors. On the backdrop is an erumping volcano effect, representing the resumption of European life and death struggle in age-old combat. Down from the scene is more tranquil, a vision of America in troubled peace.

In the swirl of events show business is not detached from the composite setting. So closely are the theatre, the screen and radio interwoven with the world panorama that every day and hour make new demands on the resources of professional showmen.

The obligation is clear and the assignment clean cut. In a world that is on the verge of political and military hysteria, show business is the dominating influence in the cause of universal sanity. It is the mirror in which humanity may glimpse itself, however vague and blurred the vision may be. Show business alone retains some sense of humor, an attribute that can save civilization.

Dust of 34 years has accumulated on the bound files of VARIETY since its first issue. Week after week the publication has maintained its unique place as an international newspaper of the show world. Its columns bear testimony to the fortune of show people who, through the years, have adapted themselves to uncounted changes, innovations and developments both within and outside the theatre.

For the moment, the outstanding activity in professional entertainment is commercialized radio, the partnership of showmanship and merchandise. It's Joe Miller at his best and worst—in front of a No. 1 drop, armed with a shaving stick, a big cigar and a plate of soap. And 'Toscanini is the orchestra pit! Not in its widest dreams could the generation of theatre-goers and music lovers, who made a ritual of a John Drew opening at the Empire Theatre or a Caruso appearance at the Metropolitan (highlights of the era when VARIETY was young), imagine the show world that exists today.

Record of the recent past makes a prognosticator hesitate before predicting the future. But the future will be written, week by week in VARIETY.

To the people in show business, VARIETY extends heartfelt good wishes for the New Year.

### Lull Over at U, 3 Go

Hollywood, Jan. 1.

Universal started three pictures during holiday week after an all-day lull with only one production in work. New films are the Deanna Durbin starrer, 'It Happened in Venice' which started Thursday, 'Black Friday' and 'The House of Seven Gables' rolled next day.

My Little Chickadee, co-starring Mae West and W. C. Fields, went out Thursday.

### SAILINGS

Jan. 12 New York to Buenos Aires; John W. Hicks, Jr., Adolph Zukor (Saula Elea).

Jan. 2 (Baltimore to London), Robert Montgomery, Ben Goetz (Clipper).

Jan. 2 (Genoa to New York), Ferenc Molnar (Rex).

### Shirley Out of Costume

Hollywood, Jan. 1.

New production plan for Shirley Temple at 20th-Pk calls for 'The Young People' as her next starrer instead of 'Lady Jane', the original entry.

Switch was made to avoid shoving the fourth consecutive costume picture with the young star.

### L. A. to N. Y.

Gene Busch  
Jimmy Durante  
Tommy Dooley  
Sam Hellman  
Walter Huston  
Joe Lasky  
Bruno Lester  
William Reynolds  
Lucille Watson

### N. Y. to L. A.

Robert Gray  
Lou Lusin  
Joe Meyer  
Ellis S. Joseph

## VARIETY

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Parainout created a third division with supervision from





# Concerts' Big Boom, Via Radio And Films; 3 Name Exceptions

Much credit has been directed at radio buildup in present-day concerting, yet three top draws in American music, exclusive of vocalists, have never been heard on the air to any great extent. Rachmaninoff, Fritz Kreisler and Josef Hofmann have always turned down contract radio offers despite fees that have doubled their retail prices. Hofmann has only one radio show on "The others, more."

Motion pictures are the most important factor in concert buildup in this country for Nelson Eddy's position as the No. 1 concert attraction for the fourth successive year, and also for the appearance of a new season of a new recital artist in Jeanette MacDonald. Film soprano made her first concert tour last winter to important grosses and has been widely booked again this year. The Metro air is regarded more or less as a popular draw and whether she will establish herself as a serious concert artist is still to be determined. Allen Jones is another whose film rep has enhanced his platform draw. He came out on a "Greatest" concert tour this month. Gladys Swarthout, while originally a concert force, has gained top prominence in that field following her appearance in p.k. Kenny Baker is another whose film lunacy who might go.

Concert business is having its best season in years with good boxoffice returns in larger centers particularly. Canadian cities, however, have been less than a half dozen cancellations of major attractions in the past year.

With the rapid expansion of outdoor concert activities in American cities, many of the summer business is anticipated. Success of municipal or quasi-municipal concert series in New York, Boston, Milwaukee, Hollywood, Cleveland, Philadelphia, Washington, etc., will open any other cities in the summer schedules this year.

In former years, spotlight artists headed for European festival dates and then returned with a few seasons of this year, musicians will remain in this country. Their presence here will probably be responsible for additional spring and summer bookings.

Tully Pons, little but a good trouper, remains the ace woman boxoffice draw. Second only to her is a woman with a phenomenal outdoor last summer accompanied by her husband, and a woman who is assuring her lead. An audience of 30,000 in Chicago gave the soprano a distinctly momentary boost in carrying her through her biggest season in this country.

Marian Anderson is third in the list of vocalists and certainly the best draw in some cities. Negro contralto has given three sold-out Carnegie Hall recitals this season, which is particularly heavy sugar for a single attraction.

A new colored personality of great importance is Dorothy Maynor, 26, pianist and soprano. She was first claimed debut in Town Hall (N.Y.) in November after singing for Serge Koussevitzky at the Metropolitan last summer. Maynor is already heavily booked for next season.

**Tibbett and Grace Moore**  
Lawrence Tibbett maintains his position as the most important all-around bookings he can take and Grace Moore, after several spectacular appearances with the Metropolitan, has her own in the field with her recent operatic successes, notably in "Louise." Tibbett and Moore are the two who vote more time to opera, a big draw in certain centers, and Richard Taubert, John Cheever, and Lotta Lehmann, three of the most artistic of present day singers, command the lineup of principal vocalists.

The passing years have made Serge Rachmaninoff the most glamorous figures on the concert platform. His gaunt, brooding figure, his hair, and his intense, almost hypnotic effect, added to his reputation as a composer, helps keep him at the top. Both Eddy and Kreisler are two of a famous trio of artists marketed for years by the Metro. The other two are Fritz Kreisler and Josef Hofmann. Farrar, Eddy still manages his two instrumentalists but books through New York.

Josef Hofmann is one of the great draws of the concert business. The Polish pianist, who makes his name only adds to his popularity. Actually

## How They Rate

### Top Vocalists

Nelson Eddy.  
Lily Pons.  
Marian Anderson.  
Jeanette MacDonald.  
Lawrence Tibbett.  
Grace Moore.  
Krislag Flanagan.  
Richard Crooks.  
Vladimir Horowitz.  
Lotta Lehmann.

### Top Instrumentalists

Rachmaninoff.  
Kreisler.  
Hofmann.  
Mehlin.  
Heifetz.  
Vladimir Horowitz.  
Josef Hurler.  
Walter Gieseking.  
Albert Einstein.  
Myra Hess.

Hofmann is in his early 60's and one of the most scrupulous artists and liveliest troupers.

### The Prodigy Groves Older

Yehudi Menuhin, a phenomenon as a child prodigy, continues as a box office winner and comes out setting into the respectable, money-making groove of a mature musician, his predecessor in the baby parade.

Returning this year after an absence of several seasons, Vladimir Horowitz faced a sold-out tour. Son-in-law of Toscanini, Horowitz has been a big American public figure. Hard work and a fair for the spectacular have helped Josep Hurler to come to the top of the upper brackets.

Walter Gieseking hoped to overcome transportation difficulties to come here to make his annual, highly auspicious tour in January.

One American-born artist among the first 10 musicians is Albert Spalding, violinist. Shrewd handling in advance to his own important talents have kept Spalding in front. Strangely enough Spalding has won the greatest acclaim outside his own country.

Myra Hess, the British pianist, is not coming to America this season. She has remained behind to organize free music programs for her government. Her place as the most successful woman instrumentalist is now held by Maud Powell.

A woman pianist or violinist continues to be a drug on the American music market. Only Guizmo Novas, Brazilian, and a few others are booked.

However, Ignace Jan Paderewski undoubtedly would lead all concert performers as a draw were he able to appear more consistently. In his late 70s, he's more than a freak. He is a man whose playing has long been its best day. He toured to call last season in the U. S. but had to leave at short due to illness.

### Low Radio Ratings

Concert headlines have only had a fair year on the radio, the Ford Motor Co. sponsored the New York City. Richard Crooks has been the only star with a series (Firestone). Serge Koussevitzky, who is more in preparation which will use symphony orchestras and bigtime soloists. There are reports that Eddy, Tibbett and Miss Moore will be long idle.

Not knowing use of vocal personalities in motion pictures is also forecast from Hollywood with Miss Moore and Eddy. The latter is expected for important productions. Metro is still interested in a film production of the soprano with the New York City. Tibbett is expected to suit the special talents and 20th-Fox is considering Irving Berlin's "Swing With Music" with Miss Moore.

In addition to Dorothy Maynor, year's new b.o. personalities to date are Zita Zingales, a French pianist, who made her debut in a successful debut with the New York City. The Metropolitan Symphony Orchestra, and Helmi Tura are reports that Eddy, Tibbett and Miss Moore will be long idle.

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Fourth consecutive season with Maxwell House Coffee - Sundays, 6:00-6:30 P.M., 1939-1940.

## Goldwyn Strips Payroll During Studio Hiester

Hollywood, Jan. 1. Only a few execs will remain on Samuel Goldwyn's payroll when he shuts his plant for a week, beginning about Jan. 20, by which time his lone production, "The Westerner," will have ceased turn.

Seven contract players have been turned out to other studios. Gary Cooper, who is filming "Paramount on Triumph Over Pain" (Jan. Hall, Walter Brennan, Andrea Leeds, Dana Andrews, Virginia Cummings, 20th-Fox where Zorina is already at work. The eight contractors, David L. Lasker, is on leave of absence in England.

Of the three Goldwyn directors, Sam West is assigned to Sol Lesser's "Our Tom" (William Wyler, "The Westerner," and Archie Mayo is on vacation in the east.

**Schwartz's Warning**  
Fighting mad warning that any other company which attempts to touch Sam Goldwyn's next picture, "The Westerner," will find itself in a peck of trouble, was issued by Charles C. Schwartz, United Artists counsel, on Friday (28).

Schwartz's statement followed reports that Goldwyn, who recently terminated his distribution contract with UA, was in confab with Paramount and RKO in attempts to get them to handle the forthcoming film.

"We have already said that we will fight Goldwyn on every legal ground in his attempt to wriggle out of his contract with us," Schwartz declared, and that includes any company that is downright stupid enough to deal with him while he is under "four contract Artists will distribute "The Westerner" and any other picture made by Goldwyn until he decides on Sept. 2, 1945, unless he expires otherwise.

"Westerner" is the last picture due by Goldwyn on the current season's commitment to United Artists. He recently delivered "Raffles" as his "final" picture for their release. It is known that he is having difficulty. "We have already said that we will fight Goldwyn on every legal ground in his attempt to wriggle out of his contract with us," Schwartz declared, and that includes any company that is downright stupid enough to deal with him while he is under "four contract Artists will distribute "The Westerner" and any other picture made by Goldwyn until he decides on Sept. 2, 1945, unless he expires otherwise.

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**Tugend Shifts To U.**  
Hollywood, Jan. 1. Harry Tugend checked out of 20th-Fox after four years of scripting and directing, and is now working for Warner Bros. in New York.

Writer came here from New York with Fred Allen and stayed.

or no opportunity. She now returns there in principal Wagnerian roles. The Italian government caused both the Metro and the State Opera many headaches by refusing to permit nine Italian opera singers to sail to the United States for scheduled engagements. Among those unable to fill dates here were Malinda Allen, soprano; Enrico Caruso, tenor; Signorini, soprano; Alessandro Zilli, tenor; and Giuseppe De Luca and Salvatore Bascolini, baritone.

The pulse of the picture business, the boxoffice, has many finers on it with the constancy of a doctor ministering to a doubtful patient, but all the time no one has been able to clearly diagnose the cause of the report on the prospects. Whether the outlook for the immediate future is bright, dubious or static remains as much a mystery as 1940 marks another year as it did 1939.

Midway into another season of film programs, it would appear that while the b.o. is not seemingly facing a setback, it also is not showing signs of a revival. The picture business, which has been a steady state of industrial in this country, might mean greatly renewed vitality in theatre receipts. It also may mean nothing and, so far, it hasn't, except for a few years ago brought about a great deal of business in the community where production has spurred, notably seat centers.

Repeal of the arms embargo was widely acclaimed in the picture industry and, particularly among exhibitors, it was hoped that it would mean a boom in this country which, in turn, would be reflected in the theatres the same as in the last war. If peace does not break out as the theatre operator realizes, then this may come, but it may not arrive to any appreciable degree for sometime. Experience of the World War was that film boxoffices did not get any action until about six months after it had begun, but once the heat of gross receipts, they stayed at a high plane until the armistice was signed, as well as for a time. This was also true of the depression, the theatres getting hurt the last and recovering when the economy developed, even a short-lived prosperity came. Thus, even though a business revival occurs as result of war and the theatres do not get their share of the spoils until prosperity has been spread around elsewhere, there may be some consolation in the fact that experience has seemingly taught that boxoffices are the last to have it taken away from them.

## May Not Repeat

Operators of the older sector, however, point to the possibility that history may not repeat itself and that what happened during the war 20-25 years ago is not certain to recur. Since then, tastes have changed and a great deal of new competition has developed, not only in the being radio which provides both entertainment and information (news) at a ridiculously low price even when compared with a 10c picture show, but also in the form of new entertainment. There have been a few invasions of Poland, an incalculable number of persons stayed at home glued to the radio to keep in touch with world events which might either have gone to the theatre or to the radio. There have been a few, but a certain number might have gone for a walk, to play pinocle at someone's house or to the nearest burlesque, but the goodly percentage of the business would have been taken by the theatre and the radio.

Moreover, not only has radio become a great opposition force to films but it has also had other fields of activity which have excited the public taste in the same way. In the past, it was the only medium that could reach a large audience. In the past, it was the only medium that could reach a large audience. In the past, it was the only medium that could reach a large audience.

Other pastimes, Sports, Autos, Etc. Other sports or pastimes have similarly made inroads on leisure time which in years past, however, was left to the theatre. One of the best rooted of American sports, as well as fights, have increased their public but they compete odiously to the killing for patronage made by some of the other sports. The theatre, however, has been a steady state of industrial in this country, might mean greatly renewed vitality in theatre receipts. It also may mean nothing and, so far, it hasn't, except for a few years ago brought about a great deal of business in the community where production has spurred, notably seat centers.

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Cars have worked to a disadvantage for some theatres, notably a small house or "shooting gallery" in hamlets or lesser communities, with towns and cities, in their cars, and the theatre has been a steady state of industrial in this country, might mean greatly renewed vitality in theatre receipts. It also may mean nothing and, so far, it hasn't, except for a few years ago brought about a great deal of business in the community where production has spurred, notably seat centers.

Bearing these present-day conditions in mind, if a war boom should come this fall, in years past, however, the theatre has been a steady state of industrial in this country, might mean greatly renewed vitality in theatre receipts. It also may mean nothing and, so far, it hasn't, except for a few years ago brought about a great deal of business in the community where production has spurred, notably seat centers.

Since the present 1939-40 season has been the last August, the quality of the product has been better than for the same period the year prior, yet business has not jumped in recognition of the improvement in the product. The other hand, the quality of the product has been better than for the same period the year prior, yet business has not jumped in recognition of the improvement in the product.

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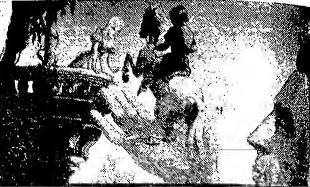
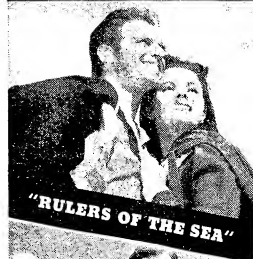
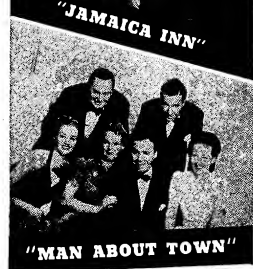










**"THE CAT AND THE CANARY"****"THE GREAT VICTOR HERBERT"****"GULLIVER'S TRAVELS"****"RULERS OF THE SEA"****"DISPUTED PASSAGE"****"JAMAICA INN"****"MAN ABOUT TOWN"****"PARIS HONEYMOON"****"WHAT A LIFE"****"INVITATION TO HAPPINESS"**

## CONSISTENT DELIV PRODUCT—PARAMOU

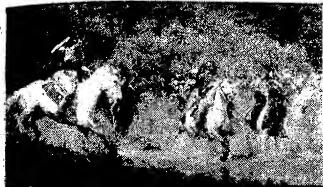
This week, the motion picture industry swings, not only into a new year, but into a new decade. The "Threadbare Thirties" give way, we hope, to what historians will sometime call the "Fortunate Forties." Looking back over the troubled years, which began in the last months of 1929, we can be proud of our industry, justly proud.

To Columbia, Metro, United Artists, Universal, Warner Brothers, 20th Century-Fox and other leading companies, we offer our honest congratulations for the stout-hearted, hard-working way in which they have not only fought tough times with ever stronger, ever finer product, but have made this industry a model to other great American industries in its ability to forge ahead no matter how tough the going. The past ten years are indeed a great testimony to the energy, the will, the genius of the motion picture industry.

And the past ten years, culminating in the gloriously successful year of 1939, are a glorious testimony to the strength of our own company, Paramount. As we face the new year, the new decade, we know that our record is a fine and proud one. For not only has our policy been consistent. We have succeeded in living up to our policy. Week in, week out, month





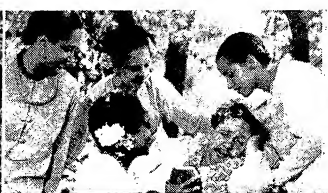
**"GERONIMO!"****"THE LIGHT THAT FAILED"****"REMEMBER THE NIGHT"**

## ERY OF BOX OFFICE NT'S RECORD IN 1939

in, month out, Paramount has continued to deliver a full, rounded quota of superior motion pictures. Believing that our duty is to keep the exhibitors of the nation supplied with the kind of pictures they want, when they want them, we have never shirked that duty.

In 1939 no company in the industry has supplied the exhibitor with more good, sound box office product than Paramount. Of course, we are proud of such great hits as "Union Pacific," "Beau Geste," "Midnight," "The Great Victor Herbert" and the other top successes we have used to illustrate these pages. But prouder still are we of the fact that Paramount has delivered at least two big pictures every month of the year, that no week has gone by in which an exhibitor did not see at least one worth while Paramount Picture on his Paramount release schedule.

CONSISTENT DELIVERY OF BOX OFFICE PRODUCT IN 1939, AS FOR YEARS, TOGETHER WITH AN HONEST, REASONABLE SELLING POLICY, WITH AGGRESSIVE NATIONAL PROMOTION, HAS MADE PARAMOUNT PRODUCT THE BACKBONE OF YOUR BUSINESS. IN 1940, FIRST YEAR OF THE NEW DECADE, YOU CAN BE ASSURED OUR POLICY WILL REMAIN THE SAME.

**"HONEYMOON IN BALI"****"BEAU GESTE"****"MIDNIGHT"****"THE STAR MAKER"****"THE BEACHCOMBER"****"UNION PACIFIC"**

"EMERGENCY SQUAD"

"GERONIMO"

"SANTA FE MARSHAL"

"REMEMBER THE NIGHT"

"PAROLE FIXER"

"THE LIGHT"

"THE FARMER'S  
DAUGHTER"

"DR. CYCLOPS"  
in Technicolor

"OPENED BY  
MISTAKE"

"FRENCH  
WITHOUT TEARS"

"THE  
BISCUIT EATER"

"WAY  
OF ALL FLESH"

"THE  
SHOWDOWN"

"TYPHOON"  
in Technicolor

"LIGHT OF THE WESTERN  
STARS"

"BUCK BENNY RIDES AGAIN"

"HIDDEN GOLD"

"SAFARI"

"AT GOOD OLD SIWASH"

"WOMAN FROM"

## IT'S ANOTHER PA



Inaugurating another decade  
with a consistent delivery



"THAT FAILED"

"THE SIDEWALKS OF LONDON"  
A Pommer-Laughton-Meyflower Production

"KNIGHTS OF THE RANGE"

"SEVENTEEN"

"ADVENTURE IN DIAMONDS"

"WOMEN WITHOUT NAMES"

# PARAMOUNT YEAR!



"ROAD TO SINGAPORE"

"A NIGHT AT EARL CARROLL'S"

Cecil B. De Mille's  
"NORTHWEST POLICE"  
in Technicolor

"DOWN WENT McGINTY"

"GOLDEN GLOVES"

"NIGHT OF JANUARY 16th"

de of Paramount progress  
of box office product...

"HELL"

"UNTAMED" in Technicolor

"HOLD YOUR HORSES"

"COMING 'ROUND THE MOUNTAIN"



# Portrait of a Story Editor

By William James Fadiman

(Eastern Story Editor, Metro-Goldwyn-Mayer)

Ask almost any author what a story editor is and he'll look at you as if that I-studied-under-Professor Baker-at-Yale glance and tell you in unhesitant syllables that he's a guy who knows nothing about stories; could never learn anything about stories; and how did he get the job in the first place? The book publisher files all Story Editors under a mysterious heading in his contracts which reads Subsidiary Rights, hardly a term of profound authority. The film executive says nothing, but if you can read the chained lightning playing about his head, it might be translated as "Well, what do you think we're paying you for? Why don't you find some good stories?"

You'll admit this is a pretty confusing picture of a guy who spends the better part of his life digesting creative efforts made up of other guys who spend the better part of their lives writing stories so that the Story Editor can spend the better part of his life... and so ad infinitum. Most story editors were born sometime in the middle of the 19th century, of bi-focal hornrimmed glasses, a vocabulary that would astonish their grandfathers, and a taste to play the typewriter with two mangled fingers, and a tired manuscript in each hand. They are seen in booklined offices decorated with autographed pictures from the successful Beauty or Lavender and Old Lace.

As one of the fraternity, I'd like to tell you what a story editor is. It is. If you can conceive of somebody whose working day may call upon him for part manager, part detective agent, part salesman, part linguist, part diplomat, part reader, part censor, part censor, part censor, part censor—then you have some idea of a Story Editor. You won't believe it, but it's true. He does something to the Wright Brothers!

An Elastic Career  
Some of the things that come under the generous heading of Story Editing could form the basis for a new kind of strip.

The cousin-in-law of the executive's uncle who has spent 22 years in the story editor's office knows there's a picture in it somewhere, somehow.

The neighbor who recites his whole play to you in Danish before you can tell him you don't understand the language.

The lady-author who interviews you as if she were on a witness stand and the jury were all men hungrily married.

The tight Young Thing who writes just like Katharine Brush because her sorority sisters told her so. The 1,100-page manuscript (six carbon copy) that must be turned over-night, and the night is only 10 hours long.

The wire from the Coast asking you to take a book on the plumage of extinct birds in the Pleistocene era.

The out-of-town play opening which looks like a preview of a Chicago abattoir to you, and which is a Broadway smash after you've said "It would never come in."

The item in *Variety* which says a famous author has written a great novel and which you find is non-existent after wearing out two phones, a use larynx and a dwindling command of the English language.

The dilettante whose book is not for the masses but is willing to give you a break this time.

The pseudonymous author whose identity you try to trace with cables, wires, phone calls, letters, and telephony only to find that you knew him in High School and that he lives at the Astor.

The one manuscript out of 12,000 that you didn't return to its out-of-town sender via registered mail and the author uses you and your company for \$8 million dollars.

Agony  
The agent who says: "I'm telling you this in utter confidence, mind you, just because I like you. Another company which I cannot name is going to buy this tomorrow morning."

The agent who asks an expensive lunch at your expense and then writes an acknowledgment note to your rival across the street, who makes sure to phone and tell you about it.

The I-majored-in-English-at-Harvard boys who want to bring culture to the flats and feet and are now flitting on the brink of 77B without them.

The boy and girl who suddenly go

into an office and tell you before you inform them they are in the wrong office.

The stuff you're rejected as being inferior for human consumption—which wins the Academy Award that year.

The lady from the censor board who wrote her autobiography at the age of eight and saved it all these years just for you.

The magnificent story which ends abruptly in the middle of page 298 and you learn that the author forgot to tell you it wasn't finished.

Bartly Sewarbits

The man you said "please pass the canapés" to at the Ritz Bar who calls you by your first name and has a true story of his life as a bootlegger that is stranger than fiction.

The book you were recommended only to discover six months later that you read it five years ago and thought it was terrible.

The authors who submit the same novel under 15 different titles and think it's funny.

The secretary who writes "mordant" for "mortal" and can't see what difference it makes anyway.

The playwright who intones majestically: "After all, my dear man, what can you do for me that Broadway can't? Well, I'll discuss it further after my play is produced."

The galley-proofs that are three feet long and fly out the window while you are reading.

The playscript bound in pink tulle with a hand-painted picture of the author on the cover.

The agent who submits a story that was purchased and filmed by your rivals six months ago.

The executive who wants to know immediately the names of the five best sellers in 1932.

The man who knew you in P. S. 63 and wants to meet Joan Crawford.

The 4,654 imitations of "Gone With the Wind or Rebecca, which would cost as much to buy and are just as good."

The "original" stories taken from the Saturday Evening Post which you are supposed to recognize immediately.

The author with the private, unlisted telephone who wants to know where you got his number.

The agent who buys you a lunch and then can't eat for thinking of the expense.

The producer who wants a rags-to-riches story that is absolutely brand new in every respect.

The pins in manuscripts that give you black poisoning as you turn the pages.

The short-story writer who mails you 78 in ten sentences.

The Severe Cliche

The novelist who doesn't like your company's pictures and tells you just what he thinks about them.

The foreign novel whose rights

## AL GOODMAN A Happy New Year to All My Friends

You've tracked down half way across the earth to discover that it's in the public domain and could have been used for nothing in the first place.

The publisher who tells you in confidence that his book will win the Pulitzer Prize—and it really does.

The visiting celebrity who discovers every subject under the sun save the outline of his new serial which you can see just off his pocket.

The "inside story" of Charlie Ross.

The newspaperman who will "knock off" a story for you in 15 minutes if you only say the word.

The agent who insists that he never reads the material he submits and proves it every day.

The clown in the elevator who grins and asks you whether you have read any good books lately.

The Vassar daisy-chain graduate who wants to join your staff because you "meet so many interesting people."

The important writer who never makes carbon copy and consequently shortens your life by 20 years.

The income tax expert who wants to know what "entertaining authors' means."

The explorer-author who wants \$600,000 to give you exclusive rights to his unwritten story of Genghis Khan's third wife.

The literary tea where they serve tea.

The guy who wants 10 ticks for "Information Please" for tomorrow.

And the exciting, thrilling electric feeling you get as you turn the first page of every manuscript that never dies.

The dying hope that it will turn out to be a great picture possibility, and which never lives no matter how many years you behind the door.

P. S. Don't get me wrong. I love my work.

## By Bill Bloecher

Hollywood, Jan. 1.

Poverty Row, testing field for motion pictures' future stars, producers and directors, is on its last legs. And will soon find even those makeshift props and props units the Guilds and studios compromise on a more equitable scale for this class of production, small indie producers claim. A drop from approximately \$2,500,000 spent yearly on status-right production to one that is \$250,000 each 12 months is the sum total of the more than five years campaign by various employee groups to increase member earnings by raising wages. A case of cutting off its own nose, independent producers through putting the indie class of worker on the same pay basis as major producing companies.

Particularly active during year in drive to prevent wage cuts and maintain its minimum scale was the Society of Motion Picture Producers. Drive drew two, asserted of lenders into the net and resulted in a \$100,000 fine and court order of hearing before the State Labor Commission. Climax of the fight between producers and film men, recent superior court ruling of a suit by a suspended member, containing charges of passing the buck between editors and the major producing companies to force status-right out of business. The suit failed to come to trial when the society reinstated the member and dissolved the suit. The suit was signed Dec. 8 by his attorney.

Feeling among Poverty Rowers is growing that a good many of the studios but just when, and how, an anti-trust suit could be entered into by indie producers. The suit in agreement between actors and majors, which specifies no producer's right to deal dealing with more than scale paid by big lots as open to question of restraint of trade.

During the year independent producers have been changing more and more wage scales paid various union members, using argument that the lack of a union has been a source of worst enemy, in spite of considerable upping in rate. There is no doubt that the increase in wage will increase results in far less work in proportion to upping of stipend, indie contend. Many of the indie along the row who turned out more than 12 pictures yearly in 1938 cost from \$8,000 to \$20,000, and on a profit of around 20% from status-right exchanges, are letting someone take the risk of getting any money back. They figure there's not much to be made when returns on that \$20,000 feature are still the same, or less, and the same picture turn out. Point is 35% more to turn out.

Under present conditions a studio in this particular field can now be called an indie, and the wage increase if he works, whereas under the old regime a comfortable living was assured by almost steady employment throughout the year at smaller pay rate. Indie producers rarely ever find employment on major lots (except, of course, those who advance with experience) and indie conditions imposed by Guilds and union hit hardest at their members in this class.

Overtures have been made by indie both to the SMPPE and the Screen Actors Guild for scale adjustment but any compromise is still very much in the future. Editors are reported to have said they would consider confabs for possible reduction if actors would also look into matters. Guilds stand on their bones about their feeling towards independent production, declaring bluntly that indie should have picture budgets, strive for a bigger market and pay a living scale to workers. Biggest handicap to any compromise is the fact that the majors would have a perfect wedge to start a drive for talking back for their workers. Indies come back to Guilds' contention that they should reach for bigger markets with claim that the majors' bookkeeping methods stymie any effort in that direction, so that they are forced to concentrate on the small names and lesser Main Street houses for playing of product.

### Negro Pix Best Bet

About the only activity left among the small-budget producer is now in the Negro picture field. Local productions locally, Million Dollar Babies, and producing company making pictures for reeling by Goldbergs' distributing setup, have

managed to keep working, turning out features budgeted from around \$13,500. Along the row though, Million Dollar is reported to have run into difficulties on its last effort, and other producers' mounting costs up into the 30G, with things still not whipped. By staying within a definite budget, the indie Negro product, producers are assured of an easily estimated profit, plus any heavy resale value and a small percentage gains in larger spots.

Comeback in independent production being watched closely by Poverty Rowers is second story of Ben N. Judell in the field. Couple years ago, Judell landed on the Court and formed Progressive Pictures with ambitious plans. Boys in the know along Row rolled the town correctly when they pointed out that setting his budgets too high for anything but a loss on returns. Judell's new company, Progressive Pictures, has gotten off to a more auspicious start with one successful release, "The Boat of Berlin," yet to be doing all right around the country. Producer has lined up big title for the big battle, and a number of westerns to be filmed at the Prairie state studio erected at Presbury Avenue. The indie class of producer is being done at Grand National studio.

Periodic efforts of lining up a national distribution setup for release of independent product, going on for several years, are still only in the big talk stage, and indications are that there they will remain. Status-right market being what it is.

### Henkel's Reef

Suit charging conspiracy by majors to throttle indie was filed by indie producer of "The Sign of the Cross," V. Henkel, suspended member of the Society of Motion Picture Film Editors. Henkel named Society and its officers as defendants, asserting Henkel was deprived of his membership without a hearing. Henkel says he has all cause cut refused to join in asserted plot to frame an independent producer of "The Sign of the Cross," Henkel's suit stated that he was promised steady employment at \$100,000 a year, but was "sacked" with alleged plot and threatened with dire action if he refused. Damages demanded by Henkel ranged from \$1,000 for loss of work, \$25,000 general and \$100,000 punitive damages. Henkel's suit was filed following SMPPE proposal to reinstate Henkel and notify producers that they were not to stand in the way of action if action were withdrawn before coming to trial. Henkel's assertion that the suit was filed against indie was all part of a move to force independents out of production.

Just how indie's rallying for better working terms for themselves will end it still vague, but it is a fact that the indie class will not take much more of a beating from what they term "unreasonable demands" by the Guilds and the country's market for their type of production.

Unless radical changes take place soon, Hollywood stands to lose its best proving ground for new recruits.

Indies still hope for concessions from the Guilds that will allow them to operate at a reasonable margin of profit, and look towards the day when reached when minor concessions in production of westerns and serials were gained.

## Dismiss Suit Against Walter Reade, Others

N. Y. Supreme Court Justice Philip McCook has dismissed the suit of Henry F. Biederman against Walter Reade, Reade Hudson Amusement, Inc., Biederman Corporation, and several individuals for failure to state a claim.

The three plaintiffs claim to have held 50% in New Hudson, N. Y., theatre to Reade in 1937. The theatre was the Playhouse, Rialto, Star, and Commodore, and they alleged that they were forced from the management of the theatre, that Reade and his associates had taken over and breached their contracts, etc.

Removal of Reade, appointment of new management, and the theatre was a general accusation was sought.

## WILLIAM A. SEITER

Refusing to divulge his number of years as a director, he does admit there were no concrete streets on the Universal lot and the only adaption against the elements were the "diffusers" used on the open park.

He returns to his old home lot directing "It Happened In Kalahar" starring Deanna Durbin in her most preposterous musical to date.

## NORTH OF THE BORDER

By Mori Krushen

Show business across Canada today is another name for N. L. Nathan.

With suave, able J. J. Fitzgibbon, negotiator and lobbyist, chairman of Nathan operates a command of some 550 picture houses with which are tied in about 150 theatres under pooling or partnership agreements, and several film exchanges also controlled.

This is the upper crust of the picture business in the Dominion—the dealers and the key neighborhood chain—and without pictures there would be no enthusiasm, except via radio, for the 11,000,000 inhabitants to whom vaudeville has become something of a vague memory. Here, as elsewhere, the legitimate theatre has faded away to a legend, with only the occasional touring company as a reminder that living actors still exist. Once or twice a week, an English company has a tryout here before going on to the United States. And stock companies are scarce, appearing at approximately some 10 years ago.

In addition to his chain of theatres, film exchanges, Nathan has franchise hookups with Metro, Paramount, 20th Century-Fox, RKO, Brox, and others. Artists, which have been selling away from F. P. can, may also sell its product on exhibition in the theatre.

Apart from the Nathan chain there are some 700 independent theatres, mostly in the west, many of them unorganized, and doing business as best they can. In recent times there has been considerable movement on foot in Ontario to organize independent exhibitors and several individuals have been made at Ottawa agent chain operation. Since those who complained were not backed up by a national organization, they were regarded as nothing more than squealers. No real effort has been made by the independents to establish an organization strong enough to carry weight.

## Stagnant Showmanship

Totalitarian statesmen might even learn a thing or two from some movie men here. The first rule of the first rule does not chalk up the grosses they might get if each house had the maximum of business available.

In Montreal, largest city in the Dominion, exploitation is limited to buying space in the dailies and advertising out routine advance notices. Most every film, and most every individual merit or specialized exploitation, has killed off a great deal of reader interest in that type of advertising.

Montreal is a special problem in film distribution. With more than 1,000,000, it is but little over French-speaking potential audience, though mostly bi-lingual, may listen in to Charlie McCarthy and other programs, but only films of a certain type will bring them to the theatres. Musicals and thrillers are surefire for the French audience. Hence, the popularity of Cagney pictures. "Gunga Din" was one of the biggest grossers of the year because of its draw among the French.

Some French-language business has been lost by the move into a straight picture house. Because Lewis is still a vaudeville house and the first rule draws big at Lewis's was as well and better at the Palace, nothing has been done and the change of policy, since all the first rule are under F. P. Consolidated operation. Vaudeville has been tried at Lewis with varying results. Cagney \$150,000-a-week bills have caused customers away from the 100,000-a-week bills haven't brought quite enough of them in, especially since the tariff was raised at the same time.

Grosses throughout Canada during 1939 were up over the previous year, but the seating capacity, with result that if new houses are counted out, net receipts for the others are lower.

War clouds have neither eased the problems nor shaded the favorable picture of the picture business in 1940. But prospects for the coming year appear to be favorable rather than otherwise.

## Net Income Up a Lot

Farm income in Canada for 1939, according to statistics given by Norman Yell of Royal Advertising Agency, is \$1,065,700,000, or \$45,000,

000 ahead of last year. The prairie wheat crop is one of the biggest in the world.

Computing farm value from the production and prices of five principal grains, the Agricultural Research Service, chasing power is \$1,103 or 33% higher than it was in 1938.

With the average purchasing power the Canadian farmer has had since 1929 and 50% above the average in 1938, it is not surprising that a lot of which must soon translate itself into action at the boxoffice. And, finally, it is not surprising that buyers of radio time and newspaper space to shoot at. A lot of this money is already in circulation, showing in improved sales in cities also, since the farmers have received large cash advances on their marketing.

The sudden increase in purchasing power throughout Canada since the war has not been without its effect. It is embodied in a composite lineup of 12 lines of business taking in food, clothing and household requirements. These showed a gain of 24% in September over August, and an increase of 12% in October.

Per capita volume of nine lines of consumer goods averaged 35% higher this fall than for the same period of 1938. For the farming community it is the most prosperous season since 1929.

Picture business in general has not been plagued by problems such as price-cutting, gagging, stunting, give-aways and banknote to any great extent. The picture business is one of the major problems, especially in the Province of Quebec, has assignment on the most prosperous part of some of the recent gangster films.

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have been okayed and less difficulty is expected on the whole with a new federal administration in the Province.

In some parts of Canada where training camps and military bases of any kind have been set up business at picture houses has trembled.

The movie company is a success in Canada if it bears the stamp of approval of Broadway critics and New York audiences. Otherwise, the hinterland is apathetic. Occasionally an English company does well also, but this is usually the result of a heavy draw in Canada, with the odds in favor of the dramatic rather than the musical productions.

French-language legit, for the first time, is trying to establish itself here with a nucleus of local radio performers and a few French imitations who are not required for military duty overseas. But it's a tough path in a town where the natives have never acquired the taste-giving habit common to most metropolitan centers.

Aside from the picture houses and radio there is less show business in the Canadian metropolis, with a population of more than 1,000,000, than in Hoboken. There's a little more in Toronto.

Radio continues a vigorous factor throughout Canada, despite the fact that the Canadian Broadcasting Corp. Broadcasters remain the mainstay of the industry. Here, most Canadian performers having drifted into the U. S. in other forms due to lack of encouragement on this side of the border.

## Douglas Draws L.H.

Hollywood, Jan. 1

Gordon Douglas gets the director assignment on the next Laurel-Hardy picture on the Hal Roach lot. Shooting starts Jan. 10.

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## Exit—2d Letter in the Film Alphabet; B's Become Near-A's

By Bob Moak

Hollywood, Jan. 1—B-budget pictures, hane of the year's life in recent years, are due for a real going over the 1940-41 selling season rolls around. With all the major studios readying to reduce their feature output for next season, cheaper B's will bear the brunt of the pruning.

Joined into action by the series of economic surveys that have been going their tracks in recent months, the talker makers have been making serious surveys of their celluloid kingdoms. Out of these have come two discoveries that actually started them: They are:

1. That the majority of their Beehive productions have brought little or no profit, and in some cases have actually run up losses.

2. That the average B picture is a detriment to the industry as a whole because it leaves the ticket-buyers with the feeling they have been ripped.

For years the Hollywood onlooker has been listening to the production lads about doing away with dual bill fillers, and has taken their prattle with a grain of salt. But this time they are in it something more than empty conversation.

Extended Runs Started It

With major production-distribution toppers already united in a campaign to force longer runs on the more expensive features during 1940-41, there is no place left in the set-up for the large number of quickies they've been turning out in the past. Standing guard to make certain the lot chieftains don't renege from their

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and Columbia right now are re-evaluated, and the industry is busy buying methods for the new deal that awaits around the corner. Many an actor, producer, director and writer, who has been okay for the small-cost product, but who can't dole out the big money, is a poor sport. Paramount, who is looking for new employment come February, by which time a crop of next year's crop of vehicles will be hitting the camera line.

Paramount, whose B division under Harold Hurley, is grinding out 17 pictures this year, will bring total output to between 10 and 15 for the next season, according to present indications. Departmental heads on the lot have been instructed to draft their budget estimates on that basis. Funds saved on the lopped B's will be added to allotments for those retained.

Similar situations exist at 20th and Warners. At Westwood's plant Sol M. Wurtzel is contributing 27 B's and one special for 1939-40, but will do about approximately 12 for 1940-41, the entire crop to carry greater expenditures. Bryan Fox, handling the B's at Warners, says the studio will do half that number next season. Both RKO and Columbia are expected to do the same. The B's for their cuts to be effected before the new slate gets the go signal.

At 20th and Warners since July have been around \$130,000. What's spared is spent on the more expensive picture will run from \$250,000 to \$350,000. Additional funds will go for better writing and better players.

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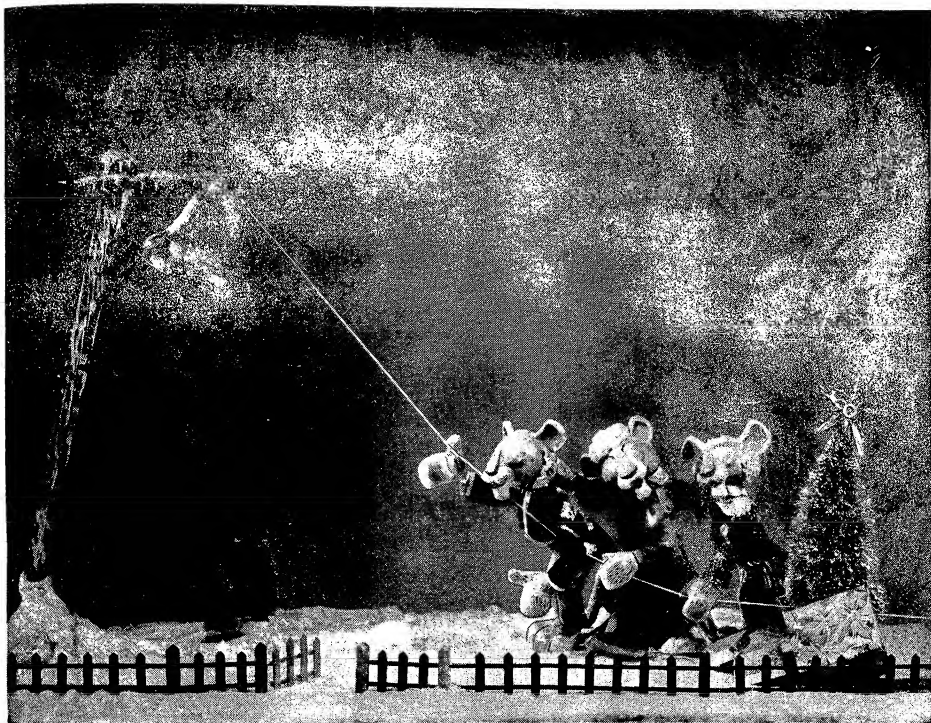
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*"From our family to yours, happy holiday, good cheer all year!"*

# FRIENDLY 1940!

All the folks of Loew's, Inc., Metro-Goldwyn-Mayer Pictures and Radio Station WHN take this opportunity to send heartfelt seasonal greetings to friends the world over.

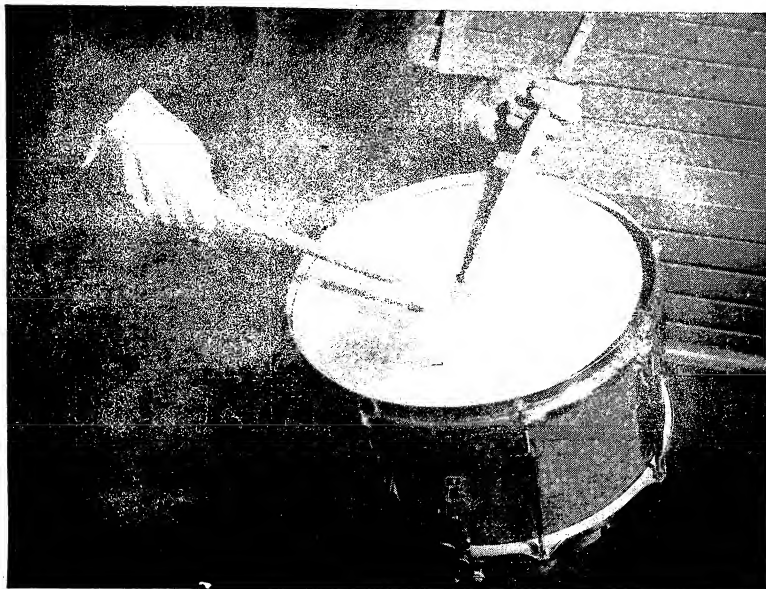
To "The Women"  
To "Thunder Afloat"  
To "Babes in Arms"  
To "Another Thin Man"  
To "Ninotchka"  
To "Judge Hardy & Son"  
To "Balalaika"



# HATS OFF!

It's really a great achievement and we're proud of it. Above are just a few out of the remarkable parade of hits delivered by M-G-M in the first few months of the 1939-40 season. The pace is terrific! Can M-G-M keep it up? Look!





# BEAT THE DRUM

See what's coming!

BALALAIKA starring Nelson Eddy with Ilona Massey. THE EARL OF CHICAGO starring Robert Montgomery with Edward Arnold. CONGO MAISIE with Ann Sothorn and John Carroll. THE SHOP AROUND THE CORNER starring Margaret Sullivan and James Stewart with Frank Morgan. BROADWAY MELODY OF 1940 starring Fred Astaire and Eleanor Powell with George Murphy and Frank Morgan. NORTHWEST PASSAGE (in Technicolor) starring Spencer Tracy with Robert Young, Walter Brennan. STRANGE CARGO starring Clark Gable and Joan Crawford. I TAKE THIS WOMAN starring Spencer Tracy and Hedy Lamarr. NEW MOON starring Jeanette MacDonald and Nelson Eddy. YOUNG TOM EDISON starring Mickey Rooney with Fay Bainter, Virginia Weidler and George Bancroft. 40 LITTLE MOTHERS starring Eddie Cantor. SUSAN AND GOD starring Greer Garson and Fredric March. EDISON THE MAN starring Spencer Tracy. GO WEST with the Marx Bros. I LOVE YOU AGAIN starring William Powell. WATERLOO BRIDGE starring Vivien Leigh. THE YEARLING starring Spencer Tracy. START THE MUSIC starring Mickey Rooney and Judy Garland with June Preisser, Douglas McPhail. RUINED CITY... BITTERSWEET... I HAD A COMRADE starring Robert Montgomery. CHOPIN starring Robert Donat. TWENTY MULE TEAM starring Wallace Beery. NEW TARZAN with Johnny Weissmuller, Maureen O'Sullivan. BOOM TOWN starring Clark Gable and Spencer Tracy. A NEW THIN MAN starring William Powell and Myrna Loy. TONIGHT AT 8:30 starring Norma Shearer. SMILIN' THROUGH starring Jeanette MacDonald. HELL CATS starring Robert Taylor. ESCAPE... I MARRIED AN ANGEL starring Jeanette MacDonald and Nelson Eddy.

**THE FRIENDLY COMPANY!**





# Behind the Business of the Picture Industry

By Ralph Roddy

Anno Domini 1939 was a hectic year indeed for motion picture producers, at least from a labor standpoint. Hardly a week passed without the industry being threatened with some strike. One standard for a year was followed another. When not otherwise involved, company executives found themselves caught in the middle of an inter-union jurisdictional fight.

Many of their labor difficulties can be attributed to amateurish negotiations. Deals were split up between executives, lawyers, labor contacts and what have you. One group seldom knew what the other was doing. Deals were made over the telephone, in hotel lobbies, at the homes of labor leaders, etc.

The attorneys ran interference most of the time, but when the going got tough the big boys usually called in Pat Casey to carry the ball. But half the time they didn't know whether his teammates were going to tackle him, run interference, or whether they had made a good 10 days before the negotiations started. Other times he was left sitting on the bench when his knowledge of the labor situation might have saved the day, and thousands of dollars for the producers. Several times when he was called in it was too late and he could not pull the chestruts out of the fire for the legal boys who had bungled negotiations.

## Costs \$5,000,000 More

When a final check-up is made probably will be found that approximately \$5,000,000 has been tacked on the cost of production. And several wage deals still are in the making. Those include demands of the Screen Actors Guild for a 15% pay raise for extras.

The Screen Writers Guild spent a week telling the National Labor Relations Board that the writers were being discriminated against. The fireworks started after negotiations with the screenwriters reached an impasse. Alexander Wilson, Jr., a hard-driving young attorney from Miami, was in the lead. He was followed by B. B. Brown, Harry Zang, David O. Selznick, Roger Jones, Charles Brackett, Sheridan Gibney, Harry M. Warner and other bigwigs were summoned away from their work.

More than 50 writers signed affidavits charging the producers had tried to break up their Guild. They claimed the producers had had leaders of the Guild arrested and taken to blacklist them, and otherwise tried to intimidate the writers. The producers entered a general denial. They admitted the affiliation of the Writers Guild with the Authors League of America, but insisted this was as much to protect the writers as to protect the producers. They claimed they have given the writers complete control of the writing situation and would have enabled them to order the screen writers to strike whether the latter would or not. The Guild's objection to the writers has since been amended to give the SWG complete autonomy. The Guild's charge of unfair labor practice is now under submission by the NLRB.

## Writers-Producers' Tilt

In the case of the writers, the producers again reversed a situation which has been in vogue for 10 years. Instead of leaving negotiations to the lawyers, the producers have now had maintained peace for 10 years, the executives first grabbed the ball themselves, and after the writers had decided they were in the writers' hands to the tune of several weeks getting nowhere, followed by the labor board hearing.

The break in negotiations came when the producers insisted on a 10-year agreement. They finally dropped this to seven years, but refused to come around to the SWG's insistence on a contract for 10 years. The SWG, in turn, also demanded an immediate 80% Guild shop and the right of access to any material produced during their motion picture period. The producers offered to give the writers 10% after three years, but wanted to reserve the loyalty pick rights to stories produced during loyalty splits.

The question was somewhat like that of the Screen Directors Guild. The producers nixed the directors' demands, spent more than a month and thousands of dollars defending their position before the NLRB. The NLRB then turned to the directors before the NLRB handed down its decision. Negotiations were renewed with the writers several times. The producers never gave in. The writers, on the other hand, stated it was not asking any drastic demands, and claimed a deal would have been possible had the company executives met them half way. The producers, however, undoubtedly could have negotiated a pact that would have been satisfactory to both the producers and writers.

## IA, George Browne, et al.

A fight between the International Alliance of Theatrical Stage Employees and Technicians, Local 37, furnished the spark for the fireworks for several months. The boys in Local 37 demanded autonomy and the right to make their own deals with the major companies. When they became too demanding, John B. Brown and Frank J. Kelly, two of the international representatives, were sent in to take charge of the union. Aided by detectives and a strong-arm squad, they took over the local office at 2 O'clock on the morning of Jan. 1. The seizure was appealed to the State Superior Court. After a long fight, in which each side hurled perjury charges against the other, the court in substance held that the IAISF was a one-man union and that prey Browne could do with it pretty much as he saw fit. The court ordered return of the 27 charter members of the union was ordered within a few weeks after the IA had gone through with the routine motion of returning the charter.

When in Local 37 they organized the United Studio Technicians Guild and started enrolling IATSE members. The drive made considerable headway, and appeared to be a success. The IATSE was keeping the boys from getting more money. The USTG, which had secured an NLRB order for the election of workers, protested the negotiations were unfair. The deal was postponed. The IATSE members had been done, as the producers had been forced to sign a tentative shop pact. Some of the IATSE members withdrew from the USTG. Fear of losing their jobs, and nearly 2,000 of them remained to vote against the IATSE and in favor of being represented by the Guild.

The IATSE won by about 2 to 1, but neutral observers

felt the result would have been closer but for the wage negotiations. Then, too, the fact that the USTG received financial support from Harry Bridges, of the Congress of Industrial Organizations, did help the situation. The USTG also extended financial aid to the Studio Painters and other American Federation of Labor crafts, and Bioff and his assistants claimed that the USTG was a move to put the USTG out of the picture. The producers felt for this gag, and lent their aid. The fact is there were no strings tied to the CIO money, and the chance was that the USTG would have been completely independent or go back into the AFL fold after Bioff had been eliminated.

## Actors Vs. Stagehands

Perhaps the most serious threat to the industry was the jurisdictional tiff between the actors and stagehands. Start of the fight was predicated upon action of the Associated Actors and Artistes of America, revoking the charter of the American Federation of Actors. It was the only way in which the actors could get rid of Ralph Whitehead, AFA executive secretary, who was charged with incompetence among other things.

Whitehead huddled with George E. Browne and the announcement was soon made that the IATSE was issuing a charter to the AFA covering all actors in the show business. Sophie Tucker, then proxy of AFA, and Harry Richmond supported Whitehead. Miss Tucker soon to open in a Broadway play, was promptly suspended by Actors Equity, American Federation of Radio Artists and the Screen Actors Guild. The AFA did not go on, the stagehands would walk out. The Screen Actors Guild retaliated with a general strike threat for the actors. The actors then charged the stagehands were hurt back and forth for several weeks. The actors appealed to the AFL. A plane-load of stars was flown to Atlantic City to support the actors. The stagehands were charged by executives. A compromise agreement which would have permitted Whitehead to remain in the picture was suggested by the American Federation of Actors. Whitehead mixed the proposal, and continued its attack on the IA and its president, George E. Browne.

## Willie Agala

About this time, Bioff let it be known that he was the gentleman to see if the actors desired to negotiate a peace pact. Bioff was being investigated by a Federal Grand Jury for the same reason, his high importance in the labor situation. Following an all-night session with the actors, with Ralph Morgan, SAG proxy, and Kenneth Thomson, IATSE proxy, a pact was signed. It was announced the IATSE received the jurisdiction of the actors, and the acting field. In the meantime, the Four A's had organized the American Guild of Variety Artists to take over activities of the AFA. The AFA was to be reorganized along the lines of other international unions and a close working alliance would be welded between the American Federation of Musicians, Bioff, IATSE and the Screen Actors Guild. Little or nothing has ever been done to carry out such an alliance.

The IATSE was the first to move to carry out its 1937 threat to take over the entire industry. He corralled several of the small AFL unions into a group known as the AFL Studio Council. After more meetings, a general strike, etc., producers announced a 10% wage increase for these locals totalling about 2,300 men. Those affected included the motion picture, radio, television, building and building service employees. Bioff had previously set the stage for this maneuver by instructing the producers to negotiate with the crafts but not sign anything until the little fellows became convinced they were getting somewhere, Bioff was "drafted" to negotiate for them.

## Willie Takes An Encore

Bioff followed similar steps in negotiating a 10% pay hike for the IATSE locals. The crafts were first sent in to negotiate for themselves, with the usual instructions to produce results, and later the IATSE was drafted into the negotiations. He did agree, however, to arbitrate the question of kicking back the increase after Feb. 15 if the producers try to negotiate with the crafts but not sign anything until the little fellows became convinced they were getting somewhere, Bioff was "drafted" to negotiate for them.

The IATSE made a contract with the AFA. A contract within 24 hours, but the flacks turned thumbs down and decided to retain their independence. The same thing happened with the IATSE and the Screen Actors Guild. The IATSE received less than 50 favorable votes for affiliation out of a membership of nearly 1,000.

The IATSE made a contract with the white-collar workers, but the office employees voted in favor of an industry-wide independent organization. The workers indicated they were in the IATSE, but the IATSE, which had been in the IATSE, but that since either at this time meant Bioff they wanted no part of them.

About this time the IATSE was engaged in fighting extradition to Chicago to complete a sixth term for pandering. He claimed the old charge had been dug up to embarrass him but never explained why he was being extradited. On the sixth day of the sixth-run-up, Chicago writers later revealed he had been released on a motion of appeal from his conviction in the premiere Court, but this too was never explained.

## Other Labor Coos

The Publicists' Union had an agreement calling for a minimum wage for script flacks. Contract is now being drafted, but has already become effective at several major studios. Working agreements also are being made with the Screen Writers Guild and the Screen Actors Guild. The Society of Motion Picture Film Editors are asking for a new deal, calling for an up in wages of 10% for the year 1940. The IATSE has already agreed that if the Teamsters, Carpenters and IBEW electricians received an increase at Atlantic City the Painters would receive a similar increase.

Fred Pelton, former Metro studio manager, was given the post of labor contact, and Victor H. Clark, assistant to Pat Casey, given the job of announcing the IATSE. They handle all negotiations with crafts in the Studio Basic Agree-

ment, spending most of his time at the New York headquarters. Pelton was stated, was to negotiate with the local crafts.

While wages were being handed out to the various labor union members, the picture industry was being cut. Several members of the personnel were dropped entirely, while those getting \$50 a week and more were handed a cut.

## And on the Talent End

By HOBE MORRISON

In the talent end of the business the unions had an unusually eventful year. In the case of the Associated Actors & Artistes of America it was a year of crisis, with the parent organization of all performing artists winning a battle for existence. Affairs in the subordinate performer unions in the year brought confusion and many changes, but the outlook for the future seems very clear.

The Associated Actors & Artistes of America (Four A's) is a comprehensive and rather complex union covering all performers in the entertainment industry. It takes in the Actors Equity, the Screen Actors Guild, the American Federation of Radio Artists, the American Guild of Musical Artists, American Guild of Variety Artists, Chorus Equity, Hebrew Actors Union, Brother Artists Union, and a number of minor organizations. During the year the American Federation of Actors (vaudeville, valet and circus) charter was revised, the Four A's and the AF of A are now attempting to continue independently. AGVA is a new union set up by the Four A's to replace AFA. It was the year of the complications and crisis for the Four A's. There had been rumblings for some months on the Coast and in New York and finally, the demands of Ralph Whitehead, AFA executive secretary, the Four A's voted an investigation of the vaude-nude union's affairs.

## 'One Big Union'

A major premise in Four A's affairs for the last couple of years has been the advisability of revising the organization to the 'one big union' idea. The Four A's have been, as it were, divided. And in general they are based on a theoretical economy of administration overhead with a consequent saving to the members. The revision of the Four A's has been a long and difficult process. At the time the settlement with the IATSE was announced, the Four A's leaders pledged themselves to work out the details of the new organization. It was stated that that direction has been done and there is little indication of any substantial progress in the near future.

Although nearly all of the Four A's executives are in the 'one big union' idea, the problem as it might appear on the surface. There are geographical factors involved, with SAG dominating performer affairs on the Coast, and the AF of A dominating performer affairs in New York. The AF of A would not want to place the power to deal with the film and the radio in the hands of the Four A's. And officials in the end are perennially wary of SAG 'domination' of the whole setup.

Equity, in particular, has more or less openly tossed water on the 'one big union' proposition, for a variety of reasons. And, as one prominent Coast official has stated, if the Four A's member unions do not cooperate fully, there won't be need of unification, whereas if they won't cooperate there's no possibility of unification. Also it must be remembered that if a closed shop or equivalent is established, it will almost certainly result in the elimination or curtailment of a number of executives. Naturally, the executives involved would not be the most favorable for that, and, as obviously, in the maze of jealousies and counter-jealousies involved in the Four A's picture, the memberships at large have no part. There has been no real cooperation to the union heads, whose personal interests are involved.

## Television

The question of television jurisdiction, which has been suggested repeatedly since the outbreak of friction within the Four A's ranks, as Equity, SAG and AFRA are actively concerned and all other groups are more or less interested, is not likely to be brought to a head for some time. The Four A's may tend to bring the different unions closer together. That is because the various groups have named a joint committee to study the problem, and presumably, of course, in regulating the field. It seems unlikely that any one union will be given jurisdiction over the medium.

Aside from Whitehead's efforts to bring the Four A's together, there have been only two major changes in the set-up. Dorothy Bryant, formerly head of Chorus Equity, was finally persuaded to leave the Four A's and to join the Screen Actors Guild as assistant, and Ernest Charles, formerly the Coast rep of AGMA, was recently made temporary executive-secretary of the AF of A.

AFRA, which entered 1939 as a young and comparatively small union, has grown tremendously in size, strength and influence. It has been a factor in the Four A's picture, and say in Four A's affairs. AGVA, still only a few months old, faces a tougher battle to organize its field, but it is also potentially a factor in the Four A's picture. The AF of A has maintained pretty much a constant relative position during the year, but SAG, which has been steadily cutting down its membership, still has needed in relative strength in the organization.

## The Writing End

In the writing end of the business there have been a few significant developments during 1939. The Authors League of America, comprising the Authors Guild, Dramatists Guild, Screen Writers Guild and the United Screenwriters Guild, is a dominant organization in the field. Most of the other organizations, which centers on the Coast and is less closely tied with the picture industry, have been handled from Hollywood. The IATSE has made little progress toward the union of the studios and that has been its main objective.

RWG has been moving carefully to extend its membership to the script-writing end of the picture industry, but has been hindered by individual negotiations. It has made considerable progress on both counts, but is still not ready to approach the agencies and networks for a general agreement. It has been in contact with the film interests for nearly two years regarding a possible amendment to the minimum basic agreement to cover film making, but has not been able to reach a final agreement. But the League of New York Theatres, which asked permission to call a meeting of its members to vote on accepting the amendment, has been unable to get a quorum. The matter is now at a standstill. There seems little chance that anything more will be done before the minimum basic pact expires. The year was a year of no contact of further concessions by the IATSE is exceedingly remote.

reprinted from Motion Picture  
Herald of Dec. 9

## The Most Vital News Story—and Why!

WHEN exhibitors tell each other which stars pay off best at their boxoffices, this is the most vital industry news that can be printed.

That is why the Motion Picture Herald's annual Money Making Star Poll is so important to all theatre owners.

Watch for the results of this year's poll, because

it is recognized that the company having the most stars among the First Ten has the product with the most power at the boxoffice.

# 20th Century-Fox has more stars in the First Ten than any other company!

**TYRONE  
POWER**

(2nd year in the First Ten)



Next in "DANCE WITH  
THE DEVIL"

**SHIRLEY  
TEMPLE**

(6th year in the First Ten)



Next in Maurice Maeterlinck's  
"THE BLUEBIRD"

**ALICE  
FAYE**

(2nd year in the First Ten)



Next in "LITTLE OLD  
NEW YORK"

**SONJA  
HENIE**

(3rd year in the First Ten)



Now in "EVERYTHING  
HAPPENS AT NIGHT"





Deanna Durbin again was the Universal top coin getter this year at the studio showing marked progress through having product that proved most acceptable in the 'A' bracket. Bing Crosby, Irene Dunne and Charles Boyer and the W. C. Fields-Edgar Bergen combos all counted.

(Continued on page 46)

# FIRST OF THE 1940 FROM



*Cha*  
**LAUG**

IN VICTOR HUGO'S

**HUNG  
NOTRE**

WITH

SIR CEDRIC HARDWICKE · THOMAS  
EDMOND O'BRIEN · ALAN MARSHALL  
ALEXANDER · PRODUCED BY PANDRO S.

SCREEN PLAY BY SONYA LEVINE

**IT'S A HAPPY NEW  
HOLDOVER EVERY**



# BIG ONES FOR RKO RADIO!

*les*  
**HTON**  
**HE**  
**HBACK**  
**F**  
**DAME**



**S MITCHELL • MAUREEN O'HARA**  
**• WALTER HAMPDEN-KATHARINE**

**BERMAN • DIRECTED BY WILLIAM DIETERLE**

• ADAPTATION BY BRUNO FRANK

**W YEAR**  
**WHERE!**

*and*  
*Soon*

**SWISS FAMILY**  
**ROBINSON**

★  
**ABE LINCOLN**  
**IN ILLINOIS**

★  
**VIGIL IN**  
**THE NIGHT**

*and* **more and**  
**more and more!**





# HERE HE IS! THE STRANGEST

If You Believe What You See—  
Then Watch Your Mind When You Think You See

# THE INVISIBLE MAN



You Can Feel Your Skin Creep!

MORE STRANGE THRILLS...

MORE EERIE CHILLS...

MORE AWESOME SUSPENSE

A UNIVERSAL PICTURE  
NATIONAL RELEASE—JANUARY 12th



# **HUMAN IN THE WORLD!**

# **BLE TURNS**

**CALL OUT THE  
RESERVES!**  
(The reserve floor  
staff, the guard  
rails, the tapes!)



with **SIR CEDRIC HARDWICKE·VINCENT PRICE**  
**NAN GREY·JOHN SUTTON·CECIL KELLAWAY**  
Suggested by the sensational H. G. Wells's story  
"The Invisible Man"

Screenplay by Lester Cole and Kurt Siodmak  
**DIRECTED BY JOE MAY**  
ASSOCIATE PRODUCER, KEN GOLDSMITH











# "THE FIGHT"

*It has no equal for action!*

*It makes entertainment histo*



**Their greatest performances  
— their greatest picture!**

## ALL THESE IN

**'INVISIBLE STRIPES'** **BROTHER RAT and a BABY'**

George Raft • Jane Bryan • William Holden  
Humphrey Bogart • Flora Robson • Paul Kelly

The whole brilliant cast of 'Brother Rat'—and the wonder-baby, Peter B. Good

**JACK L. WARNER** In Charge of Production

**AS NEVER BEFORE!**  
He gives to his part  
from the heart...definitely  
an all-time top!

# THE FIGHTING 69TH

ry... It will make business history!

Heading a glorious  
New Warner Year!

JAMES CAGNEY • PAT O'BRIEN  
GEORGE BRENT

**'THE FIGHTING 69TH'**

with  
JEFFREY LYNN • ALAN HALE • FRANK McHUGH  
DENNIS MORGAN • DICK FORAN  
WILLIAM LUNDIGAN • GUINN "BIG BOY" WILLIAMS  
HENRY O'NEILL • JOHN LITEL

Directed by WILLIAM KEIGHLEY  
Original Screen Play by Norman Bailey, Ralph Spence, and Dean Franklin • A Warner Bros. First National Picture

## JANUARY, TOO!

**'A CHILD IS BORN'**

Geraldine Fitzgerald Gladys George Jeffrey Lynn  
Gale Page Spring Byington

**'BRITISH INTELLIGENCE'**

Boris Karloff Margaret Lindsay

**HAL B. WALLIS** Executive Producer



# "OF MICE AND MEN"

Hailed as one of the best 1939 Films—says Associated Press in 1200 newspapers, reaching 10 million readers. Hal Roach's production of John Steinbeck's best selling novel and stage play hit responds with record holdover business in Los Angeles at the Four Star, and the Orpheum Theatre, Montreal. Two openings—two long run holdovers as thousands flock to see the picture Hollywood said never could be made.



**HAL ROACH** presents

## "OF MICE AND MEN"

by **JOHN STEINBECK** • Produced and Directed by **LEWIS MILESTONE**

with **BURGESS MEREDITH** • **BETTY FIELD** • **LON CHANEY, Jr.**

Associate Producer **FRANK ROSS** • Screen Play by **EUGENE SOLOW**

**RELEASED THRU UNITED ARTISTS**

P. S. Read Quentin Reynolds' article on "OF MICE AND MEN" in the January 6th issue of Collier's Magazine, it is thrilling 3,500,000 readers right now!

## Continued from page 40

Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time  
M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

Rev. in Var.—Reviewed in Variety Key to Type Abbreviations R. T.—Running Time  
M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; MU—Musical

[illegible][illegible]

(ITALIAN-MADE)  
Rome, Dec. 18.

General line release of R.E.P.-Luigi Glauco production, Stars Camillo Pilotto, Irene Maria Ferrari, Ignazio Silvestri, Enrico Glori. Directed by Corrado Alagoni. Camera, Aldo Tosti, Del Frate and Pessati. At the Barberini, Rome.

Cast: Camillo Pilotto, Maria Ferrari, Ignazio Silvestri, Enrico Glori, Corrado Ruco, Francesco Sula, Amleto Trilli, Roberto Pazzelli, Beche Zallo, Tuche, Morica, Abel et al's. Duration, one 85 MINS.

Winner of the Mussolini Cup as the best Italian production of the year, "Abuna Messias" is not going to cop any cups abroad. Prize donors evidently had size and scope of production in mind when they doled out the honors, for pie is one of the biggest things ever tried here. It should have fair returns domestically, but would be classed as run-

Yann is historical, concerning Ethiopia, its Menelik and the Franciscan monks' attempt to spread christianity among the natives. Messias was one of the latter, gaining the confidence of Menelik because of the work he had done in the country. Jealous of Messias' power Abuna Atanasio, head of the native Coptic church, demands that Menelik expel Messias. When Menelik refused, Atanasio took the matter to

Pic is based mostly on the Mes-  
sias character, the intrigue with  
the Coptic church and finally the  
war. First two phases are con-  
vincing enough, with some fine  
acting by Camillo Pilotti as Messias  
Ippolito Silvestri as Johannes and  
Mario Ferrari, Atanasio, Enrico  
Glori, as Menclik, is on the sho-  
rds.

Shorter still is the war. Excellent mob scenes show the gathering of the clans, with some 250,000 natives being used. And even though some good clashes are shown, there is no means of distinguishing who is victor and the outcome of the battle is only known through the word of mouth and not by action. Too, some of the horsemen riding to the fray seem of Hollywood's frontier-men chasing Indians. Photography is good by

### Eddy Renews at M-G

Hollywood, Jan. 1.  
Nelson Eddy inked a new contract with Metro to take effect at the close of the year.

of his concert tour, which begins next month.

is 'I Married an Angel.'

**PAYNE'S 'TWINKLE'**  
Hollywood, Jan. 1

John Payne gets the male lead opposite Linda Darnell in "Twinkle Twinkle Little Star," at 20th-Fox.

Mary Healy is assigned to a featured role in the film.

Guardia's eastern production would make a light Friday (29) when Leo Bergere visited the Mayor to talk over everything with him.

Nothing authentic could be ascertained as to what the producer planned to do. The Mayor discussed the matter together with the speakers of the Mayor's office. It appears that Hisszonar has not been successful in getting major production heads interested in producing films in the east. The Mayor was also unable to get anywhere with independent production, as many independent producers are in the west. To produce here, found it impossible, due to lack of releasing arrangements. Bergere has been producing a number of reorganizations and moves the past three weeks. His background is Metro in Europe. Should Bergere be able to swing the production of a picture in the east, he will be ready to put up \$1,000,000 for production for that company, or so he has informed the Mayor. Wm. C. Cliney Jr., in N. Y. federal court.

ON JOHNSON'S REGISTER

Pittsburgh, Jan. 1. Of all Broadway musicals for which she's already been mentioned as the only one Martha Raye is considering, singing comedienne said here last week, is show Al Jolson will do for Vinton Freedley in spring. Furthermore, it's the lone legit future that would fit in with her current schedule, since her unit's booking extend into March.

Although at present not under contract to any studio, Miss Raye says she's had offers from both 20th-Fox and U, but in future would consider only one-picture deals and no stock billing. Gal attributes much of her professional unhappiness in Hollywood the last couple of years to quick stardom she originally fought against and still doesn't want.

## With Roosevelt Out

Hollywood, Jan. 1  
Henry Henigson, onetime general manager of Universal studio and later producer at Metro, joins Jamn Rosen's Globe Productions as v. p. and associate producer. His job is to line up production personnel for the new outfit. Rosen has stated his first picture for April.

John LeRoy Johnston, p. a. i. Walter Wanger, has been named to handle similar job for the Roosevelt production unit. He'll do double duty temporarily.

Roosevelt bought "Storm in Paradise" as his second Globe production. First is "The Bat." Henigson named Guy Trosper, story editor; Izzard, general production manager.

## U.S. Reps. ERIC HOUSE M

The long arm of the law after five months reached out to nab Gerardo Sloane, who was at the RKO New York town theatre, New York, until he was left without notice, taking \$264,000 the house's money with him.

He was arrested in New Orleans during the past week and is held there by Federal authorities. His arrest was made by Federal inspectors as a result of another theft by Sloane which involved use of

mails.



# 6 SCANDALOUS NAMES

## out to make box-office history!



Webb was a lawyer who practiced at the bar...any bar...and won all his cases out of court!



Sampson was the silent partner who had the whole town talking by the way he carried on... and on...and on!



Cushing was the big boss who ran the city from the bottom down and even made a racket out of love!



Alma was too beautiful to live...but her murder blew the lid off a lot of private lives!



Joyce was the District Attorney who sold out his police department and then forgot to ask for a receipt!

AND THEY WERE ALL

WALTER WANGER presents

# SLIGHTLY HONORABLE

PAT O'BRIEN

A TAY GARNETT PRODUCTION with  
 EDWARD ARNOLD • BRODERICK CRAWFORD • RUTH TERRY  
 Directed by TAY GARNETT • Novel by F. G. PRESNELL  
 Screenplay by KEN ENGLUND • JOHN LAY • ROBERT TALLMAN  
 Music by WERNER JANSSEN

Released thru UNITED ARTISTS

## RATING THE CAMERAMEN

Hollywood, Jan. 1. With studio economies and practice of reducing shooting schedules on big productions instituted during the year, the ace cameramen, with few exceptions, found little opportunity to smack through with outstanding jobs in the photographic line. Over all, quality of photography has greatly improved during 1939. The faster and finer grain negatives of Eastman, together with general acceptance of new and more sensitive photoelectric exposure meters, gave impetus to raising quality of cameraman's work all around.

But studio economies necessitated that the contract cameramen, most of whom had been accustomed to standing by waiting for the big pictures to get to the starting line, take the rank and file of pictures in turn.

Six of this year's top 10 are there because of consistent assignments on A productions. Tony Gaudio remains the standby of Warners, recognized for his exceptional photography under any and all conditions, and had several top productions to work on during the year. Joe Ruttenberg and George Folsby have continued their fine standards at Metro-Goldwyn-Mayer and split most of the big ones on that lot between them. Gregg Toland had the advantage of shooting Samuel Goldwyn

productions, all of which were made with plenty of time and attention to general production quality. Theodor Sparkuhl rolled into the first 10 for his photography on 'Beau Geste' and 'Rulers of the Sea,' two of Paramount's big ones for the year. Rudolph Mate is credited with 'Love

select 10 for the two previous years, photographed the Deanna Durbin features and other A's at Universal. Rudolph Mate has a hankering to get into a post of either director or producer and is aiming towards that goal. Karl Freund may also take another crack at directing this year although he still ranks as a top cameraman. Hal Mohr, who attempted a short stretch at directing, got back behind the camera to photograph 'Destry Rides Again.'

Stuart Thompson was the only cinematographer during the year drawing promotion from a second to first. Russell Harlan, photographing the Hopalong Cassidy features for Harry Sherman, gained attention for his exceptional exteriors which did much to lift the values of the pictures through scenic beauty and camera effects.

Harry Stradling and Fred A. Young, two of the top cameramen in England, arrived in Hollywood during the year and found no trouble in getting local assignments. Stradling photographed 'Pygmalion' in London, while Young handled camera direction on the Herbert Wilcox-Anne Neagle features, and 'Mr. Chips.' Young came here in the spring to collaborate on photography of 'Nurse Edith Cavell' with Joe August.

Special effects and process engineers distinguished themselves during the year with some outstanding work in their fields. Farciot Edouart's process shots for 'Rulers of the Sea' and 'Geronimo' were most effective, and saved Paramount thousands of

## First 10 Cameramen

(Listed Alphabetically)

George Folsby  
Tony Gaudio  
Bert Glennon  
Ernest Haller  
Rudolph Mate

Joe Ruttenberg  
Leon Shamroy  
Theodor Sparkuhl  
Gregg Toland  
Joseph Valentine

### SECOND TEN

Joe August  
William Daniels  
James Wong Howe  
Charles Lang, Jr.  
Feverell Marley

Victor Milner  
Ernest Palmer  
Sol Polito  
Karl Struss  
Ted Tetzlaff

### THIRD TEN

George Barnes  
Karl Freund  
Merritt Gerstad  
Ray June  
Oliver Marsh

Arthur Miller  
John Seitz  
Leo Tovar  
Sid Wagner  
Joseph Walker

dollars through his short-cutting magic. Byron Haskins at Warners provided a consistently high quality of process and background work, which included such shots for Technicolor productions. Fred Sersen of 20th-Fox provided some most effective special effects for 'The Rains Came,' while Jack Cosgrove's wizardry is studied throughout Selznick's 'Gone With the Wind.' Aerial camera experts, Dyer and Marshall, had less work the past year

than formerly, due mainly to practice of studios in utilizing process background shots for air photography (except for long shots and stunts). Archie Stout continued as top exterior specialist, handling several groups of several units, including 'Real Glory' and 'Rebecca.' Wilfrid Cline rated attention as Technicolor exterior expert through his outdoor photography on second units of 'Gone With the Wind' and other color productions.

### Top Specialists

#### SPECIAL EFFECTS, PROCESS AND BACKGROUND SHOTS

Farciot Edouart—Paramount.  
Gordon Jennings—Paramount.  
Byron Haskins—Warners.  
Vernon Walker—RKO.  
Fred Sersen—20th-Fox.  
Jack Cosgrove—Selznick.

#### AERIAL PHOTOGRAPHY

Elmer Dyer.  
Charles Marshall.

#### EXTERIORS

Archie Stout.  
Wilfrid Cline (Technicolor).

'Affair' and 'The Real Glory,' while Ernest Haller's photographic direction of 'Gone With the Wind' is one of the finest jobs of the year. Joseph Valentine, who has been in the

# CHARLES BOYER

# RONALD COLMAN



# MONEY TALKS!

*Spend your advertising dollars where they sell the most seats at lowest cost per ticket sold and your money will be talking for you in the only language that counts... PROFITS!*

The Prize Baby  
of the Industry  
watches over  
SPECIAL  
ANNOUNCEMENT  
TRAILERS  
too here at  
NATIONAL SCREEN  
SERVICE

**NATIONAL SCREEN TRAILERS** reach more people... reach more customers... present more selling points from more different angles... quicker... more dramatically than any other advertising you can buy.

• That's how **NATIONAL SCREEN TRAILERS** have proven themselves the best seller in the business for more than twenty years... making more profits per dollar spent...

• The most concentrated... quick-action... lowest cost advertising in the field.

**NATIONAL** *Screen* **SERVICE**

..PRIZE BABY OF THE INDUSTRY

# 1939 Hollywood Toppers

Continued from page 29.

big. Studios also had one from "Little Tough Guys" that was ok as well as bringing to the fore a couple of kiddie stars, Baby Sandy and Gloria Jean, whom it figures cussing in on during next couple years and before their value subsides.

Studio has a fairly promising feature contract list with couple of the features and juves giving indications of development. For its stellar feature players it contracted during year with freelancers for individual commitments and got some potent supporting strength to aid in box-office consumption.

## UNIVERSAL

### Stars

DEANNA DURBIN  
IRENE DUNNE-CHAS. BOWEN  
BING CROSBY  
DEYTRICH-JAMES STEWART  
W. C. FIELDS-EDGAR BERGEN  
DOUGLAS FAIRBANKS, JR.  
LITTLE RATHONE- LUCOSI  
BASIL TOUGH GUYS  
BABY SANDY  
GLORIA JEAN

### Featured

Adolphe Menjou  
Michele Auer  
Vincent Price  
Jackie Cooper  
Nan Grey  
Boris Karloff  
Barion MacLane  
William Lundigan  
Foster Preston  
Hugh Herbert  
Richard Aron  
Constance Moore  
Robert Cummings  
Joy Hodges  
John Black Brown  
Frances Robinson  
William Gargan  
Sylvia George  
Debra O'Neil  
Buster Crabbe  
Juliana Quigley  
Irene Hervey  
Peggy Moran  
Anne Gwynne  
Alice Craig  
Robert Stack  
Lewis Howard  
Andy Devine  
Fuzzy Knight  
Frank Jenks  
Dorothy Arnold  
Helen Parrish  
Sam S. Hinds  
Bob Baker  
Alice Elyand  
John Sutton  
Jerry Marlowe

## 5 Producers Swelled

### United Artists List

United Artists had five Cast producers during 1939 with more volume from there than ever in the past.

Sam Goldwyn's star mainstay was Gary Cooper, with Merle Oberon also getting equal billing and David Niven elevated to top rank toward end of the year. Laurence Olivier also got into star bracket as did Jascha Heifetz. Jon Hall was not used by his discoverer but farmed to Walter Wanger. The Goldwyns age in feature roles is Walter Brennan, with Andrea Leeds also figuring in this division as well as Virginia Gilmore and Dana Andrews. Miss Leeds got her release from Goldwyn recently.

Wanger Shopped  
Wanger did shopping for his stars and individual commitments and in this way obtained Loretta Young, John Wayne and Claire Trevor. On loan over other studios he obtained Robert Jon Hall, Maureen O'Sullivan and Ann Sheridan, elevating latter to stardom. His own group were all from the freelance rank.

Vivien Leigh, due to "Wind", heads the Selznick-International star group with Ralph Cagney the other S-I star also being used. Others that figured in the company output were freelance and loanouts, as were the supporting players for the S-I product. Edward Small, new addition to the year to the UA group, used Louis Hayward, his own star discovery, in two pictures. He was co-starred with Joan Bennett in one of them. Small also had potent feature support in these pictures. Likely that he will develop small stock group that will be utilized in his and other UA production pictures as the year progresses.

Hal Roach used trio of stars for his output of five. He had his old

standbys, Laurel and Hardy, in one and used each of the Bennett girls, Connie and Joan, in others. Roach has had a couple of people on contract for feature parts, John Hubbard and Victor Mature, with most employed from the freelance field mostly and couple of loans.

## UNITED ARTISTS

(Samuel Goldwyn)

**Stars**  
GARY COOPER  
MERLE OBERON  
DAVID NIVEN  
LAURENCE OLIVIER  
JASCHA HEIFETZ  
JON HALL

### Featured

Walter Brennan  
Andrea Leeds  
Virginia Gilmore  
Dana Andrews

(Walter Wanger)

**Stars**  
LORETTA YOUNG-DAVID NIVEN  
JOHN WAYNE-CLAIRE TREVOR  
ANN SHERIDAN  
JOHN HALL-NAUREN O'SULLIVAN

### Featured

Thomas Mitchell  
John Carradine  
Hugh Herbert  
Billie Burke  
C. Aubrey Smith  
Raymond Walburn  
Zasu Pitts  
George Pierce  
Donald Meek  
Ramon Churchill  
Broderick Crawford  
Osa Massen

(Selznick-International)

### Stars

VIVIAN LEIGH-GABLE  
CAROLE LOMBARD  
JAMES STEWART  
LESLIE NORGAN  
DOUGLAS FAIRBANKS, JR.  
LESLIE HOWARD  
JANET GAYNOR

### Featured

Pauline Goddard  
Joan Fontaine  
Alan Marshall  
Helen Parrish  
Richard Carlson

(Edward Small)

### Stars

LOUIS HAYWARD  
JOAN BENNETT

### Featured

Adolphe Menjou  
Warren William  
John Fontaine  
Tom Brown  
Richard Carlson  
Alan Curtis  
Dolores Costello  
Alan Hale

(Hal Roach)

### Stars

LAUREL AND HARDY  
CONSTANCE BENNETT  
JOAN BENNETT

### Featured

Roland Young  
Rian Aherne  
Adolphe Menjou  
Victor McLaglen  
Lon Chaney, Jr.  
Billie Burke  
Burgess Meredith  
Charles Bickford  
John Carradine  
Douglas Dumbrille  
Paul Lukas  
June Lang  
Betty Field  
George Zucco  
Nina Fery, Jr.  
Ramon Brown  
Virginia Field  
John Hubbard  
Victor Mature

Columbia Keeps Its

Jean Arthur Busy

Columbia's sole star, Jean Arthur, was plenty utilized through the year, having done both Capra pictures and also in "Only Angels Have Wings". This naturally gives her biggest exposure in company's calendar for period. James Stewart, though on loanout from Metro, had a part in both Capra pictures and can be listed

in the Columbia grouping. Studio had group of other stars for individual commitments who enhanced draw value of their bigger budgeted pictures. Its stock is small in feature players. Walter Connelly and Thomas Mitchell the outlanders from the home lot.

The "Gladys" Boy's studio brought to the fore William Holden, whose contract it holds jointly with Paramount, which studio had not used him prior to the Columbia production. Company also has good team in Penny Rogers, Walter Arthur Lake, and Charles Starkett.

With ambitious plans being launched for 1940, likely Columbia will start on about eight new company films which may bring number of players to important stature in the feature ranks.

## COLUMBIA

### Stars

JEAN ARTHUR  
JAMES STEWART  
CAROL GRANT  
IRENE DUNNE  
BARBARA STANWYCK  
H. RANDOLPH SCOTT  
MELVYN DOUGLAS  
RACH BELMAY  
JOAN BLONDEL  
JACK HOLL  
EDITH FELLOWS  
ROBERT LAKE  
PENNY SINGLETON  
CHARLES STARKETT

### Featured

Walter Connelly  
Adolphe Menjou  
Thomas Mitchell  
Warren William  
William Holden  
Three Stooges  
Rochelle Hudson  
Rita Hayworth  
Jacqueline Wells  
Robert Paige  
Dorothy Peterson  
Joan Perry

Gene Autry Yippee

Boxoffice for Repub

Gene Autry is the Tiffany for Republic, and getting to proportions as large as that of Tom Mix held by Fox years ago. With his Wrigley broadcast churning during 1940 he will no doubt strengthen his draw power to spot himself in keys where heretofore he was of little consequence or unknown. Autry, too, is of great value to Republic outside domestic market. Another cowboy, Roy Rogers, is developing fast on this lot, with the John Wayne out-

## REPUBLIC

### Stars

GENE AUTRY  
ROY ROGERS  
JOHN WAYNE  
THREE GLEASONS  
THREE MESQUITEERS  
RICHD DIX-GAL PATRICK  
CHARLES BICKFORD  
BARTON MACLANE  
BRUCE CABOT  
LESLIE NORGAN  
WEAVER BROS. and ELVIRY  
RALPH BIRD

### Featured

James Dunne  
Smiley Burnette  
Rochelle Hudson  
Paul Kelly  
George J. Lewis  
Robert Armstrong  
Henry Wiceton  
Victor McLaglen  
Billy Gilbert  
Edward Ellis  
Betty Field  
John Parker  
Tommy Ryan  
June Storey  
Donna Barry  
Otto Kruger  
Marie Wilson  
Harry Davenport  
Zasu Pitts  
Doris May  
George Barbier  
Ralph Morgan  
Beverly Roberts  
Lytle Talbot  
Chuck Chandler  
Anita Louise  
Maha Veida  
Mary Carlisle  
Kay Sutton  
Frank Jenks  
Mary Hart  
Roscoe Turner  
Ward H. Byrd  
Harold Huber  
Owen Davis, Jr.  
Charles Grapewin

# La Guardia Wants N. Y. to Take Part Of the Rap for Bad Pix, Lefty Thinks

By Joe Laurie, Jr.

New York, Jan. 1.

Dear Vic:  
It's certainly been good to be here all this time seeing shows, meeting old friends and making new ones. It has done wonders for Aggie and Junior; he has grown so that soon we will be able to grow him up about his on trains and in picture shows. I sure agree with the guy that said "New York is the world seen in samples." It frightens a lot of guys and makes me feel like a dumb kid. I think I will be a little more level here and will be sorry when we soon will have to leave to go back to Colesburg, which will be around Christmas time. By then our fatigued bank account will be entirely depleted. Glad to hear you did such a swell job of exploitation on "Golden Boy." It's a good picture. Your idea of giving out small toy violins and boxing gloves as a souvenir to the customers was swell, even though it cost you more than the picture drew. I hope you can't make money on every picture; even guys that sell French postcards lose money sometimes. But I do wish the producers would send us pictures once in a while that would give our seats some exercise. We have some that haven't been turned down in a long time.

I copied a blurb outside of a 42d street picture house that you may be able to use sometime, especially for a good picture. Here it is: "A heart-thrilling drama of an underworld ruler who ripped the White Way wide open with souls stripped bare; and a beautiful, voluptuous woman who betrayed her lover to the enemy to make room for another's happiness." The customers are usually in a fever pitch when they come out after seeing the picture. So liddle.

Well, our Coolidges banker friend Flint is still doing the town with his chorus-girl friend. You wouldn't know the old bazzard; he has been restoring himself with new parts, from a suit with three holes in the idea to a new set of teeth that are a size too large for him. He sure is more than the dame, not only heartiest, but he doesn't feel so well in the stomach either. He has been trying to get into the picture. Here it is: "A heart-thrilling drama of an underworld ruler who ripped the White Way wide open with souls stripped bare; and a beautiful, voluptuous woman who betrayed her lover to the enemy to make room for another's happiness." The customers are usually in a fever pitch when they come out after seeing the picture. So liddle.

Amber's Philosophy—An Einstein  
My brother-in-law, Amber is still living on philosophy and want few dollars he can borrow. He has lost half of his money, but he remembers what he lent, not what he borrowed. Aggie has told him a dozen times that he'll never make money playing the horses; but all he sees is, "If I'm not going to make money I'd rather not make money than anything else. I can't make it doing the things I don't like." We both tried to figure that one out, but so far the score is nothing-noting.

No doubt you've read about Mayor La Guardia of New York trying to get the producers to start making pictures in N. Y. I think it's a good idea to spread picture making all over the country and then one town won't be blamed for all the bad pictures. If the Mayor has his way it will soon be a case of an actor going "Astoria" instead of "Hollywood." I don't see why they can't make pictures in New York as well as they can in Hollywood. We have polo fields, racetracks, golf links, and a lot of other things in New York too. And you can look just as bad in a sweat shirt and dark glasses in New York as you can in Hollywood.

Well, you will be seeing you soon. Give our regards to the wheat-benders back there. — Your Pal,

P. S.—J. C. Nugent sez: "The greater part of men harm one another for the sake of doing something."

put, especially since he hit the major field, very dominant in the draw.

Jack Lucille & Russell Gleason trio with their domestic series are going along in good shape, as are the combination of Bob Livingston, Duncan Renaldo and Raymond Hatten. In "The Mesquiteers" series. Other feature stars outside of Regan were in on a couple of pic commitments, with Weaver Bros. Elviry showing promise of value in the sticks for this outfit.

Life Is Just a Flock Of Series Pix at Mono

A check over the support or feature list stacks up as a who's who of major screenwork of a few years ago, but the old crowd are not the same in queue value in past and Republic in

casting them aims to cash in on this asset.

Monogram has close knit schedule with series by all of its stars, outside of single picture commitment of Jack Cooper. The series include exception of Tex Ritter and Jack Randall, who make eight, do four pics on the year. The two top factors are Boris Karloff and Tex Ritter next to Cooper, whose strength is his Elviry showing promise of value in the sticks for this outfit.

Dramas and outdoor product of this outfit fits in with the low patronage that is catered to principally by Mono. Though company has few featured players on its weekly roster, the list shows that all of them have long experience in the cast and get support billing, but cannot be grouped in the feature contingent. A good proportion of them work an average of six to fifteen weeks a year.

Study "Swiss" for Road

RKO is mulling a roadshow tour of the Towne-Barber production, "Swiss Family Robinson," which reader which cost about \$1,000,000.

Studio's other big production, "A Lincoln," is already on the upped-price list.

Story Buys

Hollywood, Jan. 1.

Jiminy Lydon has the top male role in Gene Towne and Graham Barker production of "Little Men" at RKO.

Filming will start early in March.

Story Buys

Hollywood, Jan. 1.

20th-Fox bought film rights to the James Oliver Curwood novel, "The Lone Wolf," already on the upped-price list.

Micro purchased "Whitecap," by Leo Birinski and Kurt Siodmak.

*Norma Shearer*

SEASON'S GREETINGS

+

Paramount Theatres  
Service Corporation

+

PARAMOUNT BUILDING  
NEW YORK

*SEASON'S GREETINGS*

**HORACE MacMAHON**

HOLLYWOOD

•

ROWAYTON BEACH

•

NEW YORK

ADOLPHE MENJOU



# *Season's Greetings*

**AL JOLSON**

as E. P. Christy in the

20th Century Fox Production

**"SWANEE RIVER"**

**MAINE AND NEW HAMPSHIRE  
THEATRES CO.**

**WE ARE STILL STRONG  
FOR *VARIETY***

*JOHN J. FORD*

**SEASON'S  
GREETINGS**



**FABIAN THEATRES  
CORPORATION**



Suite 2101

1501 Broadway

NEW YORK, N. Y.

**FLORENCE  
ROGGE**

**ASSOCIATE PRODUCER  
and BALLET DIRECTOR**

**RADIO CITY MUSIC HALL—NEW YORK**

Congratulations *VARIETY*

*Rennie Simon*  
20 W. 57th Street, New York  
BRUCK-WEISS HATS

HAPPY NEW YEAR

to

EVERYBODY IN THE WORLD

*Shirley Temple*

HAPPY NEW YEAR

**Mervyn Leroy**

M-G-M STUDIOS

Best Wishes

**Robert Hopkins**

20TH CENTURY-FOX

# The Middleton Family at the New York World's Fair

## A Nationally Advertised Family's Visit to the 'World of To-Morrow'

The Middletons are pretty well known folks. There's not a State in the Union where people don't know them. Why? Just this! Ever since April, Westinghouse has been using the Middletons' visit to the Fair as the theme of their advertising.

### A Sponsored Feature—6 Reels—Technicolor

Here is one of the biggest treats you can possibly give your patrons—A trip to the New York World's Fair.

**Bookings now being made—all you pay is transportation one way**



## MODERN TALKING PICTURE SERVICE

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PRODUCTIONS

presents

AN UNTITLED SCREENPLAY

PRODUCED and DIRECTED

By

ERNST LUBITSCH

## SOL LESSER

PRODUCTIONS

presents

"OUR TOWN"

The Thornton Wilder  
Pulitzer Prize Play

Directed by

SAM WOOD

RELEASED THROUGH UNITED ARTISTS

# RADIO CITY MUSIC HALL

SHOW PLACE OF THE NATION

## ROCKEFELLER CENTER

NEW YORK CITY

# SEASON'S GREETINGS

**NATIONAL  
THEATRES  
AMUSEMENT  
CO., INC.**  
*Spyros Skouras*

1940

**FOX WEST COAST AGENCY CORPORATION**

CHARLES P. SKOURAS

**FOX WEST COAST THEATRES of *Northern California***  
ARCH M. BOWLES

**FOX *Wisconsin* AMUSEMENT CORPORATION**  
HAROLD J. FITZGERALD

**FOX *Midwest* AMUSEMENT CORPORATION**  
ELMER C. RHODEN

**FOX *Inter Mountain* AMUSEMENT CORPORATION**  
FRANK H. RICKETSON

***Evergreen* THEATRES CORPORATION**  
FRANK L. NEWMAN

34—Years Continuous Service—34

IN

1905

MICHIGAN

1939

**W. S. BUTTERFIELD**  
**THEATRE'S INC.**

—{ }— A MICHIGAN INSTITUTION —{ }—

*Season's Greetings*



**WESLEY RUGGLES**

PRODUCER ★ DIRECTOR

**"TOO MANY HUSBANDS"**

COLUMBIA



*Season's Greetings*

**HARRY REVEL**

COMMITMENTS

Via

ORSATTI & CO.  
HOLLYWOOD, CALIF.



HAL ROACH *presents*

THE *Biggest Thrill* IN A MILLION NEW YEARS!

# "1,000,000

SIGHTS...WONDERS...ACTION NEVER BEFORE BEHELD  
ON THE SCREEN .THE STAGGERING SPECTACLE OF  
MAN AT THE DAWN OF TIME!

Directed by HAL ROACH

A D. W. GRIFFITH Production

# B.C."

SOON  
TO BE  
RELEASED



Current HAL ROACH Productions  
"OF MICE and MEN"  
by JOHN STEINBECK  
Produced & Directed by LEWIS MILESTONE

"THE HOUSEKEEPER'S"  
DAUGHTER  
Directed by HAL ROACH

Soon to be Released  
THORNE SMITH'S  
Most Hilarious Novel

LAUREL and HARDY  
In "A CHUMP at OXFORD"  
and "TWO'S COMPANY"  
Released thru United Artists

SEASON'S GREETINGS

**UNA MERKEL**

**WHAT DO YOU THINK?**

Congratulations **VARIETY**

**WILLIAM C. THOMAS**

ASSOCIATE PRODUCER

PARAMOUNT PICTURES

**EUGENE ZUKOR**

Associate Producer



Congratulations

**JOE MAY**

DIRECTOR

CURRENT

"THE INVISIBLE MAN RETURNS"

Universal Pictures

pat casey

*Season's Greetings*

**GEORGE RAFT**

For WARNER BROS.  
'EACH DAWN I DIE'  
'INVISIBLE STRIPES'

***Hammond Players***  
**Canadian Corporation Limited**

ROYAL BANK BUILDING  
**Toronto**  
CANADA

HAPPY BIRTHDAY!

N. L. Nathanson, the Executives and Managers of our Company from Coast to Coast join in extending heartiest congratulations to "Variety" on its 34th birthday!

Here's wishing you many more years of splendid service to Showmen . . . everywhere!

Sincerely,

*J. J. Fitzgibbons,*  
Vice-President.

*Season's Greetings*

**BORIS MORROS**

SEASON'S

GREETINGS

**BOB BURNS**

*Management*

*William Morris, Inc.*

SEASON'S GREETINGS

**FRANCES DEE**

**34<sup>th</sup>  
Anniversary**

**VARIETY**

•  
*Many Happy  
Returns!*

**RKO  
THEATRES**

AND FOR A  
BIGGER AND BETTER  
NEW YEAR

**EDWARD SMALL**

Presents

**MADELEINE CARROLL AND BRIAN AHERNE**

in

**"MY SON, MY SON!"**

Howard Spring's Great Novel with

**LOUIS HAYWARD**

**Henry Hull**

**Josephine Hutchinson**

Directed by **CHARLES VIDOR**

Screenplay by **LENORE COFFEE**

Released Thru United Artists

**EDWARD  
EVERETT  
HORTON**

ON TOUR

**"SPRINGTIME  
FOR HENRY"**

**WILLIAM ANTHONY McGUIRE**

STORY and SCREENPLAY

**"ZIEGFELD GIRL"**

M-G-M

STORY and SCREENPLAY

**"LILLIAN RUSSELL"**

20th CENTURY-FOX



DAVID O. SELZNICK

## SEASON'S GREETINGS

## ROY DEL RUTH

DIRECTOR

"HE MARRIED HIS WIFE"

20th Century-Fox

"HERE I AM A STRANGER"

20th Century-Fox

"THE STARMAKER"

Paramount

Exclusive Representation

PHIL BERG - BERT ALLENBERG, Inc.

9484 Wilshire Boulevard  
Beverly Hills, Cal.

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Season's Greetings

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Current Release

'THE INVISIBLE MAN RETURNS'

Under Contract to  
UNIVERSAL PICTURES

SEASON'S GREETINGS

## JESSE L. LASKY

# HOLIDAY HITS FROM MONOGRAM

**ROARING  
THRILLER OF  
THE MEN WHO  
GUARD YOUR  
LIVES WITH  
THEIR  
OWN!**



## HEROES in Blue

WITH  
**DICK PURCELL  
FRANK SHERIDAN  
BERNADENE HAYES**

Produced by T. R. WILLIAMS Directed  
by WILLIAM WATSON · Screenplay by  
C. B. WILLIAMS · Original Story by  
C. B. WILLIAMS and CHARLES CURRAN

A singing caballero with  
rawhide courage . . . an  
outlaw stallion unlamed  
by man . . . a fiery senorita  
who loved them both!



## THE GENTLEMAN FROM ARIZONA

WITH  
**JOHN KING · J. FARRELL MacDONALD · JOAN BARCLAY  
CRAIG REYNOLDS · RUTH REECE**  
Produced by CHARLES E. GOETZ, Associate Producer and Director EARL HALEY  
PROCESSED BY CINECOLOR



**HIT SONGS!**

**FILMED IN  
RICH, NATURAL  
COLOR!**

**A MONOGRAM PICTURE**

"... a winner that should break every barrier for  
good grosses." —Stoltes, Jay Emanuel Publications

"... picture has some sterling entertainment values  
... bang up horse race for a thrilling climax."  
—Daily Variety

"Gorgeous Arizona backgrounds brought out in all  
their splendor, with never a harsh tone in the vivid  
panorama."  
—Hollywood Reporter

"Outstanding entertainment. Picture is beautifully  
filmed in natural color. Book it by all means."  
—Hollywood M. P. Review

*Congratulations* **VARIETY**

# HUNT STROMBERG

*M-G-M Studios*

*SEASON'S GREETINGS*  
**M. E. COMERFORD**

**INTERMOUNTAIN THEATRES INC.**

CAPITOL THEATRE BUILDING  
 SALT LAKE CITY, UTAH

P. O. BOX 1018

WABATON 7069

TO VARIETY :

You have long been known to us, out here in the West, as one of our closest links with the happenings throughout the industry. We compliment you not only on your speedy reporting of vital screen news, but on your complete coverage of the entire amusement world.

We heartily extend our best wishes for a long future as pleasant and fruitful as the past thirty-four years.

Sincerely,  
 INTERMOUNTAIN THEATRES, INC.,  
 Utah and Idaho

*Harry David*  
 HARRY DAVID  
 General Manager

*Season's Greetings*

**M & P  
 THEATRES**



NEW YORK  
 Leo Morrison, Inc., & Jack Curtis  
 1776 Broadway

**LEO MORRISON, INC.**

BEVERLY HILLS  
 204 South Beverly Drive

*Holiday Greetings to the Trade*

**George B. West**

*Season's Greetings*  
**RODGERS and HART**



*Season's Greetings From*

**WILLIAM BOYD AND HARRY SHERMAN**

(HOPALONG CASSIDY)

# JACK HAWKSWAY

## DIRECTOR

PREPARING

### "BOOM TOWN"

(TENTATIVE TITLE)

## METRO - GOLDWYN - MAYER

### Chaos to Confidence

(Continued from page 2)

without a single major catastrophe. Many of our own fighting boys of those days can vouch for this.

There were one or two cases of casualties outside theatres, such as a call boy being killed because he had run outside the Gaiety stage door to look at the fun, but no case of a big gathering of people being put in a place of entertainment, although such gatherings were taking place in thousands of spots throughout Great Britain every day and night for four years.

Anyway, I was not the only one to appreciate these facts.

During the first week of war, with streets in absolute darkness at night, of course, with every theatre and cinema door shut, and with the additional worry for us personally of transferring a staff of hundreds from London to what had once been a water mill in Rickmansworth, 20 odd miles out of town, we may have felt a little depressed, but we did not give up hope.

The heads of the film and theatrical industries were in constant con-

ference, determined to get reorganized at the earliest possible moment. Several deputations put our case before the Government, and—identically, the case of the average Britisher who at that time had literally no form of public entertainment except the public bar (what we Americans call the saloon), and possibly the radio—which just then was not very bright, as the British Broadcasting Corp. was thoroughly disorganized by its move from London to 'somewhere in the country'.

Must say the British press played a splendid part during the period. From 'The Times', which printed a typically trenchant letter from Bernard Shaw, to the biggest-sale 'Daily Express', which carried several articles inspired by one of our own publicity men, it campaigned incessantly for a brighter Britain, and especially for a resumption of organized entertainment.

All this had its effect. First, permission was given for cinemas in the districts regarded as 'safe' to reopen. The official decision was made

almost overnight, and you can imagine the chaotic struggle to get pictures to the cinemas from hastily improvised store houses in various parts of the country. Our own boys responded magnificently to the big effort demanded, and I do not think a single Metro film failed to reach its destination on time. We were even able to help out a few cinemas which were unable to get certain other companies' films they had booked. But, generally speaking, the entire industry conquered vast difficulties with remarkable success. That first black week, by the way, must have cost the whole film industry fully \$5,000,000.

From that time onwards it has been a matter of getting concessions one by one, and little by little.

The number of deputations which have visited London since that time this industry alone has been awe-inspiring. Am glad to say the authorities have been most cooperative, and genuinely anxious to help in any way which seemed to them consistent with public safety.

The changes regarding the big West End cinema has been the best of it. At this writing, we have been allowed to remain open until 11 p.m., instead of alternately to 8 p.m.

While business is remarkably good, considering the complete blackout and other existing conditions during the 11 o'clock closing weeks, it suffered badly during the 6 p.m. weeks, when we had to stop selling tickets at 4:30 in the afternoon.

The authorities were possessed by the fear that too many people were on Leicester Square, for example, where there are five key cinemas, including our own Empire and Ritz—at one time, which might have coincided with an air raid.

While realizing the force of this argument, we met it by offering to stagger the closing times between, say, 10 and 11 p.m. at intervals of 10 minutes or so, in order to allow each audience to disperse separately. There is, of course, always the chance of an air raid warning during the evening. But recently, when we had a false alarm one morning, fully two-thirds of our audiences remained in their seats. During the worst time, even when air raids over London took place on 10 successive nights, the vast majority of the crowded theatre and cinema audiences stayed in their places, watching and enjoying the show.

So the main—I think the only—danger in keeping theatres open at night is that of a direct hit. And the chances against a direct hit are astronomical.

You cannot imagine New York without Broadway. It is even less,

possible to think of London without Leicester Square and Piccadilly. The boys are home on their holiday leaves. Shortly, the big battalions from Canada, Australia, New Zealand, South Africa, India and all parts of the British Empire will begin to arrive in this country.

Look to West End

They will automatically come to the West End, as they did in the last and every other war, looking for recreation and entertainment. Surely, if we must give them darkened streets, at least we can give them that passport to the land of blessed romance, laughter, and make-believe, which only the cinema and the theatre can offer.

On the whole, I feel justified in concluding, as I began, on the note of confidence.

A war like this cannot fail to strike heavy blows at every industry which is not directly engaged in the business of armaments or other military needs. Vast sums have been lost by the entertainment industry, and considerable sums are still being lost. The extra taxation burdens—well, one can only say they are commensurate with the colossal efforts Britain is putting forth in this war.

One thing is already proven. The public, struggling at night through pitch-black streets, burdened with gas masks, risking the danger of air raids—a danger which, rightly or wrongly, has deliberately been emphasized—is still finding its way to the cinemas and theatres. No reasonably good film, or stage play, need fear neglect.

In fact, although the show business in Britain may not be the joy ride which it was for a good many theatrical and film folk from 1915-1919, it is definitely not going to be the 'procession of protracted death' which the pessimists were prophesying on Sept. 3, 1939.

### PAR NOW CARRYING 65 PLAYERS, 10 DIRECTORS

Hollywood, Jan. 1. Paramount started the year with a contract list of 65 players, 13 writers, five producer-directors and 10 directors.

Producer-directors are Cecil B. DeMille, Edward Griffith, Henry Hathaway, Mark Sandrich and William A. Wellman.

The Same Old  
Greetings From  
the New Rialto,  
New York City

—  
Arthur  
Mayer

### Moving Picture Machine Operators Union



LOCAL NO. 306, NEW YORK CITY

JOSEPH D. BASSON, President

MORRIS KRAVITZ

Vice President

CHARLES BECKMAN

Financial Secretary

BERT FOPKIN

New York District Agent

HERMAN GELBER

Recording Secretary

JAMES AMBROSIO

Treasurer

JACK FETTLER

NYU Business Agent

### HOLIDAY GREETINGS

From

## N. S. BARGER

### RIALTO THEATRE CHICAGO

### HOLIDAY GREETINGS

## HARRY A. GOURFAIN



Let's Make

**1940**

A Year of Sound

Showmanship!



NOW PLAYING—

**"SLIGHTLY HONORABLE"**

featuring

**PAT O'BRIEN, EDWARD ARNOLD,  
BRODERICK CRAWFORD, RUTH TERRY,  
CLAIR DODD, ALAN DINEHART, PHYLLIS BROOKS, EVE ARDEN**

*A Tay Garnett Production*

Music by WERNER JANSSEN

RELEASED SOON —

**GEORGE RAFT**

**JOAN BENNETT**

co-starring in

**"HOUSE ACROSS THE BAY"**

with Lloyd Nolan, Gladys George and WALTER PIDGEON

Directed by ARCHIE MAYO

NOW IN PREPARATION —

**ALFRED HITCHCOCK'S Production**

or

**"PERSONAL HISTORY"**

**"SO GALLANTLY GLEAMING"**

Successor to the Spectacular Attraction, "Stagecoach"

**"DYNASTY OF DEATH"**

Taylor Caldwell's Best Seller

**"AROUND the WORLD in 80 DAYS"**

A Pretentious Production of JULES VERNE'S Sensational Novel

RELEASED THRU

**UNITED ARTISTS**

# JAMES KEVIN MCCUINNNESS

## M-G-M

### Mae to Stay at U

Hollywood, Jan. 1. Universal is building a four-room bungalow for Mae West, indicating that the femme star plans a long stay at the studio.

Only star bungalows on the lot at present are occupied by Deanna Durbin and Marlene Dietrich.

### Iowa Always Wins Ho Tax

Des Moines, Jan. 1. Iowa's tax collectors always win at bingo games. The state sales tax is collecting articles the promoters buy for prizes, so whoever else wins, the state still wins 25%.

The Tax Commission has recently investigated reports that operators were evading the tax, but investigation showed it was being paid.

### Much New Theatre Building

#### Much St. Leo Building

St. Louis, Jan. 1. Charles R. Rudolph, owner of the Colonial, 400-seater, Troy, Mo., planning another in same town.

A. B. Jeffries, owner of the New Piedmont, 206-seater, Piedmont, Mo., will augment his operations with another house in same town.

Paramount will build its own exchange on film row.

The Idle Hour, 600-seater in Festus, Mo., relighted by Harry Miller. House shuttered several months.

Construction starts soon on new house in New Haven, Mo. Walter J. Buchholz of New Haven will own and operate.

New theatre to be erected in Roxana, Ill., for Albert Cichlow. Mrs. D. E. Williams new manager of the Herno, 250-seater, Hermann, Mo.

The Jersey, Jerseyville, Ill., damaged \$35,000 by fire recently, will undergo face-lifting and reopen.

Keresotes Bros. will close Senate, 800-seater, Springfield, Ill., after holidays for extensive face-lifting.

Paris, Ark., theatre men will erect new house in Poplar Bluff, Mo., where the Rodgers Circuit owns and operates the Criterion, 650-seater, and the Jewel, 500 seats.

N. Carter, Lawrenceville, Ill., will erect new house in Lawrenceville to provide oppositish to the Frisina Amusement Co.'s Avalon, 500-seater.

#### New Texas Houses

Dallas, Jan. 1. A new Dallas nabe and a new Port Arthur house soon will grace the Texas skyline.

F. G. Cameron, having new 750-seater built here, with body parkers arranged on a stadium-like ramp that will eliminate steps.

The Sabine, 800 seats, is being built for Sam Hyman at Port Arthur.

Hollis Boren, operator of two houses at Memphis, Texas, has added theatres at Tulsa, Dimmitt and Jacksonville, Texas, to his properties.

#### Wilby's Fourth Drive-In

Atlanta, Jan. 1. George Wilby and associates, of the last week opened Drive-In theatre in Jacksonville, Fla., their fourth. They operate two here and one in Savannah, Ga.

Horace Denning, ex-manager of Kirkwood here, is in charge of Jax outdoor cinema.

Wilby outfit operates Cameo, downtown Indianapolis, and Kirkwood and Fairview, nabes here in addition to

the two local Drive-Ins. They recently sold their five North Georgia nabes, Star and Ritz, at Toccoa, Dixie in Cornelia, Hubersham in Clarksville and Franklin at Lavonia, to Fred McLondon, of Union Springs, Ala., who operates 11-theatre chain in that state. Mrs. A. S. Kerlin and Bill Collins, Ritz, at Toccoa, is new 780-seat deluxor skeddled to light up Christmas Day. Bill Collins, former National Screen Service salesman here, will manage.

Al Whittle, who managed North Georgia properties for Wilby and supervised construction of Ritz, will return to Wilby here.

Curtis Ware, who formerly operated theatre in Jefferson, Ga., has opened 250-seat Royce, at Royston, Ga.

#### New N. Y. Newsreeler

Grand Central Theatre, Inc., has signed an agreement to open a new newsreel theatre in the Airways Terminal on East 43d street, near Park avenue, N. Y. Terminal, now under construction, will be the main station in N. Y. Airways Theatre will seat nearly 600 and will probably be ready by next July or August. Grand Central Theatre, Inc. also operates the newsreeler in the G. C. Terminal.

#### Thornton's New House

Watsontown, Pa., Jan. 1. H. J. Thornton, Watsontown, will erect a new one-story brick and steel picture theatre late next spring.

#### Fl. Worth Suburbans Increase

Fl. Worth, Jan. 1. Fort Worth's seventh suburban theatre, The Henphill, is under construction and due for completion late in February.

M. S. White, of Dallas, is building it. Modernistic structure, it will seat 800.

Interstate, which operates seven theatres in Fort Worth, four downtown and three suburban, will build a new suburban in Arlington Heights in the spring. Plans are expected by Jan. 1.

#### Detroit's Class Nabes

Detroit, Jan. 1. Operated by Jake Sullivan, veteran manager here, new nabe, Van Dyke, will open in mid-January. New 600-seater, equipped with all the latest stuff, will operate on a noon to midnight policy.

Sullivan formerly managed Delta. New nabe financed by Mess Investment Co. and will be in Van Dyke chain.

### SHERMAN'S 18 PIX FOR PAR OVER TWO YEARS

Hollywood, Jan. 1.

Harry Sherman inked two-year deal with Paramount to produce six Hepalong Cassidy westerns, two Zane Greys and one special per year.

William Boyd continues as star of the Cassidy's under a new contract with Sherman for the same duration.

### DOC TAKES COURAGE

Hollywood, Jan. 1.

The Courageous Dr. Christian, second of the Jean Herscholt starders for RKO release, gets under way Jan. 15 as a Stephens-Lang production.

Director is Bernard Vorhaus. Ian Hunter and Ring Lardner, Jr., are polishing the script.

### New York Theatres

#### The Rivoli Theatre

NEW YORK

Ace Run Time of the Country Presents Its Best Wishes to Variety for the New Year

#### "The Light THAT FAILED"

UNITED ARTISTS RIVOLI Broadway at 49th St. Doors Open 9:30 A.M. MIDNIGHT SHOW

#### GONE WITH THE WIND

While these engagements are limited, G.W.T.W. will not be shown except at advanced prices... at least until 1941.

ASTOR Daily 1:15, 8:15. Prices: 10c, 15c, 25c, 35c, 45c, 55c, 65c, 75c, 85c, 95c, 1.00. (Seals, Sun, Mon) 10c to 1.00. Return EVENINGS 10c to 1.00.

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His Orchestra and an Extra Band  
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HELD OYER  
"GULLIVER'S TRAVELS"  
A Paramount Picture  
PARAMOUNT  
JIMMY SAVO  
MERRY MACS  
GLENN GRAY  
AND HIS ORC  
JIMMY SUGARS

Lennon's Addition  
Susquehanna, Pa., Jan. 1.  
Jerome Lennon will erect a new theatre here in the spring.

SEASON'S GREETINGS

# EDMOND SEWARD

\*Screenplay

Original Story Adaptation

## GULLIVER'S TRAVELS

Management  
ROSALIE STEWART

\* In collaboration

*SEASON'S GREETINGS*

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its staff and correspondents throughout the land  
and thanks for your kind plugs during my personal tour

**HUGH HERBERT**

Personal Management—PAM-LANG AGENCY, Hollywood, Calif.

## Congratulations to *VARIETY* On Its 34th Anniversary

# WARNER BAXTER

### RKO SCORES ON NOTES AND CLAIMS

Federal Judge William Bondy in N. Y., on Wednesday (27) approved two applications by Irving Trust, RKO trustee, the first extending the time for RKO to pay off the balance due on its gold notes, and the second settling claims against the company. There had been no opposition to either request.

As result of the judge's order RKO now has until April 1, 1940, to pay \$50,000 as the balance due on a \$6,000,000 issue of secured gold notes made July 1, 1931. The balance has been paid off. Chemical Bank & Trust is the trustee, and the notes which were due Jan. 1, 1940, will draw interest at 2% annually. The reason for failure to pay them off now is that consummation of the plan of reorganization is just around the corner, and the company needs all available cash for that purpose.

The claims against the company, which total \$2,775,142, were settled for \$107,204. The first of these was the claim of Joseph J. Cavanaugh and the Union Guardian Trust, covering a lease on the RKO Downtown, Detroit, which was filed for \$208,333 and settled for \$45,000. The second claim was that of Laura F. Albee, filed for \$187,500, and settled for \$21,000. This claim was based on a note guaranteed by RKO Rhode Island Corp.

The claim of the U. S. National Bank of Denver, filed for \$407,335, based on a defaulted bond issue of Denver Orpheum, was allowed at \$37,322.

A claim of the First National Bank of Birmingham for \$14,549, based on a lease guarantee of RKO Southern, was settled at \$204. Lastly, a claim of the American Co., for \$1,874,225, based on a guarantee of

bonds of RKO Western, was allowed at \$5,586. This latter amount represents interest, as the big claim had been allowed at a larger amount previously.

Judge Bondy Thursday (28) also granted Irving Trust an extension to July 1, 1940, to affirm or disaffirm of RKO subject to the approval of the court. Another provision was inserted in the order which declared that Irving Trust's functions can be terminated, if the proceedings should end. This marks the first time since 1934, when the RKO trustee first received permission to carry on company business, that such an optimistic note has been introduced.

At Friday (29) hearing, Judge Bondy was informed by Hamilton C. Rickaby, representing Atlas, that Irving Trust is now preparing an order for Judge Bondy's signature, which would transfer all assets of the company from the hands of the trustee to those of the new company. This transfer is expected to be completed within this week, although actual business of the company will remain for some time in Irving Trust's hands.

In order to expedite matters, the court was informed that Atlas has set Jan. 8 at the expiration date for unsecured creditors and Rockefeller Center to subscribe to the new RKO stock, this meaning that Atlas' offer is outstanding for 16 days, thus cutting their commission slightly.

An adjourned date of Jan. 9 was set for the next hearing, at which time it is expected that the supreme court will have decided whether to hear the appeals or not. The hearing concluded with Judge Bondy expressing the hope that the entire proceedings will be terminated early in 1940.

#### Ready with 'Cheers'

Hollywood, Jan. 1.

Richard Rowland's first production for United Artists, "Three Cheers for Miss Bishop," rolls Jan. 15.

Producer is seeking a femme lead to replace Barbara Stanwyck, who is tied up with another commitment.

#### Just Fits

Hollywood, Jan. 1.

Frank Morgan, who recently had a close brush when his car overturned, killing his chauffeur, started work at Metro in "Hooryay, I'm Alive."

Both he and Mrs. Morgan were painfully injured, the latter more seriously.

#### ADD: GN AND RFC

\$450,000 Loan Still Yamping Till Ready—Meeting Today

Reconstruction Finance Corp. again skipped consideration last week of \$450,000 loan requested by Grand National and matter lies in the hopper for the next meeting of the directors, slated for today (Wednesday). Necessity of GN providing more data for the RFC examiners delayed last week's presentation. Earle W. Hammons, GN prez, was in Washington to speed things along; but to no avail.

In the meantime Leon Berge, European film man who has made a tentative offer to provide the money needed by GN if it... RFC does not come through, has been going over the company's books and records. Berge has made no written commitment, but is slated to make a proposal to the court in the event he finds the company's books to his liking.

If the RFC comes through with the loan, Berge may put up a production fund—to which a syndicate of bankers headed by Irving Pitt had previously committed itself and may still carry out if it chooses. If the RFC mixes the request, Berge has indicated he may be willing to put up coin to continue the company in operation.

New 2,000-Seater

Warren, O., Jan. 1.

A new theatre, to seat 2,000, will be built here in the near future by Daniel Robins, Robins Enterprises Co., now operates two theatres on East Market street here.

### Exhibs Beef at 5,000-Capacity County Center, Tax-less, Hurting Their B. O.

Burning over the opposition caused by the band and vaude shows given Sundays at the County Center near White Plains, N. Y., theatre operators of the region are preparing to lodge a vigorous protest with Westchester county authorities. They will seek abolition of the performance, it is stated, on the ground that the Center does not pay taxes to the county, yet theatres within its borders or in other parts of New York state or lower Connecticut are forced to meet such bills in support, through their businesses, of the communities in which they operate.

Theatres in all of Westchester as well as other portions of New York state, not too distant from White Plains, and those in nearby Connecticut, are affected seriously, it is claimed, but added that the same orchestras booked into the County Center may be also drawing patronage away from N. Y. city itself as well as parts of Jersey. The Center itself is located on one of the main Westchester highways, the Bronx River Parkway.

#### All Hark

Operators involved, all of whom are expected to file complaints, are Loew's, the RKO circuit, Paramount, Skouras Bros., Brands and lesser independents. Loew's, RKO, Par, Brandt and Skouras are all within the Westchester county borders. What steps may be threatened or taken by the theatre interests if the County Center is continued with orchestra bills are not indicated at this time.

Center, booking two bands for Sundays each week, plays a matinee at a 4c general admission and an evening show at a 55c general admission. Reserved seats are 75c afternoon and 85c and \$1.10 evenings. Shows have been played four Sun-

days to date, but the next will be given Saturday (16) instead of Sunday, due to a previous commitment on the Center for the Dec. 17 date. Capacity is 5,000.

On opening of the double-bill band shows at the Center, with only an evening performance given, the business was near capacity at a gross of \$3,750. Bands were Paul Whiteman and Bunny Beigan. The second Sunday's gross, with two performances given, was higher. Booked through Jan. 1, with Gene Krupa set for the New Year's date, the Center has played Hal Kemp, Bob Crosby, and Charles Brunet in 2001 to the opening Whiteman-Berle combination.

### FOUR MORE ON LINE IN 20-FOX SPEEDUP

Hollywood, Jan. 1.

Production at 20th-Fox speeds up this month, with four new pictures slated to roll in addition to four holdovers from December.

Newcomers are "Twinkle, Twinkle, Little Star" and "Earthbound," Jan. 6; "Sweetheart of the Valley," Jan. 15, and "Lillian Russell," Jan. 22.

#### McGuire Held at 20th

Hollywood, Jan. 1.

William Anthony McGuire, currently finishing the script on "Lillian Russell," was signed to a new writing deal by 20th-Fox.

In addition to his studio pop, he has a commitment with Haulon House for a novel based on Miss Russell's life story.

Congratulations *VARIETY*

# W A R N E R B A X T E R

20TH CENTURY-FOX









# War Curs France's Cinema Advance In 25 Years

By Joseph C. Ravotto

Paris, Dec. 25.—The outbreak of war on Sunday, Sept. 3, brought to a screeching halt the history of the French film industry.

The first eight months of 1939 saw production stepped up to the fastest rhythm of its existence, with quality keeping pace with quantity. The technical skill and photography all maintaining the same high tempo. These factors combined to make a winning billable product more film conscious and proud in a nationalistic sense that the wailing puppy infant of a decade ago had grown into a lusty, strong youth who could be classed with the half-dozen largest industries of the country and, what is more important, a serious competitor to Hollywood.

All this steady growth took place despite a heavier taxation, severer legislation, higher costs, the constant threat of armed conflict and a team fall which shook the industry to its very foundations.

B. C. crosses showed a corresponding increase as the public began to go less to legit, variety and opera and turn more and more to the cinema. A devaluated franc, tougher competition and the constant threat of legislation had not dampened its future in the country, the American industry consolidated against the American picture. Theaters here were sent over from Hollywood in original and dubbed versions. The American picture, the product both profited from the bull movement and everything pointed towards a still sharper rise in the chart of fall and winter business.

**Most Ominous Period Since '14**  
At all this occurred during the most ominous and distressing period in world history since 1914 and paralleling in striking fashion the preceding period between 1918 and 1933. Either the belief that no man or regime could be sufficiently mad to want to start another war, or into another holocaust which might end with chaos and the destruction of modern civilization, or the realistic belief that war was inevitable but that the time had not yet arrived for its outbreak, led business men to continue investing heavily in the growing home industry to harvest the big returns yet registered.

In some respects the situation closely resembled that of the end of another war 25 years back. At that time, too, the French picture industry was plunging into its stride and the feeling was general in the country that a few more months would see France a dominating position in the world's film map. War broke out and the industry was forced to do to with the big job at hand, was halted, or keyed down for four long years. And in some ways the effect was drastic. During these four years, Hollywood grew to striking proportions and the French industry wanted to practically nothing. It was not until four or five years ago that the French picture industry began to show signs of life, and perhaps more promising character than that of 1914.

By the end of September, 1939, everything crumbled like a house of cards. Lots were abandoned, studios deserted, the picture business was abandoned, producers cut distributors offices locked up, white thousands of actors, writers and technicians fled to the colors and thousands of others were put on the unemployed list.

**Authorities Rule**  
Efforts of exhibitors continue operations somewhat near the former scale were ruthlessly stifled by the authorities with the result that the picture business was practically dead. Blackouts forced the darkening of marquees. Reduced tax breaks (subsidy) were taken away from the rest. Authorities were guided by one ominous fact—enemy air raids and the pressure of the war were sincerely dictated for the best interests of the civilian population. The day picture business was the threats of the enemy air raids became a passive rather than an active, and civilian population was the curious way the war was being fought, showed need of amusement and entertainment, and began to be registered from all sides.

The steady barrage suggested to some minds that the picture business production failed to rally. Showcases were permitted to remain open until 11 p.m. and the limits were boosted from 300 to

higher figures, depending on exits and nearby shelters.

Exhibitors began to rally and at the end of the year some 275 out of 353 houses in the capital were again doing business. Limited production of new pictures began to return and exhibitors, instead of buying new pictures, ran the pictures they had. Distributors refused to release costly, high class films, awaiting a time when audience interest would grow greater benevolence in their effort to be assured of clearing their investment.

Producers made an effort to get going, but with the army refusing to release actors and directors, the industry so at the wrong time, and inability to find financial backing kept the picture business in a state of paralysis. A few new pictures, started before the war, were completed and a few new ones with propaganda themes were released for the end of November, but this was a small beginning and a far cry from the pre-war activity.

American distributors began doing business on a modified scale, through a few producers, and a few new pictures, started before the war, were completed and a few new ones with propaganda themes were released for the end of November, but this was a small beginning and a far cry from the pre-war activity.

**Seasonal Tie-off**  
The year 1939 began in auspicious fashion with the largest seasonal sale of the picture business since 1914. The year cranking wide open. During Xmas week, 1939, Bernard Natan, president of the French picture industry, and Jean Cret and Alexandre Joffe, two of the most famous producers, were charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

At this stage of proceedings it was believed that the picture business was on the verge of a new boom. The year 1939 began in auspicious fashion with the largest seasonal sale of the picture business since 1914. The year cranking wide open. During Xmas week, 1939, Bernard Natan, president of the French picture industry, and Jean Cret and Alexandre Joffe, two of the most famous producers, were charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

**Citywide Cinema Shutdown**  
January 1939, also saw a citywide cinema shutdown of 353 houses as a protest against new city taxes on gross receipts, which, added to already existing taxes, would have increased the picture business to as high as 40%. Operators claimed that 400,000 francs (\$80,000) were lost in the year. The government claimed that 300,000 francs for state and 200,000 francs in city taxes were lost. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

The showcases went dark from Jan. 4-6, when the Government threatened to go to court to arbitrate the agreement within 10 days. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

The operators decided to support all new releases and documentary films of the picture business. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

rate averaged between .0075 and .0151 on admissions, depending on the category of the houses. The state reduced taxes 25% on admissions, which helped with low revenues. Exhibitors on the other hand, paid 20% on admissions under 20 francs (at the time about 30¢).

An old measure of the Blum government introduced by Communist Minister of Finance, Leon Blum, levied on existing taxes for large houses which failed to employ or employ less than 100 persons. Instead of taxing houses that refused to employ entertainment workers, the law was changed so that with 25% tax reductions.

**Sirtzky-Gaumont Merger**  
One of the biggest deals of the year was the establishment in Paris of a working agreement between the Sirtzky and Gaumont circuits to eliminate competition. This brought together 125 cinemas into one single block, and the picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

Exhibitors found the first eight months of 1939 one of the most prosperous in the history of the picture business. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

**1939 Top Year**  
There is no doubt that French production would have hit a new mark in 1939. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

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Before the war it was revealed that Jean Gabin was being paid about 100,000 francs per film. At 100,000 francs for the picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

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including Gaby Morlay, Jacqueline Dubuc and Julien Baroux. On the lighter side were 'Tris' (Three Waltzes) by Fernand, and Arletty, giving a cross-section of the capital's underworld, 'Circumstances' (At Home) by Fernand, 'Le Bois Sacre' (The Sacred Woods), a witty piece dealing with adultery and a picture of Honor, one performed depending on the other.

Three others high on the standard list were 'Les Heros de la Merne' (The Heroes of the Merne) with Raimu, 'Circumstances' (At Home) by Fernand, which was a great follow-up to the previous year, and 'Giboulées' (The Weather) by Viviane Romance, based on the Spanish War.

**Threats to Americans**  
For Americans, 1939 was essentially a year of threats which failed to materialize and surprisingly, the picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

Several articles which would have affected the Yanks were control of the picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

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some clerics may succeed in having it removed from the books. Another event of great interest to Hollywood was France's decision to stage a film festival along the lines of the Venice Biennial. With Hollywood's participation, the festival was to go to Venice, due to awards made the previous year that were claimed by France. The festival had been based on political considerations. France decided to replace the festival with a film festival in Cannes, with 11 nations, including the U. S. and Italy. The festival was to be held in Venice, due to awards made the previous year that were claimed by France. The festival had been based on political considerations.

Early in April, the French government took exception to Warner Bros. release, 'Devil's Island,' by withdrawing its film visa for three months. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

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## Canadians' Film-Spending Rose in 1938 Above 1937

Vancouver, B. C., Jan. 1.—Canadians are spending more money on motion pictures, recently-revealed government statistics show. The picture business was charged with fraud and embezzlement of funds involving 140,000 francs (\$28,000).

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MARY CLARE**

**DIRECTED BY**

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# BRIAN DESMOND HURST

Director of—

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"THE LION HAS WINGS" (Co-directed)

and

"ON THE NIGHT OF THE FIRE"

**Sends Greetings to All His Friends In the Motion Picture Industry**

## Amusements Big In Japan Despite Government Curbs

By James B. Harris

Tokyo, Dec. 15. Approximately three years have passed since Japan entered into warfare with China, during which time the Home Ministry and the police have clamped severe restrictions and control on all of Japan's amusement enterprises, ranging from the ten sen (2½¢) taxi dancehalls to big-scale theatrical activities. However, even in face of these stringent measures to preserve the morality of the people (sic), show business in Japan, both stage and screen, has enjoyed a boom the likes of which has never been seen even in time of normal conditions.

This phenomenon can readily be explained by the great demand for workers in the munitions industries, thus providing both work and money for the masses, who hitherto were deprived of the luxury of going to theatres and films.

Previous to the war, the Japanese showed a marked tendency to study the quality of the program previous to entering any theatre. But today people love to show-hoarse virtually in hordes, regardless of whether the film is Lillian Gish's "Way Down East" or Clark Gable's latest.

In order to thwart this tendency of the people to enjoy themselves in times of national emergency, the police have tried placing various obstacles in their path, such as levying taxes on all admission prices, restricting foreign films, banning of short skirts and permanent waves for show-girls, cutting out of all love-scenes, prohibiting electrical signs, thumbs down on cooling sys-

tems in summer and steam-heat in winter. However, all this has failed to decrease attendance at the theatres.

As a next step, the new motion picture law restricting film viewing by children was put into effect Oct. 1. So far this law has been accepted by the people as appropriate and in keeping with the times, but adult attendance is still strong.

### Newsreels Prosper

Another enterprise that's prospering is the small newsreel theatres giving one hour programs with admission fixed at 10, 15 and 20 sen (5¢). While their prosperity began to show a sharp decline commencing from about April of this year, they are coming up again with the showing of European scenes.

On the other hand, the Sino-Japanese incident has dealt a death-blow to all chances of promoters who were previously engaged in importing foreign talent to Japan, for foreign stage shows are now strictly undesirable by the officials. Last such show here was the Marcus troupe. There's now greater stress on the development of Japanese talent, thus resulting in sending the Takarazuka revue girls to Italy and America, etc.

### Radio and Records

It would be hardly necessary to comment on how the Sino-Japanese incident has affected radio in Japan for radio is Government-controlled in this country. Unlike in America, radio programs in Japan are not conducted by means of advertising. Funds are supplied by the people, each family possessing a radio set paying 50 sen (12¢) monthly. Pre-

vious to the hostilities, the charge was one yen (25¢), but this price was lowered first to 80 sen (19¢) and then to the present sum.

The lowering of radio fees is explained by the tremendous increase of radio-owners, principally farmers, who hitherto had relied on the newspapers for information on current topics, but suddenly discovered that radio was cheaper. The two principal stations of Japan at JOAK, in Tokyo, and JOBK, in Osaka, both presenting the same programs daily.

Jazz music is seldom broadcast, although opera and classical music concert programs are sometimes given. Speeches, classical Japanese music and news are the three chief subjects in Jap radio presentation.

This year, the Japan Radio Broadcasting Corp. moved into its new quarters and great improvements were made in its Overseas Section. However, although Japan sends out short-wave programs to foreign countries, short-wave sets in Japan are strictly prohibited, under penalty of heavy fines and oftentimes imprisonment. The explanation given for this measure is that although Japan has no desire to keep out good music and lectures from America and Europe, it can't admit them without exposing the Japanese people to malicious Chinese and Communistic propaganda.

### Big Record Years

This year and the year before have been prosperous ones for Japanese recording concerns, the principal one being Japan Victor Corp., Columbia, Teichiku and Polydor. They cashed in on the nature of the times and made practically nothing but patriotic tunes, such as the "Pacific March," the "Patriotic March," etc., which all received Government support and sold like hotcakes. It is only recently that a few songs without patriotic lyrics have appeared on the market.

Foreign, gramophone record sales here are not worth mentioning. A tax of 10% has also been levied on all records.

## U. S. Radio Commission Sails for Chile Confab

R. Henry Norweb, U. S. minister to the Dominican Republic, headed the U. S. delegation to the Inter-America Radio Communications Conference. The conference will be held in Santiago, Chile, the end of January.

Norweb said the conference would try to bring Pan-American radio practices in line with policies decided at the World Radio Conference in Cairo in 1928. Spread of Pan-American cultural relations would also be stressed, he said. Last Inter-American confab was held in Havana in 1937.

Other U. S. delegates to the Santiago session are Rear Admiral Stanford O. Hooper, representing the Navy; Gerald C. Gross, head of the international section of the Federal Communications Commission; E. K. Jett, chief engineer of the FCC; Joseph Keating, secretary and technical advisor to the conference; Lloyd Simpson, of the Civil Aeronautics Authority; Capt. Wesley T. Guest, representing the U. S. Army, and A. L. Budlong, assistant secretary of the Amateur Radio Relay League.

## Aussie Chatter

Sydney, Dec. 10. Hollywood Dick, film chatterbox, is expected to sail next month after a year for Kellings.

Phil Myatt is handling the Lux shows on Sabbath play dates via J. Walter Thompson agency.

Mills Brothers will do an extended air session for the Australian Broadcasting Commission under an arrangement with Tirol Theatre.

Frank Marden, 2 UW, Sydney, has been reappointed prez of Federated

## Smaller License Fees Demanded in Aussie After A Banner Year

Sydney, Dec. 25. Following receipt of \$2,634,944 in license fees by the Australian Broadcasting Commission on the year's operation, Aussie radio owners plan to make a new drive in 1940 to get the license charge whittled down from the current \$4 dunning. Total of radio licenses amounted to 1,131,800, an increase of 73,949. Fans claim that they get their best either fare from the commercial units which get no cut in the license take.

Australian Broadcasting Commish also stated it had received \$245,588 from 158 public concerts and interest on investments. ABC employed 13,220 artists. Program analysis shows 79,408 musical hours, 16,650 hours of talk, 4,122 hours of devotional airings, and 8,625 hours of sports.

Commercial Stations of Australia. Marden is also in charge of the censorship board.

Jan Rubini returns to U. S. this month after an air term for a leading unit bill with arrangement with Hoyle Theatre.

Sir Ernest Fisk, chairman Amalgamated Wireless, has been appointed by the Federal Government to an important technical position for the duration of the war.

U. S. DX stations are only sending very weak signals across the Pacific nowadays. British and German units maintain strength okay.

Government will probably extend commercial licenses to three years following pressure from the major commercial units throughout Australia. Currently, the term is only for one year.

# OLIVELLI'S—Now Bigger and Better

Greetings to Our Friends All Over the World

# GRACIE FIELDS

*Greetings To My Friends All The World Over*



---

# MONTY BANKS

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Latest Directorial Effort:

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For 20th CENTURY-FOX

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**GRACIE FIELDS**

## SEASON'S GREETINGS FROM

## DIAN WARD

Femme Lead Opposite WILL HAY and CLAUDE HULBERT in Cliff Whitley's Laugh Hit

## 'SOMEWHERE IN ENGLAND'

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Favourite Rendezvous Of His Majesty's Forces, Mayfair Society and Leading Theatrical Stars

## War's Big Shadow On Pix

By Mike Wear

War and its effect on film distribution of two continents headlines the story of the U. S. foreign picture business during 1939. It was a momentous year, replete with heartaches, restrictions and implications of perpetual peace placed in the way of Yankee distributors by some foreign governments. But throughout it was a year that saw the American industry maintaining its effort against on Dec. 31, although at uncertain gain.

Actual inroads into foreign revenue showed up only in the final four months of 1939, but the dip in European exchange rates, coin restric-

tions and declines in gross production further monetary losses. Repercussions of the war probably will be felt well into 1940, with few U. S. distributors believing a true picture of defeated foreign markets will be available for two years.

European war caused film companies to trim their sales starting early in September. Amortization of negative costs were requisited to reflect anticipated foreign losses. Blackouts undoubtedly hurt in England as did shifting of population from metropolitan centers.

Because Great Britain is S. in 8% of the total foreign U. S. in-

come, developments there were closely watched. Remittances from England produced a net loss of 15-20% because of sterling decline. This was partly counterbalanced since operating costs there were figured at the depreciated pound. Biggest concern was over fleeing of coin in England, with the government finally ruling that 50% of net revenue major companies (excepting Universal, with a separate deal) could be transmitted to the U. S. in gold or on O.T. (maximum figured at \$17,500,000 for one year).

Departure of Poland between Germany and Russia meant a big decline. This change cut foreign revenue about 4% including losses in Czechoslovakia. While Italian market was lost when all U. S. majors withdrew during the year because of arbitrary terms set by the Italian film monopoly. Soviet invasion of Finland nicked off another bit of foreign take, Finnish territory being rated strong considering small population.

## Bit Below Equator OK

Despite the rather uncertain outlook in Europe, there are evident signs of improved U. S. film business in India, South Africa, Australia, New Zealand and especially in the Latin Americans. Coin restrictions may hurt in British dominion countries and partly overcome expected gains.

Of the foreign countries expected to take up the foreign slack, the Latin-American market looks best. One of the main reasons for this contention is that a greater trade bond has been the rule lately between U. S. and these countries. Hence, American companies are stressing the value of the field by intensive activities there.

## Italy May Return

Further impetus is anticipated, too, from new markets previously closed or hampered. There is prospect that Italy may be restored to American distributors. About 75% of the playing time in Italian theatres was devoted to U. S. films prior to the decree setting up the government film monopoly. Lack of picture imports from other foreign nations may bring about the return of U. S. product. (Ed. note: Despite this American optimism, the Italian government insists that the return of Yankee distributors will not take place except under its own terms. Detailed story elsewhere in this issue.)

There were signs that Spain, always a strong market for American pictures, may be gradually reopened by some small-scale producing on Spanish soil. This would partly unfreeze rental coin that has piled up there during the civil war.

Inclusion of an important amendment in the 'cash-carry' provision of the 1939 neutrality law was rated a victory for American film companies. This exempted copyright articles, thereby allowing films to go through without any red tape to warring and neutral nations alike.

## Foreign Imports

In reverse proportion, where the distribution of foreign pictures in the U. S. is concerned, importers released more footage in this country during 1939 than in many recent years. Quality was something else again, and distinctly on the downbeat, excepting English-made. This quality decline showed in boxoffice receipts despite forced runs.

There were more distributors of foreign language pictures than for four or five years, but profits were not up to glowing anticipation. Real money-makers were few. 'Grand Illusion', 'Harvest', 'Raspun' and 'End of the Day' perhaps stood out. But there were no 'Mayerling' or 'Carval in Flanders' hits around. Surprise entry, from a boxoffice viewpoint, from France is 'Harvest', being marketed by French Cinema Center. Picture critics in N. Y. picked it as the best foreign picture

of the season but what helped it run at the World Theatre, N. Y., was the fight with the N. Y. censor. 'Raspun' showed up surprisingly strong when unveiled for a nice run at the 28th Street, N. Y.

'Grand Illusion', which made a record run at the Filmfare, N. Y., carrying over from late 1938 to early last year, stood out as the bright contribution of World Pictures. It is still doing excellent business with its 1938-39 award by N. Y. film critic as year's best foreign film helping 'Ballerina' is described as a money-maker for Mayer & Burstin because obtained at a 'high' price for distribution in U. S.

## Trend Toward Horror?

The success of several indie productions made in Great Britain, released to cash in on the European war or crook-horror angle, indicates that several distributors will try their hand at handling these rather than French-made films if they are forthcoming despite the warfare in England. There is no dearth of French product just now, but it is not measuring up to the standard set by 'Mayerling' and 'Carnival'.

Distributors and exhibitors of foreign-language pictures are not hopeful about getting substantial business via films from other nations. Scandinavian product is trying to gain a foothold again as it struggles but quality is about as it

formerly was—too weak for much boxoffice. Some hope is held out for productions made in Spain, particularly if American companies are to become interested in a limited amount of film-making in France's country.

A little German product may continue to trickle in and find playdates in New York and other bigger key spots. Hungarian and other European product means nothing except in the extremely few foreign-language houses where they go for the native tongue. Films from South America have been unable to crash the American market excepting in a few isolated Spanish-language houses.

MARCUS UNIT LINES  
UP 10-WEEK ROUTE

Chicago, Jan. 1.

A. B. Marcus' unit has lined up 10 weeks of southern and midwest stand time before heading into Mexico City to take up a three-month stand at the Teatro del Belle Artes.

Unit is going to Memphis, Birmingham, Atlanta, Cincinnati, Dayton, Cleveland, Indianapolis and St. Louis following current stay at the Ballou and Katz State-Lake.

## GREETINGS FROM ENGLAND

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And thanks again  
For helping along our  
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SHAPIRO BERNSTEIN, INC., Our Agents  
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## SEASONAL GREETINGS

FROM

# JACK HARRIS

NOW FEATURED AT THE LONDON CASINO  
AND EL MOROCCO, LONDON, ENGLAND

## TO ALL HIS FRIENDS

## ITALY'S CRIPPLED VARIETIES

By Hugo Speck

Rome, Dec. 20.

Show biz, whether it be filmed or unfiled, dressed in all the gorgeousness of costume or undressed in the scantiest of scanties that Rome will allow, was terrible in the Fascist capital this year.

With restrictions against the exportation of earnings, a continual war scare hovering over this country, and few tourists rubbernecking around the boot of the globe, foreign talent fought shy of Italy last year, and producers for the most part did the best they could with what the local bookers could furnish.

Only the world famous spots like the Lido Venice, and the famed Italian Riviera resort, San Remo, made any attempt at attracting foreign talent to parade behind the lights for the amusement of the few visitors who came, and the even fewer Italos who had the coin to frequent such establishments.

But even in those internationally known hangouts for the take it easy folks, business was below the normal level, which means that all class joints in the Italo amusement world suffered alike.

If anyone wants to point an accusing finger at any one country, or get it down even to one single man, the lyric to the tune says Germany and Hitler. Since a year ago last September, when Daladier, and Chamberlain scurried to Munich to postpone the war, Europe had the jitters and Italy has had her share.

It was one crisis after another—with at least one centering in Italy—until the German troops crossed the Polish frontier and started their drive for Warsaw. The entertainment world here suffered from the watchful waiting policy of foreign talent and customers who did not want to be caught in the wrong place at the wrong time.

When war did come, there was plenty doubt in this country whether or not Fascist troops would enter the conflict. When it transpired that Mussolini's Italy would take "no military initiative" it was too late to salvage any of the trade that had been lost.

### Tough Restrictions

And with the commencement of the conflict up north came restrictions that slammed the curb box closed for the few operators who still had a desire to continue and showed a willingness to do the best they could under existing conditions.

Dancehall operators took it in the neck for more than six weeks at the sleeping spots were padlocked from almost the start of the war until its second, month's anniversary. Variety houses were spared the complete padlock, but they were hampered by inability to get talent for ballads that had to be curtailed at midnight. Niteries took the worst kick next to dancehalls, with dancing also forbidden in such establishments for six weeks. And when regulations were eased in November, dancing was allowed only until one a.m., which is early for a town that

dines late and has its liquors about midnight.

The class joints also took another kick in early September when all private cars—except for business and official reasons, if permits were forthcoming—were officially garaged to conserve gas. That meant, and still means, no night cruising between favorite night spots. Customers took to home entertainments. Meatless days—Thursdays and Fridays—in effect since early September, have also taken their toll in the class restaurants where dancing and variety might be found. Lack of coffee is also hard on night spots, where payees often come solely to imbibe the favorite beverage of Italians.

### Summer Fairly Okay

Only bright spot in the entire year was the summer. A few straggling tourists did blow this way during the months when the weather, instead of the headlines, furnished the heat. At that time dancing was permitted and sizeable crowds were attracted.

The Lido in Venice imported a small collection of American acts, including Marithea Merryfield and a troupe of Chester Hale Girls, who were held over for a repeat at the Municipal Casino there. Booked for other engagements in Italy, like several other American acts here at the time fireworks started, they took advice of American consuls here and scrambled home on first available boats.

Although there was a sprinkling of American dance teams, the Four Stars, a skating act, and a few American comedians, the better attractions never got as far south as Rome. The time for the summer spots in the capital, like the Villa della Rosa, offering both dancing and variety, came off as Apollo Roof.

Gardens, and the swankier spots like the Quirinale, had little to offer but local talent topped now and then by tank towners from Central Europe. Only on rare occasions did any of this hit above the ordinary level.

### Vaude Talent Scarce

Variety houses as such shuttered for the hotter months and the fall reopening occurred after the gunfire had begun, so they had little chance of offering anything better than the local talent, which had been going the rounds during the entire year. A few American performers took refuge here as a neutral country and expressed a desire to stay the winter out, consuls and bookings permitting.

On the whole, the year was a dud from almost every aspect of this type of amusement. What there was of it was from hand-to-mouth throughout the entire year. Not one operator in this town at the close of 1939 had good news to report, and they were gloomier still about the coming 12 months. An uncertainty as to what the spring will bring makes them reticent about prophesying for the future, but there appears to be no hope on the amusement horizon.

The year end, especially the restoration of dancing, did hype the bright spots a little, but only to the extent that might be expected over the passing of a pretty grim old year and the bringing in of a new. There seems to be little to warrant a belief that 1940 will be better, though the easing of wartime restrictions may bring business back to normal. However, normal in this amusement capital is far from good.

But as the current saying goes, 1939 not only marked the beginning of the second European war in the 20th century, but it also put the

## Yankees Doing Some Wishful Thinking On Japanese Regulations

Consistent with Japanese overtures to the U. S. for a new trade accord, most recently evidenced by her pledge to open the Yangtze River in China to international trade, the American film industry is expected to be one of the prime beneficiaries in the negotiations. A pact would permit a new film distrib deal and negotiations to withdraw rental money collected in 1939, which has been allowed to leave the country only sparingly.

Japanese have for some time been anxious to renew the American accord, which expires Jan. 26. Most picture officials in New York believe that films will be in the foreground of such agreements because of popularity of U. S. product in Japan.

This attitude was evidenced by the former pact, effective last year, whereby American picture companies, which considered the deal favorable to themselves, removed rental coin collected in Japan for depositing in the Yokohama Specie Bank, San Francisco branch, and were permitted to distribute 220 pictures in Japan in the last 12 months. They're presently applying pressure to obtain a similar agreement.

blackout on the amusement world. Brightest ray for the future now is the hope that it will all be over by 1942, when Italy is planning to pull her International Exhibition.

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# That Persistent BCB Problem—The Blue Web—Finally Solved During 1939

## By Ben Bodec

Before business volume for the blue network took a sharp turn upward this past fall NBC and its blue affiliates after used the word "chicken" to describe the blue problem. To the affiliates the treatment they received was of stop-child character. From chicken or stepchild, the blue as a chronic headache has been treated in the history of commercial broadcasting until just the day before yesterday. The resistance of network underwriters is now declining under attack and the outlook is cheery. From August to mid-December, it seemed as if the blue was being strangled. With but three exceptions these same accounts hid for years confined to the red network or the red network of Columbia. But what the blue network had to go through before the work had to come through the more interesting and curious chapters in the development of American radio. No problem within NBC has caused more heartbreak and sense of frustration than the blue network on a solid revenue earning footing. Nothing within NBC organization has caused as much trouble as the blue network and personnel. Nothing within the industry itself has served so much as a political football.

### Favored Red

The harrying that the blue used to take was not confined to the outside. That NBC retained the blue network like the line of least resistance and switch the conversation to the red network before the blue started asking probing questions about the blue was known to insiders. The question was not whether the blue affiliates, who kept demanding that the network begin filling some of those spots, were right or wrong. NBC's board of directors, highly activated by a Wall Street banker, who frequently commented that the blue would be best off if it disposed all its eggs in one basket, the red, and urged the blue to do the same.

Attempts to promote an underwriting syndicate for the blue became frequent events with one of these attempts being the Richard C. Brown, Jr., the former NBC executive v.p. Always a stout opponent of the program, he retained Sarroff. He argued that to retain its No. 1 position in the field of broadcasting, the network must retain both links and that with due patience and enterprise the blue could be put on a strong commercial foundation.

There was a time that the blue could match its list of important commercial programs with that of the red. And that was back in the early '30s when it (the blue) had such leaders as Andy, Andy, Benny, the Collier's Hour and the Maxwell House Coffee program. The blue finally started to head off the blue as to program domination shortly after Texaco in late 1932 deposed Ed Wynn. The latter, who took rapid elixir the red became the chosen medium for a parade of sponsored programs. When Texaco Benny had made sound headway on the blue as soon as he went on General Foods' pastries. The latter shifted him to the red so that he could be with the other laugh-makers who were pulling many audiences.

### Aggravated Fight

As the big-money advertisers swarmed to the red, the plight of the blue was decidedly aggravated. The failure of the blue to acquire supplementary groups for accounts that showed an interest in the blue, on the one hand, and the organization was equipped with but one set of supplementaries, and the facilities for the blue were requisitioned by the big advertisers on the red. That made it difficult for the customers to get their programs anywhere outside of the blue area. Another thing which happened about the blue was that it didn't help things for the blue was the switch of WJR, Detroit, to Columbia. That moved proved fatal for many a blue advertiser. Faced by this combination of circumstances, NBC undertook to solve the blue problem by other means. One was to build a second set of supplementaries through the process of expansion of its affiliate

list. The other tack involved a re-modeling of its sales policy. Salesmen began to admit that the red had taken a huge bite out of the blue. To the degree that it had many stations in important markets. But the blue, they pointed out, was a still more economical buy.

As time went on it became practically impossible to overcome west of Omaha. Another sore spot for the blue was KDKA, Pittsburgh, which as a Westinghouse operation made it tough for the network to clear time. By the time that NBC had overcome this situation by taking over the station's operation and by the time it got its second set of supplementaries set up it was too late. CBS had stepped in and, by concentrating its attack on the apertures in the blue network, had grabbed the business. Columbia had meanwhile been vigorously on the move, securing away some of the big waters from the NBC camp and building up its supplementary group. It was too late for the blue to meet when it finally got rounded out was the prevalence of high-powered shows on both Columbia and the red. It was no easy psychological complex to surmount.

NBC realized that unless the blue was transcontinental in its own right it could not justify big talent expenditures. The blue was a network which had to compete with similar big budgeted shows on the red and CBS. By the time the blue's books were tugged to the west coast. In 1937 the blue's invasion of the south took place. The drive was made through Atlanta, New Orleans each having a blue release. The same year similar drives took place in Chicago, St. Louis, and Montreal, while in 1938 the blue got its own set of outlets in the south. The network's expansion on the blue has also included a new antenna for WJZ, New York, a new drive from a few stations in the south, and the acquisition of KPCA, Los Angeles, and the complete re-equipping of KDKA and the moving of that station's outlet closer to Pittsburgh.

### Accis. Not Pioneers

Even after the rounding out and filling in of the blue, the network found that it had still a tougher nut to crack. Advertisers shied away from the blue, and the network had to find new groups of supplementaries, and since, as the network itself put it, "the blue is a new network," the blue inaugurated (Oct. 21, 1938) the blue discount plan, which allowed accounts to buy at a 20% discount on those accounts using the blue southern, southwestern, mountain and Pacific time zones.

From time to time NBC has undertaken to solve the blue sales situation by the use of "blue" realignments. The first assignment

After eight hectic weeks of organizing and attempts to get properly financed, the proposed Coast-to-Coast, Transcontinental Broadcasting System, went on the shelf last Saturday (30). The announcement was made by Blackie Hummert, as president of the project, was that the starting date of the network was postponed until January 1 to Feb. 1. Roosevelt's statement laid the responsibility for the situation on the door of the Blackie Hummert agency which has accepted of repudiating contracts it had given him in 15 night-time hours of American Home and Sterling Products business.

The string of incidents which preceded the Hummert agency's withdrawal without precedent in the history of the broadcasting industry. For four years the network had been in a battle to get the network going on the scheduled date. He participated in a number of conferences with either bankers or representatives of Frank Hummert, with some of the blue had committed to the network of finding some solution to the money dilemma.

### Coin Not Forthcoming

The money syndicate that Roosevelt had placed in the hands of the blue had hopes in were out of the proposition last Tuesday (26). Roosevelt's statement was that the network was up another \$175,000 but he couldn't provide it. H. J. Brennan, of WJAS-KOV, Pittsburgh, who held the post

## TOP FIO-RITO

### Composer-Conductor

Triple-threat Maestro of Radio, Actor and Screen Writer after successful years along the West Coast, acclaimed Ambassador of Rhythm came to the United States to direct the nation's favorite band leader, shifts re-statement, currently appearing at Congress Hotel, Chicago, en route for stay on Broadway.

of a separate salesmanager for the blue dates back to 1927. This move did not work out because Bill Ensign, now CBS assistant sales manager, quit shortly afterwards and nothing was done to replace him. The red and the blue continued to operate under a single sales unit until about two years ago when A. E. Nelson was brought in from KDKA to function as sales manager for the blue. (Nelson has since been shifted to San Francisco as head of NBC's local stations management.) During Nelson's stay there were attempts made to bolster the blue's program fare by inducing a few big names. For instance, Doc Rockwell, but the only thing that really cut a swath in the blue's audience and territorial space was the recruiting of Arturo Toscanini as the blue's No. 1 attraction. It was a coup of coups for radio.

The most drastic executive move to hypo action for the blue occurred last year when Katha Higgins was taken out of station regions and named v.p. in charge of blue network operations. He was given his own sales staff, his own sales promotion staff, his own stations relations contacts and publicity man. With Carnegie Hall information, Please, Jergens' Walter Winchell, Son O'it's Lowell Thomas, Ann's Easy Aces and the "Barney" Baruch were ready for part of the nucleus, the

of secretary-treasurer of Transcontinental, was anxious to salvage as much as he could of the \$100,000 he had put in with the understanding that Roosevelt would augment his original deposit of \$75,000, which latter sum was to go for the first month's payment on telephone lines. What made Transcontinental's immediate financial outlook away was that its expenses had been figured on the basis of starting off with 20 hours of radio and staff. When the network was reduced to the eleventh hour count with Blackie-Sample-Hummert it was found that the accountancy of Transcontinental business, could only deliver 15 1/2 hours, including the 10 hours of radio, and even a half hour of the network was doubtful.

At the network's last meeting, a possibility of getting out of the money became hopeless Thursday (28) Roosevelt turned to WMCA. At the network's proposed liquidation, and a makeshift solution was proposed by Donald Flamm, head of the station, accepted it. Flamm agreed to find in the studio and staff. He turned to Transcontinental at no cost until the network was beginning to show signs of life. Under this arrangement Transcontinental would abandon its own offices in the General Electric building and move a skeleton staff into WMCA's offices or take whatever other quarters they would find in the same building. Flamm was then to ask Hummert to put up as an advance on American Home and Sterling Products billings

## BIG REVENUE IN 1939 BUT RADIO OVERHEAD BITES DEEP

As predicted by every year-end statement, speech, and last-leaf reading a year ago, 1939 turned out to be a corker for the radio industry. Indeed, as current estimates are valid, the year wound up about 12-13% better than 1938, a tepid year, and respectably better than 1937, which was a dark, dark year for the radio as the reader is concerned, 1939 beat anything the radio industry has yet seen by a mile.

That goes for the networks, too. Their 1939 income will be around \$83,000,000 (gross), or about 10% better than 1938. That the biggest increase over any prior year in their history. And these figures, of course, count time sales only. They do not include local advertising, sale of "sustainer" recoveries on communications line charges, etc.

Counting time sales only (the standard way of figuring), the industry wound up thus:

	1939.	1938.
Network gross time sales.....	\$83,000,000	\$71,724,000
Net industry time sales (estimated).....	131,500,000	117,739,000
Industry time sales (estimated).....	145,000,000	130,000,000

Profits, however, may be something else again. More broadcasting intake, no matter how big, may be a flapper if expenses and miscellaneous items kill off the gain. Between 1937 and 1938, for instance, the industry dropped something like \$3,000,000 in miscellaneous revenue of all sorts (notably in the sale of talent), and piled on \$1,000,000 more in expenses. That was a big dip in profits, although time sales between 1937 and 1938 had been on a fairly even keel.

Expenses rose unprecedentedly in 1939, and profits, therefore, did not keep pace with the increased intake. With all the experimenting in new technical developments, technical expenses and capital expenditures on equipment surely went up. So did pay scales, what with the organizing of all kinds of unions.

Furthermore, much of radio's future depends on how the 1939 revenue was divided between network, national, spot, and local. If there was a big rise in national spot business, and if the industry is to be tempted to hand out a batch of new licenses. Anybody who can remember back to 1927 will know what that means—cheapness among smaller competitors and new temptations on the part of the FCC to help the little fellow.

For an estimate of what 1940 will bring, the reader is referred to more competent predictions by specialists in the business field. About 50% of the industry's income depends on advertising, and advertising conditions. The other 50% (network business), which is supposed to remain okay, barring a violent economic catastrophe.

blue has since added to its roster such accounts as General Foods (Aldrich Family and "Young Dr. Kildare"), Pressburger (Chickadee), Attorney, Groves Bronco Quinine ("Sherlock Holmes"), Ward Bread (Coca-Cola), DuPont ("The Blue America"), Woodbury ("The Parker Family"), Palmolive-Colgate-Peet and Wampole's Hair Cream.

And so at last the blue is broken, the WICC takes 'work'.

Bridgeport, Jan. 1. WICC tonight (Tuesday) joins WTIC in taking "Let's Go to Work," a radio drama interview with the hunters sponsored by Fuller Brush Co. Program switches from Sunday to Tuesday.

Since introducing program more than a year ago, Hadam claims marked job openings for more than 100 people at pay ranging from \$9 a week to \$4,000 a year.

W. J. Purcell, WGY chief engineer, went to Lake Placid to handle NBC pickups of broadcasts by Lowell Bennet, who is to direct the Adirondack resort for Winter Carnival.

Westinghouse has set Jan. 25 as the debut date for its program on the NBC blue. The half-hour drama (Thursday, 8 p.m.) will consist of the Pittsburgh Symphony orchestra, Raymond Paige conducting, Dennis Taylor as commentator, and Paul Klinger as soloist. There will also be a guest instrumental soloist selected from among the country's best-known soloists of music, with such soloists eventually brought together to form an orchestra of the future, this being due to the circumstances that it was CBS that brought Paige east last year under a long-term musical contract.

American music and talent will be staged in the new system. The system, booked by the Columbia artists bureau through the NBC artists bureau, this being due to the circumstances that it was CBS that brought Paige east last year under a long-term musical contract.

business. Blackie-Sample-Hummert executives excused these implications as silly and added that the agency in time would come to understand its own explanation of the events that led up to its decision.

Blackie-Sample-Hummert issued the following statement late Saturday afternoon (30): "The statement of the Transcontinental-Hummert agency, which was released today referring to an alleged repudiation of contracts by the Transcontinental-Hummert agency, was a distortion of the facts. Blackie-Sample-Hummert for certain hours of radio time has been called to account for its failure to pay for the use of Transcontinental and its representatives of Transcontinental have never passed the necessary bills to the Transcontinental. Transcontinental has among other things failed to submit to Blackie-Sample-Hummert a statement of its financial ability to operate a network.

Any prospective agreements between Blackie-Sample-Hummert and Transcontinental have always contemplated the submission of a statement of Transcontinental's evidence of its financial stability. Such evidence has not been forthcoming in the past and no agreement has been made. We have and will continue to cooperate in every way with the Transcontinental group."

## Transcontinental Fiasco







# AMGEEV

# 1939-40

Less spectacular hits and less spectacular flops—reflecting a generally keener critical sense—marked the history of advertising agencies in radio during the past year. There were quite a number of banana peep usets but only one program, "The Circle," went down with a crashing budgetary weight in its path. J. M. MacLean, who was in New York, played the prestige of picking, in "Information, Please," a resounding success. In Chicago the Russell M. Seeds agency came forward with a new program, "The Circle," as a challenger for the comedy leadership of Jack Benny. But on the whole, agency work in radio during the past year was a few members to put a red ring around the year 1939 for future students of radio advertising.

Of passing note is the loss of the hour show dominance by J. Walter Thompson. With the best of them, the year agency had five 60-minute stanzas on the fire but at the end of the year there were two, Kraft and Luce, or the same number of that description handled by Young & Rubicam, Lord & Thomas and Ruthrauff & Ryan.

Review of impressions along showmanship lines made by the ad agencies during 1939 follows:

**Aubrey, Moore & Wagner:** Gained the Campagna perennial, "The First Nighter," to the point where it's become an easy weekly habit, and with the result that this same agency has been encouraged to bring back "Grand Hotel" for another whirl.

**N. W. Ayer:** Still responsible for a topnotch hour of class and entertainment. The "Smoking Room" program, the Dole radio account back with A1 Pearce as the bait. The merchandising of the product merits a special nod.

**Barber, Barton, Durand:** Continued to make the Ethyl series in which Walter O'Keefe was first paired with Andrew Kostelanetz and then Tony Martin shared billing with the duo, but the clients, with Joe Brown, in New York, and Haley and Joe E. Brown, Agency showed a far better fall with daytime series and gangster dramas. Brought back King (Castro) and, for a time, "The Big Time" and "Diamond Rings" as an inducement for femme attention.

**Bermingham, Castellan & Pierce:** Invested the Hal Kemp sales pitch (Griffin Alltime) with a ringing endorsement.

**Blow Co.:** Sticks to the same old role: either a moderately popular dance concert with vocalists or a quasi-musical. Outsmarted itself with "Where Are We?" Substituted to save coin for "What's My Name?" Faded in record time. Played around with the Quaker puffed, "The Quakerettes," poetry recitals and what not, to successively doubtful results.

**Blackett-Samptham-Hammert:** Radio No. 1 serial mill, with the master pattern unchanged since the early '30s. Same applies to its two Sunday evening musical sessions, "Manhattan Merry-Go-Round" and "The Big Time." The agency projects one ray of big time sunshine, "The Easy Aces." **Bowman & Columbia:** Contributed another chapter to the daytime drama, "The Life of a Woman," and "The Life of a Man," and without the slightest deviation from the established formula.

**Chapman & Co. "Texaco Star Theatre":** Had ups and downs during the past two seasons. Ken Murray formula finally seems straitened out.

**Campbell-Ewald:** Though in theory, or on paper, the show was of the promising sort, '39 Men and a Girl, with Raymond Paige, failed to make the grade. Agency didn't give it a try to snap the record out of the listening doldrums to the very end of the series, 26 weeks.

**Fell & Freidrey:** Nurture "Uncle Sam's Question Box" (Billiter) to moderate results. Had Washington Coffee has put the quiz in mothballs temporarily.

**Comstock:** Procter & Gamble buys 'em for the daytime trade and this agency, the serving go-between, besides using the blurs that go with the serials. Also on its list is "Wilda Hoot, M.D." (Wheatena), something that NBC first cultivated on a sustainable basis.

**Sherman K. Ellis:** Tagged one of the most promising shows of the season, "Stop Me, If You've Heard This One," but had to give it up with the Quaker puffed. The firm took up Ruthrauff & Ryan. Recruited Joe Penner for Ward Bread. Moderate results, but missed out in its efforts to make "Dick Tracy" a success nighttime game show.

**Erwin, Wasey & Co.:** From the "Voice of Experience" to Con Robinson and his Buckaroo was the range of this agency's program efforts. Vaughn's "The Big Time" where the "Voice" left off in Lydia Pinkham's behalf.

**Burns and Allen:** Bought an established package in Burns and Allen's "The Big Time" and "The Big Time" where the "Voice" left off in Lydia Pinkham's behalf. But the Easy brain trust came out right on "Blondie," in which the program came to its end. The agency is in the line of the "The Big Time" and "The Big Time" where the "Voice" left off in Lydia Pinkham's behalf. But the Easy brain trust came out right on "Blondie," in which the program came to its end. The agency is in the line of the "The Big Time" and "The Big Time" where the "Voice" left off in Lydia Pinkham's behalf.

## Comstock's \$18,000 Suit Vs. Pearce Settled Out of Court for \$8,250

Suit of Ruth Rubin, assignee of William H. Comstock, vs. A1 Pearce for \$18,000 on alleged breach of contract, was discontinued and settled out of court by the federal court Thursday (28) for \$8,250 to be paid to the plaintiff.

The suit alleged that Comstock was signed by Pearce for 39 weeks at \$1,000 a week, beginning Oct. 10, 1938, to present his character, "Tizzie Lash," on the air.

The plaintiff claims he was dis-

## WILF Scape Plaque

Plaque for outstanding achievement in the field of child safety for 13 years was awarded last week to Wilf J. Luce, Jr., of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

the right ingredient had been found for the Goodman stanza it was decided to drop him and merge Miss Bailey with Bob Hookey, a Crosby-Bailey combination, it properly nurtured.

**Gale & Fletcher:** Had that early Sunday evening dramatic tidbit, "A Tale of Today," on NBC until April for Princess Pat. Series dated back to January, 1934, but the spring had run long before the fadcut.

**Gardner:** "The Inside Story" (Raiton), a hybrid of "We, the Americans" and "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Grady & Wagner:** Only claim to fame is that it's the agency for Emerson Radio, which gave Elliott Roosevelt's Ed McConnell (Acme Point) and Bob Becker, canine biographer (Red Star Dog Food).

**Henri, Hurst & McDonald:** One of radio's pioneer agencies sticking by a couple pioneer mikes, namely Snillin & Ed McConnell (Acme Point) and Bob Becker, canine biographer (Red Star Dog Food).

**E. W. Hellwig:** Delivered an outside-produced special, "Society Girl" to Corn Products, and thereby vouchsafing the housewife another peek into the drawing rooms of Park avenue.

**Frances Hooper:** Intermediary for Phil Wrigley on Jesse Laskey's gateway to Hollywood. Leslie Allen, CBS Chicago v.p., picks the shows and the F.H. agency signs the paychecks. "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Whitey & the Kids:** The Pillsbury Mills contact on "The Woman in White," one of the more popular daytime dialog cascades. **Ivey & Ellington:** Introduced Sam Baller, gig and inactive sponsor for the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**H. W. Kistner & Sons:** Maintained the Irene Rich program and the Jimmy Fidler chatter on even keel, but fountained "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**James K. Hill:** Has developed for Mennen a low-priced but effective audience participation novelty, "Quixote Doodle Contest." Bob Hawk got the thing off nicely and with the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Arthur Kuehner:** Played around with a revival of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**First & Feasby:** Bought "Grand Central Station" from a program contractor in 1937 and kept switching the program's network and time until it settled down next to an established clip. First night, and collected some of the reflected glory. Same agency has the "True Detective Mystery" on Mutual.

**John J. Greshell:** Experienced extremely mixed results during the year. Built "The Woodbury Playhouse" into a solid entertainment structure, via Charles Boyer, Herbert Marshall and the combination of Jim Aronson and Gale Gray. Got itself into a wracking headache with Artie Shaw, and when the combination of Bob Benchley and Jimmy Durante started showing signs of melting, Old Gold decided that there wouldn't be any more. Got moderate results for Sena-tion cigarettes through Larry Clinton, and picked a good position for the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Lord Thomas:** Came through the year with Bob Hope in the marathon for Rex Tott (outside New York), but the alliance was of short duration. Kept grooming "District Attorney" and enlisted the aid of Hopper to make listeners "Sunday" conscious by the film "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**McCann-Erickson:** Invented "Dr. Christian" this season with a "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Marschall & Pratt:** Had D'Artega on for a short sprint in Emma Jetlick Schoes behalf. It was one of those off-the-beat programs that, even though the orchestral interludes were deftly stilted.

**J. M. Mathes:** Inactive in radio for a long time, this agency has been back in the game with "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Formation, Please:** for Canada Dry. Consensus of opinion in the trade was of the dubious complexion at the time the agency was hired to produce the program. The program was produced and performed a stand-out merchandising job.

**Diaper:** Did well by Gillette Razor in handling the merchandising and other details on the World's Series broadcasts. **Morse International:** Dusted off "Seth Parker" (Phillips

Lord) for Vick but found that as far as the listeners were concerned he could have been left on the shelf. Program nured as among the most meagre ever unveiled in radio.

**Needham:** Took a "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Nevel-Emmett:** Chesterfield is this one's major concern. Account took a "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Pellaf & Ryan:** Had performed a neat stunting job with Guy Lombardo for Lady Esther, but with efforts with "Por Men" only have been of hit and miss calibre.

**L. W. Ramsey Co.:** "Fitch Bandwagon" is the program and since it comes between Jack Benny and Charles O'Carthy on the NBC-red the trade regards it as getting the richest free ride in radio.

**Reid & Thompson:** Go-between for General Mills, with strictly daytime tendencies. Latest pick is the Phillips Lord office "By Kathleen Norris" series. Agency's average for the year was about 100,000.

**Ruthrauff & Ryan:** Even though it stumbled badly on the Lifebuoy agency, the agency wound up the year with a good record. "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Piease:** combined to put the finishing touches to it. On the credit side for the agency there's the continued smart handling of "Big Town," "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Russell M. Seeds:** Inherited itself with Brown & Williamson through the process of furnishing extremely low-priced shows that can snare a goodly share of the cornstalk from the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Stack-Gould:** Continued to do the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Waller:** Swerved away from its hillbilly addition for Alka-Seltzer to no small degree when it brought Alca-Tempton into the ranks. National Barn Dance and "Uncle Ezra" remain this agency's major responsibilities.

**Warwick & Legler:** For the first time in six years this agency has been in the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**Ward Wheelock Co.:** Has yielded to get a substantial reaction with Orson Welles as competition to Charlie McCarthy. Probably got it with diligent and consistent dramatic technique. Agency also put Amos 'n' Andy on Campbell's payroll.

**Wally & Rubincam:** Had but one serious casualty, the Phil Baker-Dole Pineapple show. Fred Allen stanza started off on its left foot this fall but in a few weeks caught its balance. Gail Patrick, "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

**WLV, WBTM Hoop:** Lynchburg, Va. WLV, which was WBTM, Danville, inaugurated their new hookup to-day (1) by carrying coast-to-coast Rose Bowl football game. Local unit recently bought 49% of WBTM.

## Power Company Dramas Re-Signed on KMOX

St. Louis, Jan. 1. For the fourth consecutive year, "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association. Occasion marked the thirteenth anniversary of the birth of the "The Life of a Woman" and "The Life of a Man" program, by the National Protective Association.

## Harry Johnson Picks Up Lever Bros. Continues Spry Chairbarks For '40; Starts Daption Biz

Omaha, Jan. 1. Harry Johnson, KOIL sportscaster who was in a local hospital intermittently since last July, expects to resume his twice-daily sports broadcast from his home.

Johnson is now home after having had blood transfusions to combat a blood disorder.

**WLV, WBTM Hoop:** Lynchburg, Va. WLV, which was WBTM, Danville, inaugurated their new hookup to-day (1) by carrying coast-to-coast Rose Bowl football game. Local unit recently bought 49% of WBTM.

Contracts on Lipson Tech's campaign for national chairbark announcements have been distributed, with immediate starting dates. The Spry chairbark announcement campaign, but for even evening placement, has been renewed, effective Jan. 1.

Young & Rubicam handled the Lipson Tech campaign. The chairbark announcements come out of Ruthrauff & Ryan.





# The Radio Hillbilly Still Wows 'Em

By Edgar A. Grunwald

The fair and outdoor season of 1939 was a whopper for those blow-jazz Indians who long ago (according to legends) were introduced to the radio to bite the dust—i.e., the hillbilly. It may be that six six nickels' worth of hillbilly music is available in this sector—it is as true as that the rubes still like the rubes blues.

Especially, the hillbilly and his slicker brother, the Texas cowboy, are radio inventions. Some stations and artists bureau heads are bragging but book 'hillies into fairs, strawberry festivals and other slow-jockey events of similar ilk. During the current season one of the most active of these (aside from the well-known WLS, WFLA) has been the KMCB booking bureau in Kansas City. Organized by Jimmie McConnell (who has been in on similar radio deals for WLS, WFAP, KKKA and WGY during the past 12 years), it made 377 bookings during the first six months of this year. During the past two years bookings have totaled 625, which means that about one-third of the hillbillys have starred at the KMCB hirings when on p. a. tours. On the basis of this pleasing mass, it is not too much to expect (McConnell can soon figure on a year which will total around \$100,000 in Parentheses: KMCB, which is also in Kansas City, has garnered something like 130,000 letters in five years from the public in request of using principally hillbillys for talent.

McConnell, who would rather hear the coyote wail of a hillbilly than Lily Pons' soprano, believes that the "hill" from which the hillbilly still has plenty of entertainment to McConnell's argument is that the hillbilly is a product of the radio. Several decades, and that the hillbilly therefore has a long way to go before his demise is scheduled to come around.

Vaudeville had few hillbilly acts (Weaver Bros. and Elvira was an exception) so it was radio that put over the hillbilly. Radio took them out of the Kentucky cabins and cross-country dance halls and introduced them to millions of people. It was through the medium of the ether that guitar-strumming, fiddle-playing and amateurish playing for their relatives and friends, were bottled from the parties to the parties.

The classic radio hillbilly gang (the equivalents of the original Grand Ole Opry Band in the radio field) were the "Skillet Lickers" when Lambdin Kay started on WSB, Georgia. This aggregation was composed of Ed Tanner, Ryle Puckett, Clayton McMichen, and Slim Rhyne. That was 15 years ago. True to the hillbilly style of that time, this bunch specialized in the "hoe down" kind of music, the kind of music that is the most popular in dance music. There was very little, if any, singing, and the principal instruments were the guitar, fiddle and banjo. Through later radio production efforts (in part) such frills as the accordion and the girl singer were added. The result was a music that makes the hillbilly unique—no other music in these places still is, primarily a man's music. In Kansas, for instance, girls are not let draw in hillbilly units. A pretty, a mean mean, has a snappy radio.

**Chapman Prime Virtue**  
Radio started to lose its popularity, of course, because he was a cheap entertainer on the payroll—a fact which still holds true today. The radio was out of pay, the nasal vocalism soon found new means of revival. One of the earliest of these was selling of hillbilly songs. The popular hillbilly would let publishers put their names on the covers of these albums, and thus work on a number of smart guys—like Asher Sizemore—right in their own. Sizemore in one classic week sold 100,000 copies of his hillbilly songs (incredible or not his total sale in the radio business is said to be over \$100,000). Bradley King, another smartie, sold something like 100,000 songs between 1927 and 1930. Today the radio is a nearly dead, although periodic revivals are attempted.

As a result of this early radio boom, the hillbilly expanded in three directions: (1) Around 1930 the fairs and similar festivals to their list of revenue sources. (2) They began to spread their appeal to the industrial (city) folks; and (3) they made phonograph records.

Today, a good hillbilly troupe of five or six people can draw around \$250 per week in Eastern fairs and count about \$100 in less popular areas. This intake becomes so great that many stations pay the hillbilly nothing at all. In fact, some of the performers have been introduced to stations 15% of their p.a. receipts. The Texas cowboy, or ranger, meantime has been introduced to stations. Frequently, a better musician than the true hillbilly, he is also frequently more of a showman. He is a type of a segregationist are nothing but re-conditioned AF of M boys who were out of a job and looked okay in 10-gallon hats.

But the true hillbilly—the guy who comes from the mountains—is a rotten musician, and his basic melodies are built on fiddle music. Most of these birds can't read a score. They learned their how-down from square dances, and their sad songs are really nothing but corruptions of old English folk music which have been introduced in the hills, and a bit of disguise. Nor is the hillbilly a professional in any sense of the word. He's an amateur, pure and simple. Clayton McMichen, for instance, was an auto mechanic when he got his radio break. Bradley King was a student in Berea College, and for years afterward went back to old Kaintuck to replenish his repertoire from mountain folk. Gardner Eckler and Roland Gaisner were farmers. And there were village boys who did not know how to drink corn likker and crave dancing.

For this reason, most of the true hillbilly never got into the main branch of the entertainment business. Since they learned to play by ear, they were not able to handle the key requiring no more than three sharps or flats—they stay there. The hillbilly in industry in Berea College, for instance, was a good a troupe in Kansas or Missouri would be murdered at the b.o. Too poor to be in industry, the hillbilly is ditto. A hillbilly must either make the audience laugh or cry. Anything in between is n.g.

However, between the Texas cowboy and the bookings in bigger cities, some changes have been made. New institutions have been added to hillbilly bands, the AF of M influence is seeping in, and there is even evidence of a "hillbilly" in the name of the (Coke Creek Girls). This influence is far from universal, but it is increasingly felt. Not so long ago, a hillbilly in Chicago, Pittsburgh put hillbillys into one of his solos. And meantime the hillbillys have been dropping the colorful names they sported of yore—such as Skillet Lickers, the Texas cowboy, and the Hill Drinkers. Girls are also beginning to show silk-encased knees over their skirts. The new crop of hillbillys are coming from the same place as their forerunners—the hillbillys. The new crop of hillbillys are coming from the same place as their forerunners—the hillbillys. The new crop of hillbillys are coming from the same place as their forerunners—the hillbillys.

Commercial radio's talent picture took a sharp about-face in 1939. The new program trend away from vaudeville and show business. In entertainment may soon place radio in the position where it will surpass vaudeville in the number of hillbillys it will furnish it with new talent.

In many respects, the changing picture of the radio parallels vaudeville. It may not be exactly mimicked that the up-and-coming artist in vaudeville is the product of the radio. The new crop of hillbillys are coming from the same place as their forerunners—the hillbillys. The new crop of hillbillys are coming from the same place as their forerunners—the hillbillys.

Vaudeville was doomed when it came to its family and in-time, the proving grounds for actors. Commercial radio's forsaking of vaudeville is a parallel to the new programs parallels this, and commercial radio's reasons are very much like those of vaudeville.

Major reason, of course, is the cost. This, and in vaudeville, included the fact that the actor and his agent's skyrocket salaries the moment there's a nibble for radio. The fact that the actor and his agent's skyrocket salaries the moment there's a nibble for radio. The fact that the actor and his agent's skyrocket salaries the moment there's a nibble for radio.

## Radio in Every Cell

St. Paul, Jan. 1.

Warden Utecht's drive for a radio in every cell at the Minnesota State Penitentiary.

Happy, a widespread set installation made the cons, that in an effort to lift its esprit de corps, the state reformatory at St. Cloud found that although officials said they were merely making a radio set for each inmate actually have been equipped a Stillwater for several months.

Utecht has maintained that convicts have it tough enough as it is, but they are deprived of radio. Several Stillwater inmates had never heard a radio set before last week and resultantly in public in Minnesota metropolitan newspapers won't do the warden's scrapbook a bit of harm.

A lot of 'em are joining the union, though in special pay-scale classes.

Jimmie McConnell's nomination for the leading hillbilly specialists of the day—the so-called stars in the field—would include:

Bradley Kincaid, Hoosier Hostesses, Texas Rangers (now in Hollywood), Lulu Belle and Scotty, Louise Massey and Westerners, Asher Sizemore and Little Jimmy, Happy Chisholm, Carson Robison, Buckworts, Girls of the Golden West, Red Foley, Arkansas Woodpecker, Mont and the Ranch Boys, Tex Owen, Zeke Manheim, and the Highlys.

Meantime in certain sections of the U. S., the total radio volume of hillbilly fare is actually growing. For as the stations get started in the apt to specialize in 'hillies' to get a quick mail count.

## Miss Blackett Debuts To Glenn Miller's Music

Chicago, Jan. 1.

Hill Blackett, the star of Blackett-Sumple-Hummert, Thursday (28) imported the Glenn Miller orchestra from New York, supplying a new debut at the Blackett-Sumple-Hummert of his daughter, Patricia. The Miller album failed to make it, due to faulty timing before the Maestro, incidentally, is sponsored by a competitive agency's (Newell-Emmett) account.

## Phi Beta No Handicap

San Francisco, Jan. 1.

All this talk of radio and the 12-year-old mentality falls on deaf ears at KFCR. Station has hired two Phi Beta Kappa students to be announcers. Mark Goodson and Melvin Frank, writer-actors, are the thinkers.

## Radio's New Talent Wherefrom?

By Joe Schoenfeld

has been inserted in the fountain of new talent.

"Same Old Faces"

A Varsity star last summer stated that the 'same old faces' were common in the radio field. These naturally included Jack Benny, Edgar Bergen, and the Philadelphiacs, and the Burns and Allen, Fred Allen, Al Pearce, Joe Penner and Tommy Rogers. These are the radio's names, which should more forcibly bring home to the radio importance of variety show performers. The new radio personalities. Five of these nine names—Hope, Bergen, Allen, Pearce and Rogers—all came into radio via vaudeville, all came into radio via vaudeville, all came into radio via vaudeville.

One of the current top names in radio, Alec Templeton, skyrocketed from guest appearance on Bing Crosby's Kraft Music Hall. Later, incidentally, is now virtually the only program on the radio. Templeton is probably most even here the practice has been curtailed.

One showcasing and development of new radio talent received its severest blow with the demise of Vaudeville. The Standard Brands after 10 years' highlighting of new personalities. The switch in the radio industry from vaudeville to new personalities and the Group Theatre players, also will be for the radio. The radio industry is probably most even here the practice has been curtailed.

# Radio, Patriotism and Henry Ford

## Station Ideas

WOL's Double or Nothing

Two-way plan is out to listener's ears. WOL and back 'em in at the radio. Double or Nothing, the program's double or nothing, the program's double or nothing, the program's double or nothing.

Listeners will be interviewed in the audience by Walter Compton, WOL's announcer, who offers \$1 for the correct answer to each question. The contestant can provide additional information on the subject he gets extra dollars for each bit of info.

Novel part of the show is the appeal to the gambling instinct of the listener. At the conclusion of the one minute period during which he is allowed to supply all the facts known, Compton will dare him to a second question—double or nothing. Contestants can double their winnings by a right answer, or lose them by a wrong one.

Cautious winners can accept the money already won and pass up the chance to increase their prize. Deal was arranged between Loe's of Kansas City and the Washington Post. Sponsor for the program—MBS outfit—will be sought as soon as pulling-power of the program has been checked.

## Live Up Station Breaks

Washington.

Ped up with monotonousness at station breaks, Bill Dolph, manager of WOL, has put them to music. With variations in choice between CBS and NBC, Dolph has put them to music. With variations in choice between CBS and NBC, Dolph has put them to music.

Listeners still haven't recovered from the shock.

## Happy Club for Kids

Fort Wayne.

WOWO has formed a new 'Happy Club' for children. Idea is to aid in keeping the kiddies clean and to develop their habits as regular listeners. The club is for children, and the club is for children, and the club is for children.

Maestro, incidentally, is sponsored by a competitive agency's (Newell-Emmett) account.

## Hunting and Fishing Club

Philadelphia.

Lambert Bewuewkes (c), sales promotion manager of KWW, has mailed 2,500 copies of a questionnaire to the towns in Pennsylvania, New Jersey, Delaware, Maryland and Virginia.

The purpose is to help the station's hunting and fishing club.

## Exit, More Guest Shows

Another personality identified with the radio's talent is Edgar Bergen. He has been identified with the radio's talent is Edgar Bergen. He has been identified with the radio's talent is Edgar Bergen.

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## By EDWARD SMITH

The United States has been developing an acute patriotism during 1939. This quickly reflected itself in radio. The trend was to make the fed, fed and fed in the radio. Kate Smith's frequent singing of "God Bless America" with much feeling and nation-wide reaction was symptomatic of the new trend.

Most promising change occurred with the Hour which went American with such a vengeance that it provoked strong—i.e., private—grumblings from world-famous musical artists who, although of American nationality as insisted by Henry Ford, had no inclination to identify themselves with the village singing type of musical selections regularly handed them since Hitler introduced Poland and anything German became verboten.

One Metropolitan opera singer has been drawing Coming Through the Rye and "Home, Sweet Home" so much she is reported alarmed that it might hurt her career.

All suggestions made to the auspices of arias and semi-bravura stuff have been ignored.

Artists take position patriotism and good music ought not to be antagonistic. The balance between the two has been a blow at the artist.

Another artist on the Ford series, a man who was joined by his musical associates when the aria "La Donna e Mobile" from "Rigoletto" was sung, Donna e mobile, qual più mal vento, munita d'acento, e di pensiero" was sung, Donna e mobile, qual più mal vento, munita d'acento, e di pensiero" was sung.

While the salaries remain as high as they do, it is not likely that the squawking will be carried to the point of dropping the program.

However, the singers hope somebody may tell the sponsor American audiences are not so backward musically that they cannot appreciate and desire the music which fills the concert halls in the United States.

Every time they make a public appearance.

The L.A. point was Marian Anderson who guested on the Ford hour week, 24, with Fritz Reiner conducting the Philadelphia Orchestra. For nothing is this Negro female a topper on concert lists. Rich, full, colorful and emotional depth are hers. But as is usual with the Ford series, it was a case of a great performer... at its commonest common denotation: "Babe". A spiritual, "Mary, Where's Your Baby?" was impressive and stirring, but the song selections she was given were so good, she was given almost a perfect vocal.

The Ford hour, the moment of the radio's wealth of artistic habitually squandered in deliberately second-rate material.

## Connecticut Radioites Move

Waterbury, Conn., Jan. 1.

Harry DeVorken dispatched by W. J. Davis, president of the Connecticut Radio Association, to New Haven substitution, replaced by Ralph Gottlieb, who's gone to WGBI, Hartford, to replace the late announcer, has shifted from WBBY to WMAA, Springfield, Mass., to take over the 12.5 mhz. station.

WBBY, which was switched to WHTF Hartford, was joined WATR as staff station. Truman Crane has shifted to WBBY. WBBY, which was switched to WHTF Hartford, was joined WATR as staff station. Truman Crane has shifted to WBBY.

## WFAA, WQAM Bonus

Dallas, Jan. 1.

All staff members of WFAA got a Christmas bonus check. One week's salary.

Ditto WQAM, Miami.

Cash bonuses, amount undisclosed, were given to the staff of WQAM by F. W. Barton and W. W. Luce, the topowers.

A festive note for 1940 was also sounded with the statement that it business keeps up the bonus next Christmas will be larger.













# Season's Greetings



★  
★  
★  
**EDGAR BERGEN**  
**CHARLIE MCCARTHY**  
**MORTIMER SNERD**

Exclusive Management

★  
M. C. A. Artists, Ltd.  
and  
Music Corporation  
of America





TOM FANSHER  
400 South 9th Street  
Independence,  
Kansas

# "Can's't thou

December 5th, 1939

Independence

400 S 9th St. Kansas

Columbia Broadcasting System  
435 Madison Ave. N.Y.

Gentlemen,

I just received your, or rather my, "Magazine of Radio Transmission" and have read it with the deepest interest. I have always contended the radio was the most wonderful thing in the world and now I am more fully convinced than ever that I am right. You described the magic of broadcasting in such a plain-simple-easy-to-understand way that any one could see through it all, except the why.

When we read your explanation in the most minute detail, we could then come nearer understanding what God meant when He spoke the words recorded in Job 38-35.

I sincerely thank you for my "Magazine of Radio Transmission," and I take great pleasure in signing myself, a friend of the Columbia Broadcasting System.

TOM FANSHER

It is Columbia I know its good.

# send lightnings?"\*

**R**adio *personalizes* advertising. In radio advertising, words are winged through the air and delivered with the impelling warmth of the human voice:

So it is fitting that we who work with this *personal* medium should maintain informal, intimate contact with the twenty-eight million families we serve.

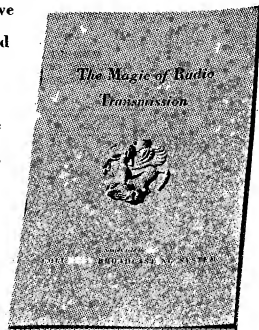
Today, CBS is closer than ever to these people who listen. An unpretentious book has played an important part. It's called "THE MAGIC OF RADIO TRANSMISSION." It tells, in the language of the man on the street, the "how" of radio transmission. For the first time, it brings the clear air of "layman's English" into the esoteric field of technical jargon and engineering impenetrables. It helps make the listener, more than ever before, part of the structure of American broadcasting.

The book has been distributed everywhere. Schools have requested copies for their entire student bodies; clubs and associations and women's groups have used "THE MAGIC OF RADIO TRANSMISSION" as the basis for study and discussion. A third edition is already on the press.

We have been grateful for listeners' letters, such as the one we reproduce here from Mr. Fanshier. Grateful and a little humble. Friends are precious things.

---

Did you receive your copy of "The Magic of Radio Transmission"? We will be happy to make a supply available to all stations, agencies and advertisers (with your imprint) at only the cost of reprinting. Write to the Columbia Broadcasting System at 485 Madison Avenue, N. Y.



## Columbia Broadcasting System

\* "Canst thou send lightnings, that they may go, and say unto thee, Here we are?" Job 38:35

SEASON'S GREETINGS

# PROF QUIZ

## BOB TROUT

### BILL GERNANNT

# MYRT and MARGE

Just completing their THIRD CONSECUTIVE  
YEAR for COLGATE - PALMOLIVE - PEET  
SUPER SUDS . . . signed for another year . . .  
for the same Super Suds.

9th CONSECUTIVE YEAR ON CBS

Direction  
**BILLY JOYCE**  
**WILLIAM MORRIS AGENCY**

Advertising Agency: BENTON &amp; BOWLES

Publicity Rep  
**CHARLES MARTEL**  
335 5th Ave., New York

# Carlton E. Morse

AUTHOR  
PRODUCER

## "One Man's Family"

AND

## "I Love A Mystery"

B E N N Y



G O O D M A N

*Greetings*

Exclusive Management  
MUSIC CORPORATION OF AMERICA

# EASY ACES

*The Season's  
Greetings*

\*\*\*

KNOX  
MANNING

GREETINGS  
**JACK BENNY**  
 . . . and me too . . .  
**MARY LIVINGSTONE**



Management—ARTHUR S. LYONS • A. & S. LYONS, Inc.

Congratulations to

**VARIETY**

on your 34th Anniversary

from

**GERTRUDE  
 BERG**

and Her Beloved Perennials

**"The GOLDBERGS"**

*First of radio's script serials, which has  
 just celebrated its Tenth Anniversary*



Sponsored by PROCTER & GAMBLE for OXYDOL

CBS Network • Mondays thru Fridays • 1 P.M., EST



EXCLUSIVE MANAGEMENT  
 MUSIC CORPORATION OF AMERICA

★  
**GEORGE BURNS**  
 AND  
**GRACIE ALLEN**  
 ★

EXCLUSIVE MANAGEMENT  
 LESTER HAMMEL  
 WILLIAM MORRIS AGENCY

HIND'S HONEY and ALMOND CREAM

7:30 P. M. E.S.T., MONDAYS • CBS

WILLIAM ESTY AGENCY

**I'LL SAY  
 DON LEE'S  
 GUARANTEED TIME  
 PAYS DIVIDENDS**



You bet your life DON LEE'S time is worth standing about. In the first place...IT'S GUARANTEED!

Then your place your advertising campaign has been built on 33 stations, your good time is protected—and what if any GOOD TIME I mean just time. We know it's good because Don Lee has a lot full of savings to prove it. For instance, get a load of these figures... a survey taken at 9:00 p.m. showed News at KRLD leading with 26.7% of the audience, KRLD with 20.9%, and KTV with 19.7%. Another survey showed KTV with 26.6%, and KRLD with 20.9%. Another survey at 9:00 p.m. gave KRLD 26.7% with Fu Manchu leading KTV with 20.9%, and KRLD with 20.9%. Actually, DON LEE dominates the listening portion of the Pacific Coast, but these figures show what happens in the nation's third largest city when competitors for top positions in radio come. And don't forget Don Lee's Guaranteed Time pay-off. Don't miss the dividend they don't get that Don Lee brings out at the end of the year.

★  
**DON LEE**  
 MUTUAL BROADCASTING SYSTEM  
 THE NATION'S GREATEST REGIONAL NETWORK

1076 W. 7th St., Los Angeles, Calif.

Thomas S. Lee, Pres.

LEE IS ALAN WELLS, Sec. Gen. and Gen. Mgr.

Affiliated with Mutual... Represented by Hale

**AIR FEATURES**  
 INC.

247 PARK AVENUE

NEW YORK

Established 1898



# WILLIAM MORRIS AGENCY

INC.

## *"The Agency of Show Business!"*

**S**incere representation is the first principle of the Agency—a principle established by the founder, WILLIAM MORRIS—a principle to which the entire organization has always adhered.

**E**ntertainment is one field in which human relationship is an important factor, personal integrity is essential and a mutual respect for judgment is paramount in successful operation.

**R**adio, motion pictures and television may have altered the framework of the amusement structure, but the principles of entertainment remain the same, as does the relation between Artist and Agent.

**V**ariety is the essence of showmanship—on the air—on the screen—on the stage. Knowledge born of long experience enables the Agency to provide intelligent guidance for the careers of its Artists.

**I**n more than forty years the WILLIAM MORRIS AGENCY has developed more talent from novice to established star than any other agency in show business, and its trade-mark has become a symbol of service.

**C**afes, hotels, clubs and ballrooms, which for years have been supplied with singing, dancing and comedy talent by the Agency, now obtain their music as well from an impressive list of name orchestras.

**E**very form of public amusement enterprise, including executives, sponsors, advertising directors and performers, is encompassed in the far-reaching activities of the oldest agency in the field.

NEW YORK

LONDON

CHICAGO

HOLLYWOOD



BROADCASTING FOR DEAR OLD  
HALF AND HALF ON CBS  
5:30 P.M. EST

Yowsah My Good Friends—  
Smoke a Pipe to Calm  
You Down.

**BEN BERNIE**

Management  
MUSIC CORPORATION OF AMERICA

*Double Happy New Year!*

ONE FROM *Bud* **ABBOTT**  
AND

ONE FROM *Lou* **COSTELLO**

DOUBLING

**"STREETS OF PARIS"**

BROADHURST THEATRE

NEW YORK



AND THE

**KATE SMITH HOUR**

EVERY FRIDAY 8 P.M. (EST)



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

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



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

Happy New Year  
Everyone

**GABRIEL  
HEATTER**

**POWER**

**W** *where it  
counts*

**H**

**A**

**S**

**50,000  
WATTS**

AT  
**820**

ON THE DIAL  
SELLING A  
\$2,214,269,000  
**MARKET**

BASIC CBS OUTLET  
NATIONALLY REPRESENTED  
BY EDWARD PETRY & CO.

OWNED AND OPERATED BY  
**The Courier-Journal**  
THE LOUISVILLE TIMES

# Spreading the Good Word



## \*Its Extra Audience is One Reason Why the *Red* is America's No. 1 Network!

Take audience... Take facilities... Take programs... Take selling power. On every count the NBC Red Network is out in front.

The Red's audience is the biggest in the business—by millions of families! Its facilities are the finest—more power, more desirable-frequency stations, more clear-channel stations than any other network! Its programs are the popularity leaders—have been since network broadcasting began, seventeen years ago.

Its selling power is evidenced by the confidence advertisers place in it—a confidence that in 1939 saw them invest \$35,000,000 in the Red Network—more money than was spent in any other single advertising medium in the world!

Advertising on the NBC Red Network  
means extra sales results!

### NBC *Red* NETWORK

The network most people listen to most

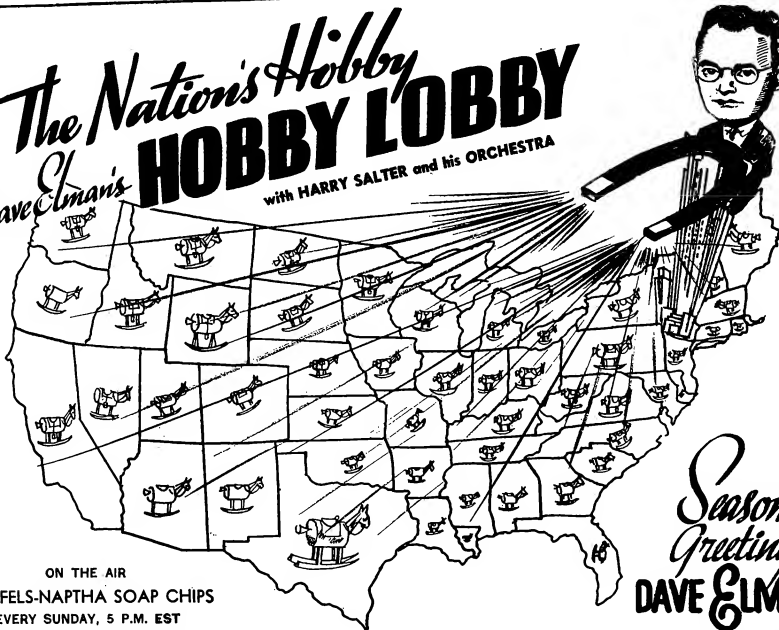


# The Nation's Hobby

## HOBBY LOBBY

with HARRY SALTER and his ORCHESTRA

Dave Elman's



Season's  
Greetings  
DAVE ELMAN

ON THE AIR  
FOR FELS-NAPTHA SOAP CHIPS

EVERY SUNDAY, 5 P.M. EST  
WABC Columbia Broadcasting System

Advertising Agency  
YOUNG AND RUBICAM

485 MADISON AVE. • NEW YORK CITY

## VARIETY

### Writes Our Ad!

\* WSYR, Syracuse—Continues to set the pace on special events and educational programs. Turns out a slick promotional job, whether it involves tieup between national advertisers and local distributors or a local client of the station.

\* Reprinted from Variety's 1939 Showmanship Survey Issue Dec. 6, 1939.

**WSYR Is The NUMBER 1  
Station In Central New York**

- NBC Red and Blue
- 41% Farm Audience
- Half-Billion \$ Market



**Tops in Syracuse**

PAUL H. RAYMER CO., Representatives

New York • Chicago • Detroit • San Francisco

## BOB HAWK

emceeing

the

### NAME THREE QUIZ SHOW

for  
REVELATION PIPE TOBACCO

8 P.M. Saturdays, EST

MBS

Season's Best Wishes to All My  
Friends and Listeners  
Everywhere

N.B.C.'s

**ALICE REMSEN**

**PHILIP S. BARRISON**

Director and Producer  
of

"FIVE STAR FINAL"  
150 West 55th Street  
NEW YORK

## VARIETY

IS  
THIRTY-FOUR  
YEARS OLD

\*\*\*

One Question Quiz!

If all of the actors Variety has panned in 34 years were laid end to end . . . How long would it take them to jump up if Vaudeville really came back?

Don't send answers to

**FRED ALLEN**

WEAF - - - Wednesdays, 9-10 p.m., E.S.T.

IPANA-SAL HEPATICA

WALTER BATCHELOR,  
Manager

# SEASON'S GREETINGS

*PEOPLE IN SHOWBUSINESS  
EVERYWHERE USE*

*Postal Telegraph*

WHY MAKE A NEW RESOLUTION FOR 1940  
WHEN THE ONE WE HAVE USED FOR YEARS  
WORKS SO WELL.

WE RESOLVE: THAT OUR CONSTANT AIM  
SHALL BE BIGGER AND BETTER PROGRAMS  
SO AS TO EFFECT LARGER AND MORE AP-  
PRECIATIVE AUDIENCES AND EVEN BETTER  
RESULTS FOR OUR ADVERTISERS.

FIRST IN LINE: WJJD ON JANUARY 1, 1940,  
BECOMES THE EXCLUSIVE DAYTIME OUTLET  
FOR THE TRANSCONTINENTAL BROAD-  
CASTING SYSTEM.

## W·J·J·D

20,000 WATTS  
1130 KILOCYCLES

National Representatives: The Paul H. Raymer Co.

## FOR SPORTS FEATURES

in the  
**CHICAGO  
MARKET**

IT'S

## W·I·N·D

5000 WATTS D. 1000 WATTS N.  
560 KILOCYCLES

National Sales Office: 201 N. Wells St., Chicago, Ill.

"1938 WAS A GOOD YEAR.  
1939 WAS MUCH BETTER.  
WE'RE LOOKING FORWARD TO  
A STILL GREATER YEAR IN 1940"

RUSSEL M. SEEDS COMPANY  
CHICAGO—INDIANAPOLIS—CINCINNATI

# WRVA

Is grateful to be among those radio stations to receive one of Variety's 1939 plaques for showmanship.

Virginia's ONLY 50,000 watt radio station—located near Richmond—is also grateful for the practical applause we constantly receive from advertisers and listeners alike . . . which enables us to lead the parade in Virginia.

C. T. LUCY, General Manager

PAUL H. RAYMER CO., National Representative

NEW YORK—CHICAGO—DETROIT  
SAN FRANCISCO—LOS ANGELES



COLUMBIA  
& MUTUAL  
NETWORKS

**WRVA 50,000 WATTS**

SEASON'S GREETINGS

## GUY LOMBARDO

AND HIS ROYAL CANADIANS

LADY ESTHER

MONDAYS	FRIDAYS
10 P.M. EST	10 P.M. EST
CBS NETWORK	NBC NETWORK

HOTEL ROOSEVELT  
NEW YORK CITY  
NOW

Management—MUSIC CORPORATION OF AMERICA

*Directed by...*

**CARLO DEANGELO** . . .

Palmolive's Hilltop House for - - -

Benton and Bowles - - -

THE O'NEILLS, Presented by  
Ivory Soap - - - Compton Adv.

**CARLO DEANGELO**

Is Available Through - - -

Ed. Wolf - - - Wolf Associates

*Greetings!*

## EARLE FERRIS

10 East 49th Street

CHICAGO

NEW YORK

HOLLYWOOD

Operating: Radio Feature Service, Inc.

## ENTERTAIN THEM, YES!...BUT DON'T FORGET TO SELL THEM!

• Naturally, the creating of sales is the primary function of every commercial radio program, however large or small.

To this end the Ruthrauff & Ryan radio departments in New York, Chicago and Hollywood maintain special staffs of "commercial" writers whose sole job is to put "SELL" into the radio programs of our clients.

These writers are experts in radio salesmanship—adept at skillfully wringing every last bit

of sales effectiveness out of an entertainment feature which must pay for itself—or go off the air.

Would you like to know more about the radio background of Ruthrauff & Ryan—one of the four or five agencies in America with complete radio facilities in the East, Mid-West and West Coast territories? If so, why not have your secretary arrange an interview at your convenience? No obligation, of course.



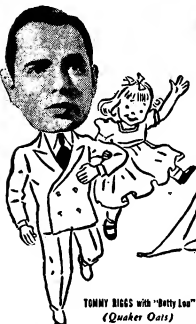
MAJOR BOWES'  
ORIGINAL AMATEUR HOUR  
(Chrysler Corporation)



EDWARD G. ROBINSON in  
"BIG TOWN" with Ona Munson  
(Rinso)



COURT OF MISSING HEIRS  
(Ironized Yeast)



TOMMY RIGGS with "Betty Lou"  
(Quaker Oats)



ALICE FROST and MARTIN GABEL  
in "Big Sister"  
(Rinso)



LANNY ROSS  
(Franco-American Spaghetti)



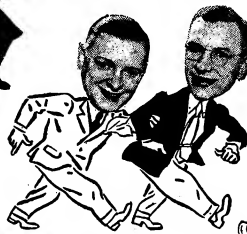
MILTON BERLE  
(Quaker Puffed Wheat and  
Quaker Puffed Rice)



"AUNT JENNY"  
in "Real Life Stories"  
(Spry Shortening)



"THE SHADOW"  
Mystery Dramas  
(blue coal)



WALLY BUTTERWORTH and PARKS JOHNSON  
in "Yes Day"  
(Kentucky Club Tobacco)



JOHN J. ANTHONY  
in "Good Will Hour"  
(Ironized Yeast)



BETTY WINKLER in "Gid Hums"  
(Quaker Oats)



SMOKE DREAMS—Musical Variety (La Fenrich Cigars)

### OUTSTANDING RADIO SHOWS PRODUCED BY THIS AGENCY

• Among our radio shows for 1939-40 are included every type and size of program: Comedy, Musical, Dramatic, Variety, Daytime, Evening and "Spot" Broadcasting. For Ruthrauff & Ryan is not wedded to any one formula, not limited to any particular kind of radio show. Day in and day out we are employing every phase of radio to achieve increased sales and profits for our clients.

**MAJOR BOWES' ORIGINAL AMATEUR HOUR**... Sponsored by Chrysler Corporation for Plymouth, Dodge Passenger Cars and Trucks, De Soto and Chrysler Motor Cars.

**EDWARD G. ROBINSON in "BIG TOWN"**, with Ona Munson. The racket-smashing serial of the newspaper world. Sponsored by Rinso.

**TOMMY RIGGS**, with "Betty Lou," his famous child character creation. Sponsored by Quaker Oats Company.

**LANNY ROSS**, an evening star now shining in the daytime—radio's favorite tenor, sponsored by the Campbell Soup Company for Franco-American Spaghetti.

**"THE SHADOW"** in a new series of mystery dramas sponsored by D. L. & W. Coal Company for "blue coal."

**COURT OF MISSING HEIRS**... A new kind of program dedicated to tracing men and women for whom fortune holds a legacy unknown to them. Sponsored by the Ironized Yeast Company.

**"BIG SISTER,"** with Alice Frost and Martin Gabel. Dramatic daytime serial, broadcast five times a week, coast to coast, for Rinso.

**"VOX POP,"** the original and best known of the audience participation type of program, conducted by Parks Johnson and Wally Butterworth. Sponsored by Kentucky Club Pipe Tobacco.

**"GOOD WILL HOUR,"** with John J. Anthony as conductor. Sponsored by the Ironized Yeast Company, coast to coast.

**"AUNT JENNY,"**... In the popular daytime dramatizations, "Real Life Stories," broadcast 5 times weekly. Sponsored by Spry Shortening.

**"GIRL ALONE,"** popular daytime serial broadcast 5 times a week, coast to coast. Sponsored by Quaker Oats Company.

**"SMOKE DREAMS,"**... In the popular musical-variety program sponsored by H. Fenrich, Inc., for La Fenrich Cigars.

**MILTON BERLE**... "Stop Me If You've Heard This One," with Milton Berle, Harry Hirschfeld and J. C. Flippen—an innovation in a radio comedy, with guest celebrities supplying the "punch" lines and a sizeable share of the laughs. Sponsored by the Quaker Oats Company.

# 100 Million American Shareholders

## As Radio Enters 1940

MORE than 44 million radio sets are owned by some 30 million American families. These families—more than 100 million people—are therefore shareholders in a great American enterprise. No other nation approaches these figures.

Never before has the importance of the American system of radio been so evident. News must be winnowed from propaganda, fact separated from claims. Our own forthcoming presidential campaign raises further need for radio reporting that is fair and unbiased.

Through great music, famous artists and distinguished organizations, radio provides the world's outstanding programs. The poorest man gets free what the richest man could not afford to buy.

RCA, through the National Broadcasting Company, will continue in 1940 to maintain and improve American standards of broadcasting.

But the activities of RCA extend far beyond radio broadcasting. RCA provides swift message service to all parts of the world, and to ships on the seven seas. In the RCA Laboratories research

constantly develops new services for radio. Thus in 1939 RCA made television a reality; in 1940 will extend it further. RCA services also include activities in every other phase of radio. In all of these, the aim of RCA is to provide the maximum service for the minimum cost to the public.

### These are the Services of RCA

#### RCA MANUFACTURING CO., INC.

Builders of RCA Victor Radio sets, RCA Victorolas, RCA Radio Tubes and radio equipment for broadcasting, transmission and many other radio services.

#### RADIOMARINE CORPORATION OF AMERICA

Manufacturers of radio safety devices for protecting lives and property at sea. Swift message service to and from ships.

#### NATIONAL BROADCASTING COMPANY

Operating the great Red and Blue Networks, and providing distinguished entertainment, including the famous NBC Symphony Orchestra.

#### RCA INSTITUTES, INC.

A school offering technical courses in every phase of radio and television.

#### RCA COMMUNICATIONS, INC.

Radio message service to and from 45 foreign countries, and among principal cities in the United States.

#### RCA LABORATORIES

Continuous research in every field of radio.



# RADIO CORPORATION OF AMERICA

RADIO CITY, NEW YORK

## MUTUAL ADDS 5 NEW STOCK OWNERS

Mutual Network is expanding its stock ownership so that instead of the shares being held strictly between WGN, Chicago, and WOR, Newark, it will also be divided among five other key affiliates. The added stockholders consist of John Shepard, Jr., as operator of WABR, Boston, and the Colonial Network; the Don Lee Network, representing 33 stations on the Pacific Coast; the United Broadcasting Corp., which takes in WHK and WCLE, Cleveland, and WHKC, Columbus; WPRC, Cincinnati, and CKLW, Detroit.

The seven organizations have pledged themselves to underwrite the financial operation of the network and to serve as principal program origination points. All of them have renewed their Mutual contract for another five years, effective Feb. 1, 1940. It is intended to enlarge Mutual's board so as to give these new stockholders representation. In addition to the new directors there will be an Operating Board composed of a rep from each shareholder organization, plus spokesmen appointed by the other affiliates in the Mutual setup. It is planned to have this newly created board meet twice a year with Fred Weber, Mutual general manager.

Introduction of the "mutual" angle in its full sense marks the fourth year of Mutual's existence as a coast-to-coast operation.

### Add: Xmas Salutes

St. Louis, Jan. 1

Evening shoppers, hotel guests and downtown workers as well as residents in outlying districts were serenaded with carols from an old-fashioned trolley coach as a special holiday greeting from KMOX during week before Christmas. Carriers were recruited from the Beaumont High School glee club, and, with good weather prevailing the kiddies had a swell time and the station copped lots of attention.

And in the Northwest  
Seattle, Jan. 1

For the presentation of "Santa Claus' Chimney Top Survey" by KIRO (red Columbia Broadcasting Pacific network Xmas eve) a huge plane was borrowed and whole dramatic troupe, plus a male quartet of carol singers, put on a mythical fantasy of Santa arriving from North pole with his helpers and carol singers. Program started in the studio where staff band set the scene. Controls were then shunted to the plane in the air, which, in the meantime had taken a great circle course over the city with everyone sitting on the floor of the airliner which was kept in a continual bank.

Tommy Thomas, KIRO program director, had standby fast auto with driver to carry him and staff to and from air field.

## Season's Greetings From

# RED SKELTON



PERSONAL MANAGEMENT  
TOM KENNEDY  
RCA BUILDING, RADIO CITY  
NEW YORK



AGENCY  
WILLIAM MORRIS  
RKO BUILDING, RADIO CITY  
NEW YORK

## MEMO

FROM—EDDIE CANTOR

TO—HELEN KIRK

Remind me to write copy  
for Variety anniversary "ad" -  
something like - Thanks to  
Bert Jordan (the mad Russian)  
Sidney Fields (Mr. Jiffy)  
Loni Lynne, Joyce Hunter,  
Fairchild and Carroll, Ruth  
Daze and the Stuart Morgan  
dancers - for helping break those  
house records on my recent  
tour.

If it doesn't crowd the "ad"  
too much, we might also say  
that Busby Berkeley is directing  
my first M. G. M. picture  
"Forty little mothers."

# VARIETY'S award to KOIN of its NATIONAL SHOWMANSHIP PLAQUE

in the classification of

## SOCIAL SERVICE

confirms this station's already established  
claim to local dominance.

Showmanship DOES help build audience! . . . and the Social Service kind of showmanship that makes a station a respected leader in its community adds prestige and friendship as well as audience! . . .

BECAUSE OF "listener first policies

. . . production leadership

. . . CBS programs

. . . aggressive public relations work

. . . AS WELL AS BECAUSE OF SHOWMANSHIP

# KOIN

THE JOURNAL  
PORTLAND, OREGON

Is always FIRST CHOICE STATION in this first choice market

National Representatives  
FREE and PETERS . . . World Broadcasting System

## Radio Reviews

**GLENN MILLER**  
With Andrews Sisters, Ray Eberle  
Band, Songs  
15 Mins.

**CHESTERFIELD**  
Tues., Wed., Thurs., 10 p.m.  
WABC-CBS, New York

For his debut (27) Glenn Miller held forth in what had been Chesterfield's Wednesday night spot for several years. His regular three-weekly schedule for this, the first night (2).

The performance which Miller's band and the Andrews Sisters delivered in that one-time 25-minute period was, shocking to many listeners, things. It indicated a happy outlook for all concerned, with but one dubious rub, and that is the circumstance that the Miller troupe is pitted against such high-rating competition as Bob Hope, Kay Kyser and Bing Crosby. While these odds are pretty much against him, Miller has a powerful asset in the fact that at the hottest on-the-rise dance unit in the business. This momentum should prove an important factor in these Chesterfield stands.

Miller's initial program for the smoke account not only provided the sweet music in the modern idiom, but reflected a smart hand at the voluptuous of this type of show. Miller started off on his right foot by giving 'em those very items that have checked best on his recording list. Every number served either to highlight Miller's sizzling brass or to furnish some rich samples of those instrumental ensemble effects that have done much to make the Miller unit what it is. The overall impression was that Miller not only had a unique knack for blending rhythm and melody, but that he has struck a balance between swing and sweet music.

The Andrews Sisters were deftly fitted into the process, giving it plenty of bounce and crack harmony. As an aid to identification, they opened with 'Bei Mir Bist Du Schoen'. The trio's other contribution, 'Circus', turned out the top sock of the occasion. It's one of the choicest things that the sisters have in their repertoire. Ray Eberle, Miller's staff vocalist, also filled in with a chorus here and there.

Besides the Glenn Miller-Andrews Sisters combination, Chesterfield has Fred Waring routed in a quarter-hour spot on the NBC-blue five times a week.

Order.

**CHARLIE AGNEW ORCH.**  
With Jean Carroll, Verne Smith  
Music  
10 Mins.

**DODGE DEALERS OF CHICAGO**  
Sundays, 12:30 p.m. CST  
WBBM, Chicago

**DODGE DEALERS (Rudolph & Ruan)**

Dodge dealers have had this period on Sunday for several years now and have tried sundry and various musical programs, all of which evidently gathered a sufficiently large number of listeners to keep this show going on and on. There is no reason why the switch to a straight band policy should cause any drop in that listening audience. It may, in fact, tend to increase it.

Show is labelled 'Meet the Band,' each week delivering another orchestra to the mike. In addition to appearing on the show, the guest bandleader is given a 'balloon of gold,' which is good showmanship.

While the program will remind listeners of the Fifth Beatnik show on Sunday night, the 'Meet the Band' setup is nevertheless due for a local show and indicates the growing tendency to aim for stronger local programs.

Agnew's orchestra is good, with plenty of emphasis on the beat and sweeter type of music, which is wise for Sunday noon. Leader has been checking in a big way, but has a long reputation in show business and his name carries immediate recognition in the Midwest.

Agnew goes in for a number of old favorite tunes, which has become pretty much of a trend on all orchestra schedules the past few months. Vocalist is Jean Carroll and she sings neatly enough. Verne Smith handles the spinning a-gentlemanly. Gold.

**NAL VARGOE**

Ventriologist

15 Mins.

**WIGGLEYS**

Mon.-Thurs., 7:30 p.m.

3 AW, Melbourne.

Vargoe, via his doll, Ginger, is one of the outstanding personalities on the Aussie commercial air tairs, commanding a huge audience from Coast-to-Coast. Other ventriologists here have tried the air tairs from time to time, but with little success. Vargoe has freshness and bright eyes to maintain a very fast tempo over his allotted span, never becoming tiresome and hitting with timely topics to bring his sponsors an enormous coverage.

Only setback is a tiresome Irish brogue adopted by announcer to plug the commercial end. It's quite unnecessary and should be dropped. Rick.



5000 Watts  
Day & Night

WQXR

and the

Interstate Broadcasting Company

are happy to announce the arrival of a

Construction Permit

from the Federal Communications Commission

for a 5000 Watt Station

730 Fifth Avenue, New York

Hello Folks—

This is

WGST

in

ATLANTA, GA.

WISHING YOU

K. C.

A.

HAPPY NEW YEAR

WGST—The only Atlanta Station to receive honorable mention for Showmanship in VARIETY'S 1939 yearly poll.

SEASON'S GREETINGS

PETER VAN STEEDEN

**BRISTOL-MYERS COMPANY**

PRESENT

AMERICA'S FOREMOST RACONTEUR

**GEORGIE JESSEL**

For the Second Year On Radio

With the Compliments of  
**VITALIS**

Advertising Agency  
PEDLAR & RYAN, INC.

GREETINGS

**BOB  
CROSBY**

AND HIS ORCHESTRA

**CAMEL  
CARAVAN**

Saturday Nights, 10 to 10:30, Eastern Time,  
Via NBC Red. Starting January 6th.

**HOTEL NEW YORKER**  
Starting January 8th

SEASON'S  
GREETINGS

**PAUL  
SULLIVAN**

FOR RALEIGH CIGARETTES

WHAS  
LOUISVILLE, KY.

●  
COLUMBIA BROADCASTING SYSTEM





### It's KMOX again!

**DIALERS:** More people listen more hours to KMOX than to any other St. Louis station! And each year KMOX leads by a wider margin! Proved by every major audience study for more than eight years.

**DOLLARS:** KMOX carried more local and national spot business in 1939 than the other two St. Louis network stations combined!

**DISTANCE:** The 50,000 watt voice of KMOX is ten times as powerful as any other St. Louis station! Within its primary listening area alone KMOX serves more than 1,800,000 radio listeners who spend close to six hundred million a year! It's the largest market reached—and sold—by any St. Louis station!

The record speaks for itself. Today—as for the eight challenging years before—KMOX is champion.

KMOX can help you to be a champion in St. Louis, too. Would you like us to send the details?

## KMOX

50,000 WATTS • A CBS STATION • ST. LOUIS

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

## HAROLD STOKES

AND THE

### W. G. N. DANCE ORCHESTRA

Sends Season's Greetings to All Our Friends

When Santa Comes Down the Chimney—Yell

—MUSICO—



## JOSEF CHERNIAVSKY

Musical Director

WLW—WSAI

## Cleveland

Continued from page 94

Together, the stations employ 16 union musicians.

Since this fall, merchandising has become an important factor in the commercial conduct of the two stations. All accounts now get the following: calls on brokers and distributors; program previews for retailers; trade contacts; cross-sectional trade surveys; placement of displays furnished by advertiser; pre-announcements; publicity to 52 papers; news pictures in 150 locations to hit consumers; lobby displays; and space in the merchandising display guide. The latter is a swanky, leather folder personally given to 80 wholesalers and jobbers for ready-reference on products using the other. News sheets are regularly inserted—precisely for grocery products and red for drugs. Billboards and similar out-and-out free advertising is frowned on, but additional frills are tacked onto each merchandising campaign to give it individuality.

### H. K. Carpenter One Of Radio's 15-Year Men

General manager of WHK-WCLE is H. K. Carpenter, here five and a half years (making a total of 15 years in radio), and once with WTAM and WPTF. K. K. Hackathorn, previously with the Plain Dealer, is commercial manager. Bob Greenberg, also previously with the Plain Dealer, handles merchandising. Russell (Bud) Richmond has had charge of programs for eight years after experience at WTAM and WJAY. Les Biebel handles continuity. Bob Elliott assists in merchandising, while Mill Hill issues publicity. Baton waver of the house-band is Willard Pott. General music director is in charge of Louis Rich, also music director of the Hanna Theatre. Rich additionally is taking over the newly-formed artists bureau which will book p. a. tours and units.

Both stations put quite a bit of emphasis on music, and carry a large staff of singers. Sports are also well taken care of, being apportioned by Jack Craney and Finky Hunter. New is unspoiled by Lee Otis, Alan Jenkins, and Nick Burnett. Civic events and boosts for Cleveland industry are adequately handled.

WHK's Sunday schedule includes a Negro choir (participating), a Chamber of Commerce tie-up for salutes to local industries, a series dealing with vocational-social guidance run by Martin Kobe at the Dale Carnegie, and a tie-in with the camera club. On weekdays, Don Dewhurst emceed the musical clock at 1:30 a.m.; Eleanor Hanson has home economics at 9:45 a.m.; Wayne West and Dick O'Brien give out song and patter at 11:30 a.m.; Ethel Haves has a participating woman's magazine at 2 p.m.; Wayne West, singer, and the house band are tied to Mutual at 4:30 p.m.; Nick Burnett has a "Fact Finder" stanza at 6:45 p.m.; and between 9 and 10 p.m. is a record show, emceed by Frances Peitay and sold participating. Other shows throughout the week include: Ellen Cornell's club chatter (for Higbee department store); Bonnie Bell's beauty stanza with Gayle Gaylord, singer, and Neil Riggs and Helen Wyant at piano and electric organ; Guy Wallace's exercise show; Eleanor Hanson's reports on styles; a safety stanza on city hall; and Eleanor Hanson's hints for parties.

WCLE, because of its nifty signal, makes some play for farmers with Lew Henry's farm news at 6:45 a.m. plus stock and market prices at 9:45 a.m. On Sundays, music for foreign nationalities is liberally aired, but all chatter absolutely has to be in English. Sunday also has an amateur show from 3-5 p.m., emceed by Guy Wallace from the Masonic Auditorium, and four years old. Rest of the weekly and Sunday schedule is heavy on music, and—as mentioned before—just about sold out cold. Among the station's personalities are: Eleanor Hanson, with participating women's fare; Al Skully, accordionist; Wayne West, emcee; Ruth Ritchie, conductor of a local bulletin board; Marion Brent, singer; Jim Sands, piano and patter; Virginia Christnut, singer; Helen Wyant, organist. Civic fare, as in all Cleveland stations, is strong. And there is a stanza on Saturdays for Cleveland's amateur classical musicians.

Les Lindow, head of the WCAE, Pittsburgh, sales department, has been named head of the sales managers committee for the third district of the National Association of Broadcasters.

# GREETINGS OF THE SEASON AND THE WNEW YEAR

MARTIN BLOCK

"The Make Believe Ballroom"

ELTON BRITT

and His "Bound-T Ranch"

RICHARD BROOKS

ALAN COURTNEY

"Gloom Chasers"

EARL HARPER

"Hot Stove League"

DAVID LOWE

"Sound Track"

MERLE PITT

and His "Five Shades of Blue"

STAN SHAW

"Milkman's Matinee"

ROSALIND SHERMAN

"In The Spotlight"

Holiday Greetings

## LUCY MONROE

SEASON'S GREETINGS

## LOUIS KATZMAN

Musical Director

HEARST RADIO

## PAULINE ALPERT

WIBBINGHO PLAINST

WOR

Sara Algood • Eve Arden • John H. Auer • Lucille Ball • Wendy Barrie • Richard Barthelmess  
 James Barton • John Beal • Harry Bellaver • Richard Benedict • Jack Benny • Chaffee Blackmore  
 Natalie Bodanya • Roman Bohnen • Phillip Bourneuff • James Bridie • J. Edward Bromberg • Ed Byron  
 Kitty Carlisle • Morris Carnovsky • Paul Vincent Carroll • Tay Carson • Ina Claire • Kendall Clark  
 Russell Collins • Frank Conlon • Joe Cook • Phyllis Cooper • James Corner • Joseph Cottou • Walter Coy  
 Boyd Crawford • Hume Cronyn • Crumit and Sanderson • Shirley Dale • Henry Daniell  
 Dennis Day • Howard Dasylya • Margaret Douglas • Frank Downing • Ashley Dukes • R. S. Eliot  
 Dave Elman (Hobby Lobby) • Seymour Felix • Kenneth Ferrill • Ted Fetter • Barry Fitzgerald  
 Martin Flavin • Rudolf Forster • Sidney Fox • C. V. France • Arlene Francis • Erford Gage  
 Reginald Gardiner • John Garfield • Gregory Gaye • Ira Gershwin • Tamara Geva • Peter Godfrey  
 Arthur Goodrich • Sidney Greenstreet • Harry Wagstaff Gribble • Jack Haley • Robert Harris • Phil Harris  
 Richard Haydn • Julie Haydon • Louis Hayward • Van Heflin • Irene Hervey • Alan Hewitt  
 Peter Holden • Billy House • Dr. H. J. Hsiung • Carol Hughes • Henry Hull • Josephine Hull  
 Hugh Hunt • Denis Johnston • Allan Jones • Robert Edmond Jones • Albrecht F. Joseph • Elia Kazan  
 Jerome Kern • Frances Parkinson Keyes • King Sisters • John Klempner • Fritz Kortner • Martin Kosleck  
 Hedy LaMarr • Francine Larrimore • Francis Lederer • Melchior Lengyel • Bea Lillie • Mary Livingstone  
 George Lloyd • Charles Locke • Katherine Locke • Roy Lockwood • Loper & Barratt • Marjorie Lord  
 Ida Lupino • Barre Lyndon • Hugh MacMullan • Arthur MacCrea • Harry T. Madden  
 Margo • Somerset Maugham • Lothar Mendes • Frances Mercer • Lewis Milestone • Robert Milton  
 Vincente Minnelli • John Moore • McKay Morris • Dudley Murphy • Sean O'Casey • Nell O'Day  
 Eugene O'Neill • Henry Oscar • Al Pearce  
 Sam Perrin • Arthur Phillips • Zelda Popkin  
 Cole Porter • Otto L. Preminger  
 Gene Raymond • Don Reid • Betty Jane Rhodes  
 Ralph Richardson • Jack Roberts  
 Anthony Ross • Lanny Ross • Herbert Rudley  
 Harry Salter • Jimmy Savo • Dr. Albert Sirmay  
 Ben Smith • Kate Smith • Robert Speaight  
 Eric Stanley • Lynn Starling • Haila Stoddard  
 Lee Strassberg • Ed Sullivan • Jessica Tandy  
 Richard Tauber • Dan Tobin • Vivian Vance  
 Don Voorhees • Albert Warren • Clifton Webb  
 Kenneth Webb • Kurt Weill • Phyllis Weld  
 Sylvia Weld • Francia White • Eleanor Whitney  
 Dame May Whitty • Emyln Williams  
 Hugh Williams • Geo. Zucco •

The Success of an Organization Is Dependent  
 Upon the Capabilities of Its Manpower

### PICTURES

ARTHUR S. LYONS  
 CLARE OLMSTEAD  
 LOUIS ARTIGUE

### RADIO

BILL STUHLER  
 DON STAUFFER  
 LESTER LINSK

### THEATRES

MARGARET LINLEY  
 ROBERT C. KENNEDY  
 SAM T. LYONS

### LITERATI

RICHARD J. MADDEN  
 CHAS. BEAHAN  
 ALBERT H. GROSS

**A. & S. LYONS, Inc.**

515 Madison Ave., New York

Hollywood  
 Cal. Bank Bldg.

London  
 Connies, Ltd.

*This is  
Our Story*

for the past year  
and the years to come

One hundred forty-two spot advertisers used WLS, Chicago, in 1939. 58% of them had advertised on WLS at least one year previously. 43% have used WLS three or more years. 24% have been with us five years or more, and one has used WLS every year for eleven consecutive years!

We don't need to tell you that these advertisers were satisfied. Otherwise they would not renew or return to WLS. After all, there's only one way to satisfy an advertiser: Get results. That's what WLS does.

**WLS**  
**THE PRAIRIE FARMER STATION**  
Burnside D. Butler, President (Chicago) • Glenn Snyder, Manager

JOHN BLAIR & COMPANY, New York Chicago Detroit St. Louis Los Angeles San Francisco

3 GIRLS—3 TIMES A WEEK!

*The  
Andrews Sisters*

Listen to them each Tuesday, Wednesday and Thursday (for a limited engagement of thirteen weeks only), on the Chesterfield program with Glenn Miller's orchestra, via CBS coast-to-coast, 10:00 to 10:15 p.m. (E.S.T.)

Hear their latest DECCA recordings, "Yodelin' Jive", "South American Way", "Ciri Biri Bin", "Oh, Johnny" and others!

Direction  
**GENERAL AMUSEMENT CORP.**  
Theat. G. Rockwell, Pres. New York, Chicago, Hollywood, London  
Personal Management—LOU LEVY



**WMCA**

"First on Your Dial  
in New York"

NEW YORK AFFILIATE  
TRANSCONTINENTAL BROADCASTING SYSTEM

HOLIDAY GREETINGS  
FROM

**VIRGINIA PAYNE**  
(MA PERKINS)

NBC

CHICAGO

# PUT IT DOWN, HARRY, put it down!



**I**N A STOP-WATCH BUSINESS like radio, it's necessary to keep some control over audience response—frequently to cue the applause.

But on more than one occasion there has been a kind of spontaneous, un-cued applause on Young & Rubicam shows that's rare and unusual—applause for the commercials.

That isn't the result of just luck or accident. It all started seven years ago, when we set up the first (as far as we know)

special department to write commercials. There are now 13 people in the department—13 ingenious men and women who do nothing but write commercials that blend with the script and personality of each program, and frequently succeed in being one of the high spots of the show.

This pays off better than a lot of advertisers realize. It's not unusual for a network show to get as low as 25% sponsor identification. It's not unusual for Young & Rubicam shows to top 90%.

## Here are the Young & Rubicam Network Shows

**BEN BERNIE** for Half and Half Smoking Tobacco

**FRED ALLEN** for Sal Hepatica and Ipana

**HOBBY LOBBY** for Fels Naptha Soap & Chips

**KATE SMITH SPEAKS** and **MY SON & I** for Calumet and Swans Down

**KATE SMITH HOUR** for Grape-Nuts and Grape-Nuts Flakes

**JACK BENNY** for Jell-O

**ALDRICH FAMILY** for Jell-O Puddings

**JOYCE JORDAN, GIRL INTERNE** for La France, Satina and Minute Tapioca

**LUM & ABNER** for Postum

**WE, THE PEOPLE** for Sanka Coffee

**ONE OF THE FINEST** for Silvercup Bread

**SCREEN GUILD THEATRE** for Gulf Oil Corporation

**SILVER THEATER** for International Silver Company

## Here are the Young & Rubicam Spot and Local Shows

MINIT-RUB • SAL HEPATICA • JELL-O PUDDING • MINUTE TAPIOCA • POSTUM • CALUMET • SWANS DOWN  
GULF OIL & GULFSpray • LIPTON'S TEA • R. H. MACY & CO. • SANTORIZING • SCOTT'S EMULSION

# Young & Rubicam, Inc.

## ADVERTISING

NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO • HOLLYWOOD • MONTREAL • TORONTO

WBWM  
COLUMBIA BROADCASTING SYSTEM, INC.  
410 NO. MICHIGAN AVENUE, CHICAGO, ILL.  
ORIGINAL 4757

January 1, 1940

Dear Variety:

We've kept pretty quiet about it until now, but we'd like you to know that we've declared a bonus for 1940. A bonus, that is, for our listeners, and our advertisers, and for the dealers who handle products advertised over WBWM.

That bonus is additional coverage.

A new vertical radiator already in operation has increased our signal strength 55 per cent. And a new transmitter, which will be in operation by February, will further improve our service.

It gives us a good feeling to be able to keep on progressing ... to keep getting better even though for seven years we have led all other stations in Chicago in audience, and, naturally, in advertising.

Sincerely yours,

**WBWM**

P. S. Happy Birthday.

Reprinted by RADIO SALES - NEW YORK - CHICAGO - DETROIT - MILWAUKEE - BIRMINGHAM - LOS ANGELES - SAN FRANCISCO

## AUSTRALIAN RADIO IN 1939

By ERIC GORRICK

Sydney, Dec. 20. Although there were natural fears in September that commercial broadcasting would be adversely affected by the European war, such has not proved the case. To the contrary, influx of sterling from London to cover expanded war-time orders for Australian produce is stimulating business generally. Radio benefits. The outlook for 1940 is promising.

The program vogue of the year was the "jackpot program." This is an Aussie variation of money giveaways, prizes and coin come-ons generally. While fairly old stuff in the States, it was brightly new here. Prizes from a cake of soap to \$1,000 stimulated much public interest in radio. That pleased overhalls and sponsors multiplied. Nobody bothered, apparently, to ask if this was good for radio. Such theoretical and critical talk is not typically Australian. They don't quibble with success here.

Lux Clicks.

Bigger production click of the year was the Australian Lux Radio theatre. Most of the plays aired were old-time Yankee fare. Presentations were marked by acts of the highest order under the direction of Harry Dearth. Lux will continue in 1940, with Sabbath shows on an hour's playing time.

An individual success is Ed Edgar Bergen was scored by Al Varcoe, originator of a ventriloquist dummy, Ginger. This program continues one of Wrigley's programs for 1940. Another sponsored by the same firm is "Dad and Dave," also on four times weekly and one of the oldest programmers on the commercial loop.

Outbreak of war encouraged new propaganda program ideas, two of which, "Radio That Hitler Fears" and "Nazi Terror," hit to quick popularity. A very strict censorship, however, saw the canning of many scripts from last September onwards.

## Frisco Radio Columns May Be Back in '40

San Francisco, Jan. 1. Among the things which 1940 will bring to San Francisco radio will be closer cooperation between broadcasting and the printed page. For the past two months there has been a tendency to kiss and make up on the part of local newspapers and radio stations. For two years the latter have been poison to the former.

The hatchet-burying is largely the result of effort on the part of Al Nelson, manager of KPO-KGO, who recently took over duties here. One of the first things he did was line up mutually beneficial deals between his stations and the morning Chronicle and afternoon News. Next came a new publication called Cavalcode, 100,000 copies of which are distributed weekly in apartment hotels. It is featuring a two page radio section.

Climax came this week when the twice-weekly Shopping News, with a circulation of 200,000, decided after 10 years to go for a radio section. It will take up most of the front page, featuring pictures and copy, with a box of best bets. Several stations including KFRC, KJBS and KFSO, have space-announcement trade deals with papers that are proving mutually beneficial.

It is not unlikely that before the end of 1940 the Bay Area daily papers will have restored radio columns, as such, which were tossed out two years ago.

## WAY OUT WEST IN OREGON



...Where 95% of the homes have Radios. ...Where folks have more time to listen ... And more money to spend ... The top radio stations are...

**KGW and KEX**

RADIO STATIONS OF THE OREGONIAN PORTLAND, OREGON  
REPRESENTATIVES:  
EDWARD PETRY & COMPANY, INC.  
NEW YORK - CHICAGO - DETROIT - ST. LOUIS - SAN FRANCISCO - LOS ANGELES

DON'T MISS  
PALMOLIVE'S

## "HILLTOP HOUSE"

STARRING

BESS JOHNSON

By Adelaide Marston

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

WBBC-CBS-1030-1045 A.M. E.S.T.  
78 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc.  
Management ED WOLF, RKO BUILDING, New York

SEASON'S GREETINGS

**JOSEPH GALLICCHIO**

MUSICAL CONDUCTOR

NBC

CHICAGO

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

# Greetings from Columbia Artists

**HERBERT ROSENTHAL**  
Executive Vice-President  
COLUMBIA ARTISTS, INC.

**JACK BERTELL**  
Manager Personal Appearance Dept.  
COLUMBIA ARTISTS, INC.

## THE HARTMANS

## BARRY WOOD

Starring  
"LUCKY STRIKE HIT PARADE SHOW"  
Theatre Appearances Starting March

## GAMBARELLI

Prima Ballerina  
METROPOLITAN OPERA COMPANY

## DORIS RHODES

THE GIRL WITH THE "DEEP PURPLE" VOICE

## MAXINE SULLIVAN

STAR OF THE "COTTON CLUB REVUE"

## MICHAEL LORING

CBS — Coast to Coast  
OPENING ROYAL PALMS, MIAMI, JAN. 16

## MILTON DOUGLAS

HOLLYWOOD BEACH HOTEL, HOLLYWOOD, FLA.  
Indefinitely

## DEANE JANIS

CURRENTLY GLASS HAT  
BELMONT PLAZA, NEW YORK

## NAN WYNN

CBS — Coast to Coast  
Three Times Weekly  
Opening Feb. 1 — Fefe's Monte Carlo, New York

## FRED FEIBEL

ORGANIST  
Phil Cook's Almanac      Deep River Rhapsody  
Big Sister      Our Gal Sunday  
Richard Maxwell

## MARTY MAY

On Tour  
"THREE AFTER THREE"

## THE MARTINS

"A BLUE STREAK OF RHYTHM"  
On Tour — "Three After Three"  
Personal Direction—FRED STEELE, 745 Seventh Ave, New York

## REX INGRAM

CBS

## A Happy Song For The New Year THE DEEP RIVER BOYS

CBS ARTISTS VERSATILE  
From Spirituals to Swing  
BROADCASTING—Six Times Weekly—CBS. GUEST APPEARANCES—Schaeffer  
Beer, NBC; Gang Busters, CBS; Columbia Records, CBS.  
PRODUCTION—"Swingin' the Dream"  
MGT — COLUMBIA ARTISTS, Inc.

## KEN HARVEY

And His "VIBRAELECTRON"  
Now Under Personal Management of  
COLUMBIA ARTISTS, Inc.

## AUDREY MARSH

CBS — Coast to Coast  
THREE TIMES WEEKLY

# FRED ALLEN

BEGINNING HIS SEVENTH YEAR ON THE SAL HEPATICA-IPANA RADIO  
PROGRAM\* FOR BRISTOL-MEYERS

## SALUTES VARIETY

NOW ENTERING ITS THIRTY-FOURTH YEAR OF STAR PERFORMANCE

\*Every Wednesday at 9 to 10 P.M.,  
E. S. T., on the N. B. C. Network

### *Announcers Under Personal Management Of Columbia Artists, Inc.*

*Holiday Greetings*

**DAN SEYMOUR**

**JAMES FLEMING**

Announcer—Salesman

Direction: COLUMBIA ARTISTS, INC.

**RALPH EDWARDS**

PROCTER & GAMBLE  
CHRYSLER CORP. HORN and HARDART

*Many Happy Returns*

**LARRY ELLIOTT**

Speaking for the More Than  
45,000 TEXACO DEALERS  
From Coast to Coast

**JOHN ALLEN WOLF**

Speaking for  
THOM McAN SHOES  
and  
Seven Other CBS Clients

*GREETINGS*

**FRANK GALLOP**

*SEASON'S GREETINGS*

**MEL ALLEN**

SPORTS

BASKETBALL—Yankees and Giants  
General Mills  
Procter and Gamble  
Socrony-Vacuum  
FOOTBALL—Giants and Dodgers  
General Mills  
DAILY SPORTS REVIEW  
Raleigh Cigarettes  
and Also for CRISCO

**TOM SHIRLEY**

*"Doc Barclay's Daughter"*

PERSONAL FINANCE

*"Billy and Betty"*

GENERAL MILLS, INC.



PAGE FOR A TIME BUYER'S NOTEBOOK...

# WJSV is a dominant first in Washington —for the fifth consecutive year!

*Again—for the fifth consecutive year—WJSV is the far-in-front First Choice in the rich Washington market. Here's the record for eleven months of 1939...*

**CLIENTS:** WJSV was the overwhelming first choice of more of the country's leading advertisers than any other Washington station!

**HOURS:** WJSV carried more hours of sponsored programs than any competitor...the greatest amount of commercial program time in the history of Washington radio!

**DOLLARS:** WJSV carried the greatest dollar volume of any Washington station...42% MORE non-network program business than the nearest competitor—79% MORE than the third ranking station. The answer was just the same in network dollar volume. WJSV was a walk-away first...with 29% MORE network program business than the next station, and 200% MORE than the third station!

*We leaned way over backwards in the above computations. Not a single one of WJSV's exclusive seventy-two sponsored baseball games was included. If they had been, WJSV would be first by even wider margins.*



## WJSV

50,000 WATTS IN FEBRUARY • THE CBS STATION IN WASHINGTON, D. C.

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

# Desire to Better Relations With Webs Reported Reason For Mexico's Sudden Pact Okay

Washington, Jan. 1. In a whirlwind about-face, the Mexican Senate on Friday (29) suddenly ratified the North American Regional Broadcasting Agreement, and simultaneously gave evidence of hoping that the plan for putting this far-reaching paper into effect would take hold in 90 days. This move took holiday-minded Washington almost completely by surprise for only a year ago, on Oct. 26, 1938, Mexico had balked at ratifying the agreement, and thus threw the money-wrench into the otherwise well-oiled works.

[VARIETY's prescience comes so close on the heels of the agreement, and during a time when official Washington is celebrating New Year's, that details are tentative.]

It was understood here that Commissioner T. A. M. Craven, the FCC's best engineering mind and the person long-interested in a pact ensuring North American wave-length order, called a quick meeting on Saturday (30) with members of his staff to discuss the Mexican ratification. Other FCC Commissioners were not present, nor was the FCC at work because of the holiday.

The reason for Mexico's about-face will have to await further clarification, but first reports indicate that the Mexican Broadcasters' Assn. put the heat on their government. It is known that only a few weeks ago, when rumors began to be circulated that border stations were about to 'jump' onto certain U. S. frequencies, certain members of the Association were directly or indirectly interested in seeing that these reports got full U. S. circulation. As a result of such circulation, the U. S. State Department picked up its ears and started murmuring. Between the U. S. State Department and its own Broadcasters' Assn., Mexico thus probably had the best basis for a hasty ratification.

Why did the Mexican Broadcasters want the agreement signed in spite of the consistent blocking of the powerful border stations? The best guess at this moment is that these broadcasters would like better relations with U. S. networks, particularly NBC. Already Ford is pumping a web program into Mexico, and it may be that the Mexicans feel that if a wave-length order is brought about, more business will come their way as a result of the ensuing pleasant relations. Whether the Mexicans figured it that way or not—and (to repeat) these matters need more time for clarification—such a result is almost certain to ensue, anyhow.

From the U. S. viewpoint, the Mexican idea of causing the paper to be put into effect in 90 days is not too encouraging. This time interval is

so diminutive that it would cause wholesale disorder. For virtually all U. S. stations located on frequencies of 730 kc or over will have to shift from 10 to 40 kc, depending on their present wave-length. Not only that, The FCC will have to undertake all sorts of new wattage assignments, and special wave-length shifts in special instances. Undoubtedly the FCC, and possibly also Canada and Cuba, will want ample time to get the whole thing straight, and would favor selling one certain day when all the nations would start broadcasting under the new regime at once.

Ernest Mobley is a newcomer on the KTOX, Oklahoma City, announcing staff. He comes from KOB, Albuquerque.

## H. A. BELLOWES DIES

Pioneer Radio Man, 54, Had Been WCCO Manager and CBS V.P.

Minneapolis, Jan. 1. Henry A. Bellowes, 54, a pioneer figure in radio and whose last connection was that of public relations director for General Mills, died at his home here Dec. 29. He had been seriously ill for some time. Bellowes' career included membership in the original Federal Radio Commission, CBS Washington representation, with the title of v.p.; manager of WCCO, Minneapolis; high office in the National Guard; English instructor at Harvard and the University of Minnesota, and music critic and author.

Bellowes came into the industry in 1925 as manager of WCCO. Two years later President Coolidge appointed him to the first radio commission. In 1929 he returned to his Minneapolis post, the following year Columbia made him a v.p. and assigned to Washington contacting. From 1930 to 1934 he was chairman of the NAB's legislative committee. Bellowes was a delegate to several international conventions in radio. He is survived by his widow, a son and a daughter.

# Deadpan, Tongue-Tied Examiners Attacked by Lawyer E. C. Lovett

Washington, Jan. 1. Ground-work for an important court attack on the FCC procedure placed in effect by former chairman Frank R. McIninch was laid last week in a rehearing petition challenging the proposed decision giving Eugene C. Pulliam, owner of WIRE, Indianapolis, another outlet at Vincennes, Ind. In an ingenious argument which puts the regulators between two fires, Eliot C. Lovett, counsel for Samuel M. Emlson, unsuccessful rival for the privilege of building a Vincennes outlet, questions the propriety of taking evidence before an expert who fails to offer his own report and to recommend the type of action taken on contested applications. Apparent that Emlson's attorney hopes to get the matter into court where the entire FCC system may be upset by an adverse decision. Lovett heaped coals of fire on the Commish by pointing out that the

finding in Pulliam's behalf is completely counter to a policy followed in another case which he is still fighting in the courts. The proposed grant to Pulliam's Vincennes Newspapers, Inc., overlooks the fact, the barrister emphasized, that none of the individuals in control of a contemplated local station resides in the community. More than two years ago, the FCC refused to grant the application of the Pottsville Broadcasting Co., which Lovett also represents, because all of the promoters were non-residents. The most important issue in the petition for reconsideration in the Vincennes matter is the validity of the Commission's trial routine. While the law does not require findings by an examiner, Lovett said it is imperative to have the presiding officer weigh the sincerity and credibility of witnesses if the ultimate settlement of the case is to be just.

*Why  
Then  
Listen*

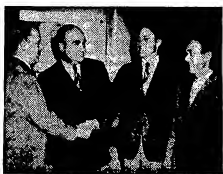
# ... FARM SERVICE

Millions of rural listeners call WLW "their station" . . . and no wonder! With one of the oldest and best organized Agricultural Departments in radio, WLW is uniquely equipped to serve its rural audience in one of America's most fertile agricultural markets—17,892,940 is the rural population of its primary area.

Besides daily weather, market and crop reports, WLW originates Everybody's Farm Hour, RFD Mail Box, Truly American and Fortunes Washed Away. Special farm events and features cover agricultural activities ranging from Fairs and Expositions to pickups from actual farms.

To stimulate greater interest in radio among agriculturally trained men, WLW last year inaugurated the WLW Practical Scholarships in Radio Training. Each year, two Agricultural Students in Land Grant Colleges are selected for this 6 months training course. Last year's scholarship winners have finished their training period and are now members of the Agricultural Staff of the Nation's Station.

The bond of friendship with rural listeners is further strengthened with the regular personal appearances of WLW's Boone County Jamboree. Farm folks listen because WLW helps them to a more abundant as well as a more successful life.



George C. Blythe introduces Martin V. Emmons and Charlie Graham, WLW Scholarship Winners, to James D. Shouse, head of WLW.

BUY WISE  
THE WISE BUY  
**WBNS**  
COLUMBUS, OHIO  
*all you need in  
Central Ohio*  
JOHN BLAIR K.C.O. Representative  
**5000 WATTS DAY**  
**1000 WATTS NIGHT**

Happy  
New Year  
THE  
**SMOOTHIES**  
BABS-CHARLIE LITTLE

**WLW** IS REPRESENTED BY  
**TRANSAMERICAN BROADCASTING & TELEVISION CORP.**  
**NEW YORK CHICAGO**

# ASCAP Holds Back So Not to Seem Fighting New Broadcast Music, Inc.

Special radio committee, appointed several months ago by the board of directors of the American Society of Composers, Authors and Publishers, now won't make a report on its findings until the board's January meeting (25). The committee wants to consider some angles that have recently come up before submitting its recommendations on what form the next licensing contract with broadcasters should take.

The indications are that no new contract will be made available to the radio industry until late in the spring when the National Association of Broadcasters' project, Broadcast Music, Inc., will have had a chance to get started. It is understood that ASCAP want to avoid doing anything that might be interpreted in Washington as an attempt to trip up the industry-owned music reservoir.

## KOIN Creates Novel Biz-Salve Exec Job

Portland, Ore., Jan. 1. Creation of an entirely new position in the radio exec field is claimed by C. W. Myers, president of KOIN, in appointing Harry H. Buckendahl to the post of director of commercial relations. Buckendahl is definitely unattached to the sales department or any other established department of the station, and his position is created for the better contact between KOIN and national advertising agencies, together with advertisers in general. For the present he will confine his activities to the local community, but expects in the future to be a sort of traveling ambassador for the station with commercial contacts in the national field.

## Civic Pride

Pl Worth, Jan. 1. When Editor H. I. Trout of the Glen Rose, Tex., Reporter was asked to appear on a recent KOKO suburban editor program, 15 Glen Rose business concerns subscribed a purse to cover Editor Trout's bus fare to Fort Worth and return. The fare, \$1.50.

commercial contacts in the national field. Buckendahl comes to KOIN after being the Pacific coast manager for Gilman, Nicoll & Ruthman, publishers' representatives.

## Religious Show Sponsored

San Antonio, Jan. 1. Dairyland, Inc., local dairy, is presenting a half hour program titled Sunday School of the Air through KABC each Sabbath afternoon. Account was placed through Marion Johnson Agency. Besides religious music a transcribed program, "The Living Bible," will also be heard.

# Chicago's Negro Station

By Dan Goldberg

Chicago, Jan. 1.

Chicago has always been a fertile field for specialized racial (language) groups, such as Jewish, Hungarian, German, Polish, Italian, Swedish and with all the local (non-network) stations making a play for these groups. But of all the stations only one has established itself as the Negro station. That is WBSB, which is at present carrying a schedule of five-and-a-half hours of Negro shows weekly under the direction of Jack Cooper, colored entertainer, producer and salesman who has been with the outfit since 1928 and who in this time has built up a strong race following for the transmitter.

Cooper, who formerly was with Eubie Blake and Noble Sissie, does everything connected with the Negro programs. He sells 'em, books 'em, sets the talent, writes the show, announces and produces the shows, and has established himself pretty much

as the No. 1 Negro entertainer in this territory, with a rep that extends through all the Negro communities in the nation.

## No Accent

Cooper doesn't talk in the typical Negro accent which is common in vaude and radio. He doesn't without any hint of "southern" vintage, and that is probably a terrific advantage since his listeners don't get the impression that he is talking down to 'em.

At present the Negro programs on the stations are scheduled on Sundays at 6-6:30 a.m., 9-10 and 11-12 on Sunday night, Thursdays from 9:30 to 10 p.m., Tuesday-Thursday-Friday 11-12 at night, and Saturdays from 2:30 to 3 p.m.

Among the sponsors are Grove Furniture, Jones Undertaking and Funeral Home, the General Furniture Company, Michelin Furniture, Scotland Credit, Monroe-Pox Clothing, Lakeview Dairy and a number of other local merchants who buy announcements.

Unquestionably the most popular type of show for the Negro is the religious choir and gospel programs. Cooper has made tie-ups with 37 colored churches which supply 47 singing groups, ranging from choirs down to quartets and singles. But the Negro listener evidently loves to hear over and over hymns and more hymns. Despite the popular conception that the Negro goes for hot stuff, the church music rates far and away the most popular of programming.

For the late evening hours Cooper has plenty of hot records, however, which are used with announcements under the program tags of "Hot and Boistered" and "Sizzling Super-Swing."

Cooper supplies the talent for all the programs with the exception of the Jones Funeral Home, which furnishes its own performers in the shape of a gospel quartet, rated one of the top-notch attractions on WBSB.

In gathering talent for the shows the main expense is concerned with phone calls, bus fare and money for clean laundry. Most of the performers work for the love of it, though the growing commercial strength of these programs is causing many of the singers to begin asking for folding money for appearing on the commercial shows. They are still willing to warble for nix on the sustaining shows.

WBSB maintains a studio in the heart of the local colored district where most of the Negro shows originate. Not only does this save carfare, but it has been found that the Negroes are more at ease in their own studio than in the uptown broadcasting booth.

Cooper also runs a public service program tagged "Search for Missing Persons" and in the year that the period has been on he has located some 700 Negroes in all parts of the country. To such an extent has this grown that the Chicago Police Department now actively cooperates with the WBSB program.

## Toledo Disc Firm Formed

Toledo, Jan. 1. Sweeney Sales, Inc., Toledo, new firm, has been organized to manufacture and distribute a new radio-recorder player combination. Corporation will also make electrical transcriptions for radio use, and is licensee for Modern Talking Pictures, industrial films.



Ed Mason, WLW farm announcer, interview Louis J. Taber, Master of the National Grange (left), and Roy Barrie, Agricultural Agent of Clermont County, Ohio, at Clermont County Farm Picnic.

# "Everybody's Farm Hour"—ANOTHER WLW EXCLUSIVE

Typical of WLW's service to its large rural audience is the WLW program, *Everybody's Farm Hour*. WLW originated this program not to compete with the *National Farm and Home Hour* (which it replaced on WLW), but to give its listeners an equally fine program devoted to their particular interests—a sectionalized *Farm Hour*—a program not available from any other station. *Everybody's Farm Hour* deals specifically with the crops and daily activities which vitally concern WLW's rural listeners.

Cooperating closely with farm organizations and agricultural colleges, this program is continuing to bring to the WLW audience: Practical Farmers and Farm Wives—County Agricultural Agents—Home Demonstration Agents—4-H Club Leaders—4-H Club Boys and Girls—Future Farmers of America—Farm Organization Leaders—and Representatives of such Federal Agencies as the Soil Conservation Service—Farm Credit Administration—Farm Security Administration—The Triple A—Agricultural Marketing Service—and other U. S. Department of Agriculture Officials.

Enthusiastic listener response proves that *Everybody's Farm Hour* is truly attuned to life in rural WLW-land.

'LATE SPORTS REVIEW' with all the news available for sponsorship



**WLW THE NATION'S most "Merchandise-Able" STATION**

**WLW means business in Baltimore**

## SALES PROMOTION AMMUNITION FOR THE LOCAL BROADCASTER

(Bureau of Radio Advertising)

By Samuel J. Henry, Jr.

Washington, Jan. 1. When the NAB gathered in extraordinary session in Washington in February, 1938, the convention theme paraphrased Shakespeare, to wit: "Now is the winter of our discontent—and why doesn't somebody do something?"

Under Neville Miller's guidance, the reorganized NAB decided radio was tired of fighting endless rear-guard actions in defense of radio; how about a little good, clean aggression on the broadcaster's behalf? The thought being, of course, that a strong offense is often the best defense.

Broadcast Music, Inc., was one re-

sult of this thinking, the NAB Code and the Bureau of Radio Advertising is still a third.

Unlike the Goddess of Wisdom, the Bureau of Radio Advertising did not spring full-blown from anybody's brow. The Sales Managers' Division had long recognized the need for some central clearing house of information and sales ammunition, to be made available to all member stations for local sales and promotion use. The Bureau was duly authorized by the NAB Board, and established at NAB headquarters early in 1939.

The Bureau is designed to promote radio as an advertising medium; to conduct research and studies in all

commercial, industrial and marketing fields requiring the use of advertising; to collect from the industry basic information, in suitable form, for the industry; to place in the hands of commercial radio men effective presentations, sales stories and data, especially adapted for use in auditions, divisional dealer and salesmen meetings; to develop closer relations with advertisers, advertising agencies, trade bodies and the trade press.

In selling time, the Bureau believes, nothing succeeds like success stories. A keystone in its promotion efforts, therefore, is the series of industry trade studies (in reality individual case histories and success stories) published under the title, "Results from Radio."

The experience of stations who have used the Bureau's studies seems to bear out the Bureau's original belief. Their reaction is worth noting. Officially, therefore, the series of full-time operation of the Bureau was delayed by other and more pressing matters. The first study, Sept. 1. In four months over 300 stations have ordered and are using a total of 3,000 copies of "Results from Radio" studies. (Three have been released to date, on department stores, laundries, and an unusual combination of jeweler-optician-furniture-clothing). In addition, these same stations have utilized 1,600 copies of the basic sales presentation, "Radio Reaches People."

In planning and producing the "Results from Radio" series, the Bureau has found that once full information is collected, and documented by exact sales results from an authoritative source, the studies almost write themselves. It is only necessary to be simple, clear, direct and honest. The case history itself is the thing, and much of the Bureau's time is devoted to searching, collecting and organizing it into useful form. No frills, no window dressing, no irrelevant headlines to obscure the main selling point, which is simply that:

"Here, Mr. Local Advertiser, is proof that radio advertising, properly applied, will work for you."

National manufacturers are always concerned with the demands and opinions of their dealers. Several outstanding surveys, expressing the media preference of dealers in many fields, have already been made by networks and individual stations. The general radio results of these surveys will be made available to NAB members for use in convincing local dealers in other fields. It is hoped these reports will filter back to the home office but, just to make doubly sure, the Bureau itself carries the message of dealer preference for radio, to the trade groups and individual companies who have not yet accepted the medium.

### Only the Time Chiseler Himself Is Fooled

As the original announcement of the Bureau stated, one of its important functions will be to examine proposals from publicity-seeking groups to uncover any hidden commercial interest, and to divert as many as possible into commercial users of radio; to stop the free-radio abuse.

It is not hard to detect a time-chiseler. Only the chiseler himself is usually fooled. Yet stations, and advertisers, need to be made fully aware of the serious threat to radio's economic position, and to its prestige as an advertising medium, which lies in unrestricted acceptance of so-called "free offers." This the Bureau has tried to do in three ways:

1. Give wide publicity to the time-chiseler—thus shaming them into ceasing their efforts and making all stations aware of same.
  2. Bring home to stations the simple, obvious fact that nine out of 10 free offers represent companies who have money to spend, that do spend it in newspapers and other media, and will spend it in radio when they are made to realize that is the only way they can take advantage of radio's mass circulation.
  3. Make advertisers realize they are better off in the long run if they pay for time.
- The Bureau encourages individual stations to bring this last fact home to local dealers and distributors, endeavoring to get them to sponsor the "free-offer." At the same time, the parent company is also solicited for sponsorship on a national basis, or asked to encourage their local outlets to buy time.
- Experience has shown this works in two ways. Over 60 stations sold their local film exhibitors a 15-minute transcription plug-in the RKO picture, "Swiss Family Robinson." The film producers have slowed down on subsequent giveaways, in-

### Not Promising

17 Salt Lake City, Jan. 1. KSL has a new Russell Stewart program entitled: "You Name It, We'll Play It, If We Have It."

For the exhibitors will feel they are being put on the spot to buy advertising which is more properly paid for by the home office. Already stations have noted a lessening in time-chiseling attempts, and from sources which have been most prolific in the past. For example, Ed Cargill of WMAZ, states:

"I frankly believe that the amount of this material received is definitely and gradually decreasing. It is my firm belief that the greatest majority of broadcasters are taking the same attitude we are in turning down this type of promotion that should be delivered on paid time."

Encouraging, yes, but education is a slow and painful process and the Bureau continues to receive reports

of new time-chiseling attempts almost daily. Many stem from un-informed newcomers, innocently seeking a little free radio publicity—without malice aforethought. A letter from NAB Headquarters, politely warning that such things simply are not done, usually suffices to make them subside.

Others are nothing more than high-powered rackets, often providing excellent program material in script or transcribed form, at considerable expense. The letter to the station runs something like this:

Recognizing the serious program problem faced by many stations, the Blank company is now able to offer you this outstanding series of programs which you may broadcast absolutely free of charge (or even sell for a profit) in return for which all we ask is just a "tenny-uccy" credit line.

In some cases, no credit line is requested, which simply means that the advertising is buried in the script itself under the guise of public interest material.

### NO ADVERTISING CAMPAIGN IS COMPLETE WITHOUT WSM



### IF YOU'D LIKE TO BREAK A FEW SALES QUOTAS THIS FALL, CONSIDER THE FOLLOWING:

Domestic Commerce (published by the U. S. Department of Commerce) features these figures for the East South Central States. Change from June, 1938, to June, 1939.

Wholesalers' Sales .....	Up 9.7%
Accounts Receivable .....	Up 5.1%
Inventories .....	Down 6.1%

#### Add to these the following:

Industrial Employment (8 months) .....	Up 7.7%
New-Car Sales .....	Up 40%
Electrical Power Consumption .....	Up 11%
Telephone .....	Up 7%
Bank Deposits .....	Up 7%
Retail Sales .....	Up 8%

With sales INCREASING, employment up and inventories DECREASING the East South Central States, WSM's front yard, are ready to do a rushing business. WSM, the dominant 50,000 Watt Station in this favorable region, can carry your sales message to the people who buy, with a maximum of effectiveness and a minimum of cost. May we show you facts and figures?



National Representatives, EDWARD PETRY & CO., INC.

### HOLIDAY GREETINGS

FROM

**HAROLD BETTS**  
(RADIO'S ROMANTIC BACHELOR)

8th Renewal—My Record as "DOGGY DAN" for

**JOHN MORRELL & CO.**

WMAQ—NBC

CHICAGO

## ARE YOUSE A VIPER KY. ADVERTISER?

Distribution costs being what they are, advertisers don't find a very profitable market in such typical small Kentucky towns as Viper, Greasy Creek, Cub Run, and the like. . . . In fact, the only large section of Kentucky offering really concentrated sales opportunity is the Louisville Trading Area—the home of a million people, who buy more than all the rest of Kentucky combined! . . . To cover this area which offers its listeners the finest home-town entertainment, plus the best on NBC, May we send you the complete story?

**LOUISVILLE'S WAVE**  
INCORPORATED  
1000 WATTS • • • 940 K.C. • • • N.B.C.  
NATIONAL REPRESENTATIVES: FREE & PETERS, INC.

ARRANGER • RADIO • COMPOSER • CONDUCTOR  
KIM • MOTION PICTURES • THEATRES

**KEN SISSON**

Direction: JACK LAVIN, The Park Central, New York

### GREETINGS FROM

**DICK HARDING**

'the man with a 1,000 flying fingers'  
NEIL HOUSE, COLUMBUS MBS, Coast-to-Coast

# POP MUSIC IN 1930

By ABE GREEN

It's been a good music year, and continues to look good. The new voice, virility and personality, both in music styles and in manpower. New firms and new blood revitalized Tin Pan Alley. Despite the war, England gave America (notably via Victor-Bernstein) a No. 1 firm of the year. The year's foremost hits, namely, 'Penny Serenade,' 'South of the Border,' 'My Prayer,' 'Beer Barrel Polka,' 'Cinderella Stay in My Arms,' etc.

A sluggish Hollywood produced a lively Broadway. The musicals with 'run dry for a spell, so the tunesmiths, recognizing their ineffectual plight in 'South of the American Way,' 'Come Fly,' 'Are You Having Any Fun?' 'Get Out of Town,' 'I Didn't Know What Time It Was,' 'Do I Love You—Do I Not?' etc.

Pop song quality improved also. Refugees coming over, observed, 'My, what a wonderfully musical nation America is! The evening, 'Lullaby of Broadway,' 'Delaney and Raymond Scott's jazzique.' In an 18th Century 'Drawing Room' (Mozart theme), 'Our Love' and 'My Reverie' (debut by Larry Clinton); 'Moon Love' (Tschakowsky, via Andre Kostelanetz's arrangement); 'How Strange' (Metro-Goldwyn-Mayer, via A. B. Zimmerman's 'Kok Stranno,' from the Russian), etc.

Almo Domini 1939 also produced 'Three Little Fishies in the Big Blue Pond' ('Tant Wan' 'Tou Tan' 'Thatcha De' 'It's Well, All Right, I Want the Water with Her,' 'Hold Tight,' 'Under the Spreading Chestnut Tree,' 'Booms-a-Daisy' (later two from England), 'Little Man Who Wouldn't Dance,' and the like.

The year's trade evolutions were, Fred Waring and his banders, who, in 1930, were the first to begin campaigning for the 'interpretive' artists' rights on recording machines, got ex-mayor Jimmy Walker to front the National Association of Performing Artists in a drive to collect from the coin-machines.

## They Hoisted at the Crossroads

The boom of the phonographs in turn created a host of 'joke joints' at the crossroads and in the sticks, where the music was played to the patrons, who were not dropping a nickel-in-the-slot. Even ASCAP couldn't cope with this, realizing that its proprietary rights were limited to the collecting of the money from the patrons, but not with the NAPA (recording artists) claiming a vital right, it is hoped to collect from the 450,000 (very roughly estimated) coin machines all over the country in pubs, taverns, danceries and the like.

Coin-machine thing, has been dramatized in the past in various manners. The Czechoslovakian, for example, into a national craze, being originally a Czechoslovakian place that was being widely performed around the Buffalo, N. Y., sector by the 'Balkan' and 'Czech' workers, in their local beerstubs. It was thus called to Shapiro-Bernstein's attention, and it has sold 600,000 sheet copies and as many as 100,000 records to date.

The coin machines have also created such pop hits as 'The One Rose That's Left in My Heart,' 'Sunrise Serenade,' 'El Rancho Grande,' etc.

But more important in recent months has been the manner in which the disks attracted certain recording artists into being popular. The 'Balkan' and 'Czech' workers, for example, were out so many recordings of certain fake bands and artists (Glenn Miller, Artie Shaw, Benny Goodman, Andrews Sisters, Artie Tuckler-Bonnie Baker) that new favorites were born strictly of the wax.

## Wanted to Be Publishers

And Want Are Firms Out. In turn, this manifestation of the disk vogue gave a number of bandsters the music publishing bee. They realized they would not rate in ASCAP, via the traditional methods, competing with the old-established veteran firms and catalogs, but they might be able to collect from disk performing rights. Veritable rash of new publishers sprang up. Fred Waring, of course, has been staggering along with his Words & Music company for some years now—and losing money—his other partners, including the Larned brothers, have dropped out. Guy and Carmen Lombardo have been concentrating on Olman Music Corp. Meantime a flock of new firms are finding their way into the market. One of the latest is handling the old Maurice Abrahams, Inc. catalog, acquired from the latter's widow, Belle Baker. Teddy Powell is in on Harry Tenney, Inc., Nathan Shilkret incorporated a firm bearing his name, Tommy Dorsey, after being almost set to pay \$60,000 for a 50% interest in Larry Spier's firm, nicknamed with another vogue, 'The Well-Well' (the Well catalog, Chicago), she also joining company. Isham Jones, whose Jones, Inc., was long since sold to Max Meyer, the publisher, bought Gen Music, Inc., which was owned by his brother as operator, has Melo-Art, Horace Hildner, the famous Victor Music, and one of the more successful indie catalogs, 'The Music, owned by Mark Warrington, who publishes a lot of Raymond Scott's stuff. (Scott, see Harry Warrington, Mark's brother.) Lincoln Music, in which Larry Clinton was supposed to have a 50% interest, has been dropped out, backing of Andrew Weinberger, attorney and personal rep of Artie Shaw and Richard Himber, which inspired the trade belief that both have been both out of the business.

Likewise Glen Gray (Casa Loma) denies a trade suspicion that he has a piece of Jewel Music, the firm which came to attention as one of the 'Balkan' and 'Czech' workers, in 'Sunrise Serenade.' On the matter of lawyers in the band business, John Gluskin, Dorsey's attorney, is see-treasurer of Well. On the new firms, Fred Waring, who is in the business, has Bregman-Rosen Vocco-Chester Conn combination, which, 'telling from 'And the Angels Sing,' right through 'Little Sir Echo' and 'You Did It,' and the still currently successful 'Scatterbrain,' has made its mark.

When Joe Morris sold in the firm bearing his name, to

Archie Fletcher, the latter early this year refused a \$75,000 bid from Lou Diamond (Famous Music) to sell out to the latter's firm. The latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Johnny Mercer-Edwin H. (Buddy) Morris have been the Joe Morris, who, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Between Joe and Buddy Morris, the latter deciding to go into business for himself when resigning as head of the latter's firm, the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Last week Mercer Starr added the Millrose Music catalog for \$75,000 and took in \$100,000 in December as You Did It in May?

Joe Davis was another sellout to Willie Horowitz, vice professional man, and Alner Silver, songwriter, both becoming publishers in the year. Davis continues independently under another name.

Other new indie publishers are songwriters Sam Coslow (in Hollywood) and Eugene Weinstock (in the Orleans). Personality highlights of the year saw Kate Smith celebrating her ninth anniversary in the business; Rudy Vallee (Golden Records) and Al Jolson (Victor) celebrating their Robins his quarter-of-a-century. The Smith, Whitman and Robbins events were signalized publicly with special sections in 'Hollywood' and 'The New York Times'.

Isidore Witmark, who with his brother Jay are the sole surviving members of the original Witmark & Sons (now a WB subsidiary) anchored his breezy memoirs, 'From Ragtime to Swingtime.'

Jimmy Walker, back as an exec of NAPA, went 'In Our Little Interpretive' and 'The New York Times' to the office of Starr at the Madison Sq. Garden, this being his second year in 26 years. A quarter of century ago he authored 'Will You Be in December as You Did It in May?'

Artie Shaw, who figured as the Cinderella Man of the Bounce Bands in 1930, and who is vivid to the music biz because of his swingolips, did all right for himself, though a little. Started with his quick rise, then lambasting jitterbugs as morons, then scrambling his pants into retirement, and then becoming a panache of the band leaders, and then publishers for trade practices. The band chose to give it the lifted eyebrow shrug. Shaw also made himself vivid by his 'The Blue Bird' record, which, in a Victor release, made that dormant yesterday Cole Porter tune a smash. Shaw's 'Indian Love Call' was in the same idiom, but the record, with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

Benny Goodman, equally vivid as the king of swing, published his autobiography, did a Carnegie Hall concert that was his last, and did a record, 'The Sound of the Dream,' that lasted 13 performances.

John Philip Sousa, 38, sought to carry on the illustrious name of his father, but he died in the year, and his son, John, who was to carry on, another long-established writing team severed when Al Dubin teamed with Jimmy McHugh, and Harry Warren with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

Personality items of a tragic sort saw the death of Joe 'The Blue Bird' record, which, in a Victor release, made that dormant yesterday Cole Porter tune a smash. Shaw's 'Indian Love Call' was in the same idiom, but the record, with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

## Fired at ASCAP in 1939

ASCAP was beset by legal antagonism on all fronts, no less than 48 anti-ASCAP bills all charging the same monopoly and restraint of trade allegations, being filed. It's cost ASCAP staggering legal bills. Finally made the board members wonder why the Society hadn't long since gone in for some judicious public relations work. Hating ASCAP had become an emotional matter, not just a business dispute.

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'The Lamp Is Low,' 'Moonlight Serenade' and 'Deep Purple.' There were sundry pop song manifestations of the note. The bands and the novelties, and the 'Balkan' and 'Czech' workers, in 'Sunrise Serenade,' 'El Rancho Grande,' after being dormant for years, stepped out in a big way. That inspired a rhythmic recreation of 'Circus' (the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Between Joe and Buddy Morris, the latter deciding to go into business for himself when resigning as head of the latter's firm, the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Last week Mercer Starr added the Millrose Music catalog for \$75,000 and took in \$100,000 in December as You Did It in May?

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Other new indie publishers are songwriters Sam Coslow (in Hollywood) and Eugene Weinstock (in the Orleans). Personality highlights of the year saw Kate Smith celebrating her ninth anniversary in the business; Rudy Vallee (Golden Records) and Al Jolson (Victor) celebrating their Robins his quarter-of-a-century. The Smith, Whitman and Robbins events were signalized publicly with special sections in 'Hollywood' and 'The New York Times'.

Isidore Witmark, who with his brother Jay are the sole surviving members of the original Witmark & Sons (now a WB subsidiary) anchored his breezy memoirs, 'From Ragtime to Swingtime.'

Jimmy Walker, back as an exec of NAPA, went 'In Our Little Interpretive' and 'The New York Times' to the office of Starr at the Madison Sq. Garden, this being his second year in 26 years. A quarter of century ago he authored 'Will You Be in December as You Did It in May?'

Artie Shaw, who figured as the Cinderella Man of the Bounce Bands in 1930, and who is vivid to the music biz because of his swingolips, did all right for himself, though a little. Started with his quick rise, then lambasting jitterbugs as morons, then scrambling his pants into retirement, and then becoming a panache of the band leaders, and then publishers for trade practices. The band chose to give it the lifted eyebrow shrug. Shaw also made himself vivid by his 'The Blue Bird' record, which, in a Victor release, made that dormant yesterday Cole Porter tune a smash. Shaw's 'Indian Love Call' was in the same idiom, but the record, with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

Benny Goodman, equally vivid as the king of swing, published his autobiography, did a Carnegie Hall concert that was his last, and did a record, 'The Sound of the Dream,' that lasted 13 performances.

John Philip Sousa, 38, sought to carry on the illustrious name of his father, but he died in the year, and his son, John, who was to carry on, another long-established writing team severed when Al Dubin teamed with Jimmy McHugh, and Harry Warren with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

Personality items of a tragic sort saw the death of Joe 'The Blue Bird' record, which, in a Victor release, made that dormant yesterday Cole Porter tune a smash. Shaw's 'Indian Love Call' was in the same idiom, but the record, with Artie Dixie and songsmith Johnny Mercer, came a radio personality.

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## WALTON-PARK AVE. GIVES JIVE BUM'S RUSH

Walton-Astoria hotel, N. Y., is not likely to go in for the 'Balkan' and 'Czech' workers, in 'Sunrise Serenade,' 'El Rancho Grande,' after being dormant for years, stepped out in a big way. That inspired a rhythmic recreation of 'Circus' (the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Between Joe and Buddy Morris, the latter deciding to go into business for himself when resigning as head of the latter's firm, the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Last week Mercer Starr added the Millrose Music catalog for \$75,000 and took in \$100,000 in December as You Did It in May?

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## Sweet Dividends

Analysis of the best-sellers reveals that the 'Balkan' and 'Czech' workers, in 'Sunrise Serenade,' 'El Rancho Grande,' after being dormant for years, stepped out in a big way. That inspired a rhythmic recreation of 'Circus' (the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Between Joe and Buddy Morris, the latter deciding to go into business for himself when resigning as head of the latter's firm, the latter, in the year, refused a \$100,000 offer from him (Fletcher's) heart necessitated retirement. Last week Mercer Starr added the Millrose Music catalog for \$75,000 and took in \$100,000 in December as You Did It in May?

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## Faithful to Block

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## Bring 'Em Back A'Jive

A Plague in One Act

By Lester Gottlieb

"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 reach 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 release."—FRED NAYLOR, Decca.

The Scene: Apartment of the noted bandleader Marty Thaw. The Time: 1940. The Characters: Marty Thaw, Mrs. Thaw.

MRS. THAW: Buck up, honey. It's only a fad.

MARTY: Perhaps, but think of my reputation. I've always been a pioneer. Didn't I create Bubble Rhythm?

MRS. THAW: Oh, well, you're set solid at La Rumpus. Then you can go back to the borchtic circuit.

MARTY: Yes, but if I quit quick I lose my network wire. Why I even lost a fan club yesterday.

MRS. THAW: Are you really sure the oldest tune you got in the books is 'Japanese Sandman'?

MARTY: Worse than that. I played 'Avalon' last night and even a jilted sergusn't "why don't you grow up."

MRS. THAW: How about 'A Bird in a Gilded Cage'? That was written in 1900. I should know. That's when I broke in.

MARTY: Ah, Mark Warnow had that No. 3 on the Hit Parade last month.

MRS. THAW: What you should have been nicer to that J. Fred Helf.

MARTY: He wrote 'A Picture No Artist Can Paint,' didn't he?

MRS. THAW: He was good enough to get next-to-last slot on 'We, the People,' as the songwriter of the month.

MARTY: Just cause he wrote it in 1930 and got 77 network plugs. What can I understand that he wants to carry him into the studio.

MRS. THAW: But that's what the public wants. The older the better.

MARTY: What a craze. Charlie Foreman took a bow the other night at the Famous Door.

MRS. THAW: What did he write?

MARTY: 'Gold Will Make Most Anything but a True Girl's Heart.' Glenn Miller just recorded it.

MRS. THAW: And Sammy Kaye just swung and swayed 'You Got Comes First, Your Country Next, and Then Mother, Dear.' Why ain't I older so I can remember all those A.K. tunes.

MRS. THAW: Why is he trying to study.

(Junior enters the room, his head buried in a textbook.)

JUNIOR: Daddy, what is a Gregorian chant?

MARTY: A what?

JUNIOR: Teacher says it's one of the oldest forms of music.

MARTY: Give me that book. I'm singing it!

CURTAIN

Louis D. Frolich, who conducted the platoon case. Although it was in the lap of the attorney-general for defense, Deputy John Riedel, representing the office, said back and forth allowed the case to be spearheaded by William Hotz, Omaha, and Andrew Beckwith, who carried the case for the broadcasters.

Came Buck, E. C. Mills, John C. Paulsen, Mrs. E. Z. Zellerbach, John Gillin, WOW, Omaha, and Don Seale, Central States (KOIL, KFAB, and KFON).

In 1928, evidence was introduced that Nebraska theaters gave ASCAP \$25,000 a year, and \$28,000, and Seale's group \$27,000.

Larry Clinton took part in a television stunt Sunday (31), directing his band via the iconoscope from an 87th floor stand in Rockefeller Plaza, Radio City. Band was indoors in the RCA Bldg.

Not since the halcyon days of the '20s had the British music biz been so busy in Europe as it was in 1939. The B.B.C. had clamped down on payments and special case. First of all went the others and had even okayed a scheme whereby publishers were to be assured of plugs on their selected tunes on a quota basis without any expense. Although there were war clouds, the B.B.C. was not getting really very worried overmuch. Everybody was getting used to it, and the case jugged on its contrite on today, meaning today's hit.

Thus began 1939: Sheet music sales took a nosedive, and particularly broadcasting fees, increasing; income from the new commercial radio advertising was quoted at 60% and

## 1939's 20 Best Sellers

'Angels Sing'  
'The Barrel Polka'  
'Blue Orchids'  
'Deep in a Dream'  
'Then Pearly'  
'God Bless America'  
'Jeepers Creepie'  
'Little Bo Boop'  
'Man with the Mandolin'  
'Moon Love'  
'My Frayee'  
'Over the Rainbow'  
'Penny Serenade'  
'Scatterbrained'  
'Serpent of the Border'  
'Sunrise Serenade'  
'Three Little Fishes'  
'Unhappy Man'  
'Wishing'  
'You Must Be Beautiful'  
Baby

## On the Upbeat

Lennie Hayton's group succeeds George Auld at N. Y. Roseland ballroom Jan. 6.

Benny Goodman's outfit does a special short wave broadcast beamed at Scandinavian countries the afternoon of Jan. 15.

Bob Chester follows the Paramount N. Y. date with a stand at the State, Hartford, Jan. 24.

George Damerel, son of Myrt, of Myrt and Margie, has moved his band from the Trocadero, N. Y., to the Sherry-Netherland, N. Y.

Mal Kemp plays the Florida State Fair, Tampa, Jan. 30-Feb. 3.

Spud Murphy pulls out of a long stretch at the Blue Gardens, Armonk, N. Y., Jan. 10.

Sixie Dowell, whose new band is in rehearsal, writes a new tune called 'Playmates.' Santly-Joy publishing.

Paul Wimball, formerly with Paul Whiteman, may take over personal management of Chicago Teagarden with John Glavin on the scene but inactive.

Kay Kyser does his first one-nighter in the New York area in some time Jan. 7. Plays the Continental, White Plains, N. Y.

Phil Maskind, trumpet, joined Gray Gordon. He replaced Glen Roling.

Count Basie goes into the Golden Gate, San Francisco, N. Y., for a week. Luneford does three days there Friday (5) to Sunday, Duke Ellington at Hamilton Park, Astoria, N. Y., and Les Hite and Harlan Leonard bands due before

plans were being carried out to evacuate London and other centers. Writers began to think up new ideas about a song program, and weren't really very new after all.

The outbreak of war looked like it would be a song program, and weren't really very new after all. The outbreak of war looked like it would be a song program, and weren't really very new after all. The outbreak of war looked like it would be a song program, and weren't really very new after all.

How Bad Programs Can Be  
The B.B.C. moved to somewhere in the west of England and for a few weeks showed how bad radio programs could be in an emergency. It had a stock company of artists who were getting as much in a week as they did for a single broadcast. It had a stock of gramophone records which they sandwiched in with war news or other about current events. The subject such as: 'How to take care of your gas mask.'

The British public, read to stand

## WHEN'S A MUSICIAN READY TO LEAD HIS OWN BAND?

By Gene Krupa

There are several things that revolve in the mind of a musician which eventually spin into one train of thought to produce the idea—that he should strike out on his own and become a band leader. While in a featured spot with another band there are many factors, publicity, and similar tipoffs that the public is ripe to accept a band of his leadership.

When a musician's plainer indication lies in response to recordings made with a band under one name, even though still a member of the orchestra. Quite often these platters are made with the self-same musicians with whom they are working for the original band, but very heavy. There are, however, there really can be no accurate gauging of the 'best time' to step out, and, as a result, some take the jump too early; others too late. It was offered financial backing for a band of my own fully a year before to the decision to go ahead with such plans.

It's a lot of work and a prolonged headache both in forming a new band and keeping it in operation. The main reason for a new band, just like any other business, is money. The outlay can be very heavy. There are, so many individual and costly phases, such as arrangements, rehearsal halls, rehearsal salaries, uniforms, music stands, the expense of traveling around auditioning and gathering men, and after all that is completed, if the band isn't lucky enough to grab lucrative dates right off, the expenses keep mounting. In my case the top reached about \$7,000. That's about average, but we were lucky in that there was a demand for the band anyway; hence, there were few added items. Arthur Horney and his attorney were my backers and handlers and still are.

Arrangements Come First  
Arrangements determine a band's style and are the first things to be thought of. I had 10 selections completed when the manpower reported for first rehearsals and another 40 were ready to be rehearsed, and practicing. The 50 were split into 30 standards, the first to be made up, and 20 pops.

Gathering musicians takes a lot of time. Most new bands are formed with out-of-town men, prospective leaders traveling to listen to them. True, there are embryo outfits made up of local men wherever the band is formed, but stocking a crew of men is a very hard job. There are, it's difficult to get men with fire and enthusiasm, so necessary to a new group. Taking them from out of town they're usually young, full of ambition and with salaries which are not very high. They are, however, they had just starting out, it's logical to assume that a new business getting underway with heavy maintenance expense is in danger of collapsing if re-tuned.

That's why it's so necessary for a musician who expects to have his own band to know when he's ripe for it. As above stated, an accurate knowledge of his own popularity is necessary to insure that he has a good audience for his group. Otherwise, he can ask a price for the band from the beginning that is higher than the cost of operation, the overflow going to help wipe out the costs of starting. If that can be done, it's safe to say the band has a chance.

Danger of 'Scale' Typing  
Otherwise, if a new group begins by accurate scale and possibly less while beginning, there is a danger of remaining in that 'scale' class. Which, of course, means that it'll be a long time before the 'starting out' is erased, and a good chance that it will never be. There are many bands who are presently in that category that still make it around until they 'happen' to some extent, but the chances are slim. However, some of the most popular bands in the world were around several years and were still in the red long after they got into the public ear.

If it had cost me and my backers as much as it has cost other bandleaders to put new bands on the starting line I would have remained as a sideman in other bands.

At the time I stepped out on my own my average yearly take amounted to about \$25,000. And I would have had to have had a very hard time troubles that go with being a band leader. If the returns aren't commensurate, it isn't worth it. However, if you've got what the public wants, just like any other line of business, they'll pay for it.

Basie, Andy Kirk departs as one Golden Gate, Teddy Young remaining.

Tony Pastor, former Artie Shaw duke singer, Sunday (7) one-nites his new band at Hamilton Park, Astoria, N. Y., far from maestro's home town, Hartford.

For most anything, protested, and gradually came an improvement until it was nearly back to normal, but with a song program, and weren't really very new after all. The outbreak of war looked like it would be a song program, and weren't really very new after all. The outbreak of war looked like it would be a song program, and weren't really very new after all.

This in turn led to a racket that is hitting the publishers harder than it has since radio was started. In the fight to get in, the maestro finally tells the contact man that his brass section now contains a cash register which can give sweet music program material, scrap up suitable songs and look for a new 'cupper' or 'Pack Up Your Troubles'.

'South of the Border.'  
'Angels Sing.'  
'The Barrel Polka.'  
'Blue Orchids.'  
'Deep in a Dream.'  
'Then Pearly.'  
'God Bless America.'  
'Jeepers Creepie.'  
'Little Bo Boop.'  
'Man with the Mandolin.'  
'Moon Love.'  
'My Frayee.'  
'Over the Rainbow.'  
'Penny Serenade.'  
'Scatterbrained.'  
'Serpent of the Border.'  
'Sunrise Serenade.'  
'Three Little Fishes.'  
'Unhappy Man.'  
'Wishing.'  
'You Must Be Beautiful.'  
Baby

A few of these carried over, but in many cases they were not in accord with the new feeling engendered by the war. The revival of some of the old 1914-1918 favorites, but although these still

## Omaha Appeals Decision Nixing Anti-ASCAP Law

Lincoln, Jan. 1. William J. Hotz, special states attorney on the case, said today that he would file an appeal from the decision of a Federal district court, which Thursday (2) invalidated a Nebraska law directed against the operations of the American Society of Composers, Authors and Publishers in this state. Hotz said that the question was not so much as to whether the law was so important to composers as was music users that a final adjudication should be made by the U. S. supreme court. Also so that such adjudication could be used for a proper basis of legislation in the matter of performing rights payments.

The special state court ruling was a sweeping victory for ASCAP, and granted in effect a permanent injunction on a motion which was passed by the Nebraska legislature in 1937. Two months after Gov. R. S. Ladd signed the law, the Supreme Court obtained a temporary injunction from the federal court on the plea that it was in violation of the Constitution.

Following was conducted a couple of months ago before a three-judge court. Judges Gardner, Donohoe, and Munger on the bench. The case was prepared and read by Judge Gardner, and stated:

"I conclude that permanent injunction restraining enforcement of this statute must be granted. Counting the plaintiffs may be the findings of fact and conclusions of law with form of decree in accordance with this opinion."

"Where the connection between the invalid parts is such as to warrant belief that the legislature could not have passed the act without the invalid parts, the whole act must be set aside. In the case of the statute which we are here considering is such an essential part of the statute as to be inseparable. In view of this conclusion, it is unnecessary to consider the other parts of the statute which have been cited and elaborately briefed by counsel for the respective parties."

Suit was filed against secretary of state, state treasurer, state auditor, attorney-general and numerous county attorneys, for the state by

## Tootler Appeals Ruling Hotel Wasn't His Boss

Omaha, Jan. 1.

John F. Elmore, Omaha musician, filed an appeal with the Nebraska supreme court from a district court ruling he was not an employee of the Hill hotel and therefore could not collect unemployment compensation.

Elmore played with Bobbie Bowman's orchestra at the Hill from June, 1938, to January, 1939, then lost his job. He says he has that his unemployment claim was allowed by the unemployment compensation division's ruling that he was an employee of Bowman, not hotel.

Elmore, a new batch has been added. These are not all war songs, but mostly they have that swing which helps to keep up the nation's spirits. Probably the best is Gracie Hanks' 'I'm With the Bandstand Run,' by Noel Gay (composer of 'Lambeth Walk'). 'The Sacred Fire' 'South of the Border,' 'Tiger Always Be an England,' 'Kiss Me Goodnight Sweetheart,' 'We'll Meet Again' 'I'm With the Bandstand,' 'Wings Over the Navy,' 'Lords of the Air,' 'They Can't Black Out the Sun' and 'I'm With the Bandstand' are being included in all concert parties entertaining the troops.

Goodbye, Sally. Analysis of 80% of English origin.

Most war produce one national theme. In the case of the new Florence Nightingale, and the last war Nurse Edith Cavell, and this one so far is in the case of the new war to Capri gave concerts to front line troops. The British Government is sending by the war. The new revival of some of the old 1914-1918 favorites, but although these still

**By Bernie Wood**

From the executive and the most important happenings was the sudden exit of Willard Alexander from Music Corp. of America to hook up with the William Morris agency in a creative capacity, in charge of bands. His first such effort is the Will Bradley outfit.

There were quite a few other changes, chiefly minor, but among the major happenings was formation of the U. S. Record Corp. and its threat to garner some of the bigger bands from the ranks of independent labels to hypo records in order to keep their artists. Important, too, was the shift of Benny Goodman from Victor to the new 50c Columbia label.



## WOFS OF A BAND MANAGER

### By One of Them

Since the band business has reached such enormous proportions, in comparison to what it was even just a few years ago, more and more is the band personal manager becoming an important figure. The trade, especially the booking office: which are harassed day in and day out by 50-called personal managers who don't know their jobs, is becoming increasingly aware of the many maestro handlers brought into the business this past summer by the rash of new bands. They're heads-down from any angle.

The personal manager familiar with and competent enough to handle every aspect of his job is necessary for many reasons. There are five band booking agencies in the country which control practically every band of note: Music Corp. of America, General Amus. Corp., William Morris, Consolidated Radio Artists, and Fredericks Bros.

MCA is admittedly the largest. They steer the destinies of some 200 or more orchestras. Obviously it's virtually impossible for an agency with so many properties to devote much more time to each individual group than to see to it that they're kept working.

That's where the personal manager comes in. He not only should oversee the bookings and prices laid out for his bands, coordinating the efforts of various departments working on one-nighters, theatres, radio, records, location stands, etc., but should have sufficient knowledge of geography to protect his men from the murderous schedules sometimes set up by these departments; making certain that his men aren't overly fatigued by repeated long jumps too close together on the calendar. Such situations can only result in lowering an outfit's playing standard.

### One-Nighters

On the other hand, protection for promoters on a one-night tour shouldn't be forgotten. Which means being sure that a previous day's stand is not too close to a succeeding one, thereby killing the possible draw in each to some extent. Latter angle, too, also protects the band in the event it's playing on a percentage basis.

Another one-night duty is having fairly intimate knowledge concerning the spots a band is to play. Capacities, etc., which give knowledge of how much money it's possible to get for a particular gig. The manager is keeping the band on a steady schedule when it's on one-nighters. It keeps the men in the band happy. It doesn't happen every night, but by the amount of work done. Most bands have been broken up by more one-nighters tours than probably any other dissatisfaction. However, some bands have come out of this and paid a straight weekly salary no matter how much work is on hand. But even in that case the manager is still responsible to the leader for the work he is doing.

lack of sustained schedules. "The music business is a business where you demand personal, managerial attention," says Lippman. "There are a lot of people who are also many. It entails selecting the right house in competitive townships such as New York, where the Paramount Studios is located. There are a lot of bands, and problem of playing the standards, which often don't or can't afford to pay standard prices. Dates are often as late as later may reflect on subsequent standard prices. There are a lot of bands and a flop at the Broadway Paramount, for instance, is dangerous. Too, there's the problem of checking out the music business. There are a lot of bands which best fit with certain types of orchestras. Also lighting, staging and all other minor appearing details that can trip up a band's stage appearance."

**Bad Bookings**

One of the sharpest angles in booking a band into a hotel or night location stand, which has to be avoided, is placing an outfit in a spot which may hurt its prestige. Some bands are better than others. Booking office don't always take this into consideration. If they have a chance to book a good percentage payer or bread winner, they will. If the booking office is to some stand, the opportunity jumped at whether or no the band they offer is best suited to a rooming of a certain size. Sometimes, if oftentimes it has been the breaking of a band. Some bands, after all, stands are natural band builders and others tear them down just as fast.

there must be huddles with the management to determine such things as convert charges and minimums which make the average patron stop and think. Too, there's the same problem of acts here as in theatres. For such locations it's best to avoid, whenever possible, those that have floor entertainment.

**Radio**

In radio there are two aspects to be considered—sustaining and sponsored. Sustaining is the smartest thing a station is not to wait for a booking office, but to keep hammering away at advertising agencies personally. Be continually on the lookout for ideas that may fit the property represented and continue even after the sale. Sustaining shows are practical over, which means being on the job at all times seeing that the band is not kicked around on a show which carries other talent. Grabbing such one-shotters as "Show of the Week," "Bandwagon," etc., is not profitable.

Sustaining radio creates another problem. Main point is securing choicest listening times, which includes when out-of-town coverage is likely to be greater. Then there's balancing and pacing (tunes), and checking via listening to be sure of proper instrumental balance, and once it's arrived at, see that it's maintained. Getting wires into spots that don't ordinarily carry them, and securing as many as possible, is a major undertaking.

### Records

Last but far from least is records. In setting a band with a recording company the most important angle to be considered is the label. Which means selling price and allowing for the opposition on the same record so as not to conflict with a band somewhat along the same style lines. In that category is salary, knowing how much your band is worth to a recorder.

Next in importance are the tunes. That means keeping close to the recording director and various publishers to assure a band's not being left out in the cold on numbers tabbed as future hits. It's a scheduling recording dates it's a good idea to calendar them for days most convenient to filling out a working week or days in the year. In certain periods, when it's not advisable to have the band working because business is slow anyhow. For instance Good Friday.

In the case of a new band, protecting it from the angle of second singles is a must. With recordings that are shooting higher all the time, they are a source of revenue not to be regarded lightly, and selling new outfits to a recording company at a flat rate, with no provisions for royalties, is dangerous. There's nothing which way the public's taste will veer and if a crew suddenly "happens" a flat rate contract leaves it out on a limb. An instance of this is the new band, The J. Geils Band, the test of the current big bands, though its contract was later rewritten.

Newly formed orchestras also

...demand more attention in other fields than an established group. In the first place an embryo aggregation should not, in most instances, be an air time. It's a personal management job to know when it's ripe for flight.

Sending such an outfit out on overnight is also bad judgment, more often than not. It should be held in the best location stand available. A young group is likely to become discouraged if it doesn't draw heavily on single dates as it thinks it should, inasmuch as most new outfits

## 15 Best Sheets

have the idea that everybody is breathlessly awaiting its being booked in their locality. This is not the case, however, with new bands formed around a well known instrumentalist. Keeping a new band rolling is important above all else.

**Many Lil' Details**  
Activity in behalf of the working end of either new or established orchestras, with all the attention to details required, does not, however, complete the personal manager's job. An extensive knowledge and acquaintance with a long list of musicians is essential. So many changes are made in swing bands today that, having a list of good men always at fingertip, is demanded. That same situation applies to arrangers, copyists, and all other offshoots of that particular end.

**Publicity**  
Another important angle is publicity. Correct, most favorable press-shouting has to be maintained and double ended. Under the heading comes the word "under," which is restraining too eager p.a.'s from pulling stunts not in the best of taste. The latter part of the article is a little later, want to release the entire background of a bandleader, portions of which frequently may be harmful to him. The "under" is "understandably," and it's necessary to know how and what a bandleader thinks in order to anticipate what he may do. The "under" is "understandably," and it's necessary to know how and what a bandleader thinks in order to anticipate what he may do. The "under" is "understandably," and it's necessary to know how and what a bandleader thinks in order to anticipate what he may do.

The business end of managing a band is another job that falls to the lot of p.m.'s. The band business is a big business and is treated as such. Checking booking office statements, overseeing reports coming through from road managers when the band is out of town, maintaining tax records, handling musicians' payrolls and other items are just a few of the things that have to be taken care

Last but not least a personal manager is a continual buffer between the band leader and all annoyances taking the brunt of all impacts. In other words, as he's often labeled, be a complete louse.

# Penn, Pittsburgh, Goes Statler, Hence There's Conjecture on Bands

Pittsburgh, Jan. 1. Not known yet whether there will be any change in music setup at William Penn, town's ace hotel, now that management-operation has passed into hands of Statler out of Deal for latter's taking over from Pittsburgh Hotels Corp. first of year was closed last week, with new owners announcing that Gerald O'Neil would be retained as general manager.

MCA has had a hold on band situation at William Penn for years, supplying bands exclusively for summer spot, Chatterbox, and most of the time for hostelry's Continental band. In past, no orchestra but an MC affiliate has been able to get in, but that may possibly be changed, inasmuch as it's known that some State properties have gone outside for talent.

Betty Claire, sister of Dorothy, who sings with Bobby Byrne, takes a vocalist spot with Jules Alberti crew at Show Bar, Forest Hills, L. I.

## et Music Sellers

## TOP PLUGS OF 1939

List of most-plugged songs was just about as long in 1939 as it was in 1938. That is, around 80 tunes got the works on the chains and went to town with a total of at least 180 plugs spaced over a minimum period of 10 weeks.

The tabulation that follows was made by the same methods as the tabulation for 1938. Songs in this list are chosen only if they ran up 15 or more plugs per week for 10 weeks, and during these 10 weeks there had to be at least three weeks when the plugs totaled 25 or more. Any song which got 180 plugs in, say, five weeks and then folded up, was not included, on the grounds that a song which can't last at least two and a half months is not a song that can be said to have "made it" at all, but it fails to show stamina over a long haul. Hence this method of computation, as against a method involving pure addition of plugs.

Song and Publisher	Derivation
All I Remember Is You—Remick	Pop
An Apple for the Teacher—Santley	Star Maker*
And the Angels Sing—BVC	Pop
Are You Havin' Any Fun?—Crowford	Scandals*
At Long Last Love—Chappell	You Never Know**
Barrel Dicks—Shapiro	Pop
Begin the Beguine—Harms	Jubilee*
Between a Kiss and a Sigh—Santley	Pop
Blue Evening—Miller	Pop
Blue Orchids—Famous	Pop
Blue Velvet—Chappell	Pop
Cinderella Sing in My Arms—Shapiro	Pop
Comes Love—Chappell	Vocal Boy**
Could Be—Santley	Pop
Day In, Day Out—BVC	Pop
Deep Purple—Robbins	Pop
Don't Worry 'Bout Me—Mills	Colton Club Revue*
El Rancho Grande—Marks	Pop
Especially for You—Shapiro	Pop
F. D. R. Jones—Chappell	Pop
Get Out of Town—Chappell	Pop
Go Fly a Kite With Me—Shapiro	Star Maker*
Good Morning—Chappell	Rabes in Arms*
Gotta Get Some Shuteye—Berlin	Pop
Have You Forgotten Me—Shapiro	Pop
He Can Wait—Remick	Pop
Hold Tight—Exclusive	Pop
Hurry Home—Spier	Pop
I Cried for You—Miller	Pop
I Didn't Know What Time—Chappell	Pop
Get Along With You—Famous	Too Many Girls*
I Go for That—Famous	St. Louis Blues*
I Have Eyes—Famous	Pop
I Must See Annie—BVC	Pop
I Poured My Heart Into a Song—Berlin	Second Fiddle*
If I Didn't Care—Chappell	Pop
Jim Building a Sailboat—Shapiro	Pop
In the Middle of a Dream—Spier	Pop
Jessie's Creeping—Marks	Pop
Lady's in Love With You—Paramount	Wrong Places*
Lamp Is Low—Robbins	Some Like It Hot*
Last Night—Spier	Pop
Lilies in the Rain—Robbins	Pop
Little Sir Echo—BVC	Pop
Little Skipper—Famous	Pop
Man With the Mandolin—Santley	Pop
Moon Love—Famous	Pop
Moonlight Serenade—Robbins	Pop
My Heart Has Wings—Red Star	Pop
My Prayer—Skidmore	Pop
New Moon and an Old Serenade—Berlin	Pop
Oh, You Crazy Moon—Witmark	Pop
Our Love—Chappell	Wizard of Oz*
Over the Rainbow—Famous	Pop
Penny Serenade—Shapiro	Pop
Scatterbrain—BVC	Pop
Sing Song—Santley	Pop
Southern American Way—Harms	Heat Side of Heaven*
South of the Border—Shapiro	Streets of Paris*
Stairway to the Stars—Shapiro	Pop
Strange Enchantment—Famous	Pop
Thanks for Everything—Robbins	Man About Town*
This Say—Witmark	Thanks for Everything*
This Isn't B—Love—Famous	Pop
There It Is—Chappell	Back From Syracuse*
Three Little Fishies—Santley	Stars in Your Eyes*
Too—You—Paramount	Pop
Two Sleepy People—Famous	Thanks for the Memory*
Umbrella Man—Harms	Pop
We've Come Long—Famous	Pop
What Have You Got That Gets Me?—Famous	Artists and Models Abroad*
White Sails—Famous	Pop
Wishing—Crowford	Pop
Must Be Beautiful Baby—Remick	Love Affair*
You're a Sweet Little Bitch—Paramount	Hard to Get*
	Paris Honeycomb*

ut	*Film.	**Legit.
----	--------	----------

## Inside Stuff—Bands

Larry Clinton has given up recording of popular music and in the future will cut only originals, standards and novelties, except for whatever pop stuff he himself writes. Clinton reasons that if record buyers want a pop tune they're not particular about what band records it, and invariably it's bought on a 35c. plate. He's on Victor. But by putting some comparatively exclusive original on wax the public can be exploited via radio and machines into buying.

Clinton has a unique method of making up an arrangement of a pop tune for dance work. He waits until he gets at least five requests for any one number before putting it in his books. Result is that there's quite a few high-standing current pops that can't be found in his library because few have evidenced a desire to hear his band do 'em.

The Courtyard orchestra will begin the use of a sustaining program idea coincident with his opening at the Baker Hotel, Dallas, Jan. 19, which NBS has refused to allow him to use on sustainers from his listeners submitted by mail. N.Y. Times Editor James H. Bevel, Jr., in a column last week about the band's "Mad as Camel" style of courting their customers to submit pictures of any subject which best depicts titles of songs. Prizes will be awarded.

Pictures from the Dallas Hotel will be made by the new Transcontinental Broadcasting System.

Decca Record has inscribed "To You Sweetest Almond" seven different ways, which constitutes something of a record for the business. Those who have made the tune under the Decca label are Bing Crosby, Louis Armstrong, Henry King, Ray Kinney, Dick McInire, Victor Silvester and Arthur Fiedler. The latter two were the first to make it. The song was written by Herman and Dick Todd, while Horace Heidt did it for Columbia and Dot.

## 15 Best Sheet Music Sellers

(Week ending Dec. 29, 1939)

South of the Border.....	Shapiro
Oh Johnny, Oh.....	Forster
Scatterbrain.....	BVC
My Prayer.....	Shapiro
"Chatterbox ('That's Right--You're Wrong').....	Chappel
.....Rain.....	Robbins
Tell All the Things You Are ('We're Warm for May').....	Chappel
Blue Orchids.....	Famous
"Faithful Forever ('Gulliver's Travels').....	Famous
I Stop! It's Wonderful ('Musk and Wig Show').....	Spier
Indian Summer.....	Witmark
.....Standards.....	Marks
Beer Barrel Polka.....	Chappel
Goody Goodbye.....	Otman
"Little Red Fox ('That's Right--You're Wrong').....	Feist
"Fimicalac," "Production.....	



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An Outstanding Novelty by Johnny Mercer

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Orchestrated by Vic Schoen

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The Season's First Big Novelty  
By Ben Oakland and Milton Drake

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By Al Stillman and Nat Simon

**I Was Watching a Man Paint a Fence**  
The Cutest and Most Original Song Since  
"Three Little Fishes"

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The Ballad of the Year  
**CAN I HELP IT?**

A Novelty Number That is riding high  
**PIGGY WIGGY WOO**

A COTTON CLUB HIT  
**LOVE'S GOT ME DOWN AGAIN**

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To All My Friends  
From Hawaii to Miami  
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**SAMMY  
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PLAZA 3-5-8  
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GIVE BABY GIVE

Gladys Shelley

*That Song for 1940*  
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**"SO MANY TIMES"**  
 by Don De Vito & Jimmy Dorsey

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OOH! WHAT YOU SAID  
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I THOUGHT  
ABOUT YOU  
MAKE WITH  
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Carolina Moon  
Good Night Little Girl of My  
Dreams  
In a Little Gypsy Tea Room  
In the Sweet Long Ago  
In the Valley of the Moon  
Memphis Blues  
My Melancholy Baby  
On Treasure Island  
Somewhere in Old Wyoming  
When Your Hair Has Turned to  
Silver, etc., etc.

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WOLVERINE BLUES  
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HOOCHIE WOOGIE

(the original "Tine-Tup" South's)

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Band leaders, singers, pro-  
gram directors, music ma-  
chine operators and all  
others who helped my songs  
scale the heights.

And also to my two friends,  
Horace Heidt and Bill Lack-  
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By and large, 1939 has been a successful year for the American Federation of Musicians of the United States and Canada.

During the past year our membership has increased steadily; unity of purpose and cooperative action have characterized our every undertaking; varied problems that have been encountered have been solved peacefully and amicably; and most important of all, employment opportunities for our members have increased.

If one is to judge the future by the past, then 1940 is destined to be a big year for all the members of the American Federation of Musicians. The demand for live music is booming everywhere. Our employment horizons are broadening. And our organization stands ever on guard to protect the interest of its members.

To all our members everywhere, to all our friends in show business, we extend our sincerest wishes for a happy 1940. May it be even better than 1939.

Sincerely,

AMERICAN FEDERATION OF MUSICIANS

*J. N. Weber*

President

OBERSTEIN LOSES 1ST  
ROUND VS. MILLER ORC

American Federation of Musicians has tossed out the case of United States Record Corp. vs. Glenn Miller's orch. Eli Oberstein, as head of U. S. Records, sought to force Miller to record for him under a contract supposed to have been signed between them last February. Federation's board would give no ruling on the case, leaving Oberstein free to take his charges to a civil court, which he has threatened to do. (According to union rules, no dispute between member parties may be taken to outside judicial action until it's first put before Federation mediators.)

David McKay, counsel for Miller, answered Oberstein's charges, alleging fraud. Case had been filed three months ago, but wasn't acted on until last week. Meanwhile, Oberstein's new company has started rolling.

## Levington Vice Stool

Archie Levington will replace Jesse Stool, resigned as Chicago manager for Mercer & Morris, Inc., Jan. 8.

Levington is currently assistant to Harold Lee, Chicago manager of the Witmark division of the Warner Bros. group.

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Goody Goodbye

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That Knockout COTTON CLUB number  
IT'S MY TURN NOW

... AND In Preparation

THE GIRL WITH THE PIGTAILS  
IN HER HAIR

1940's New Sweetheart

MACK GOLDMAN, Prof. Mgr.

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"MUSIC BY FAITH"



*Best wishes for  
the New Year.....*

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READY JANUARY 1ST, 1940

*Songs That Will Set the World Afire*  
FROM

### WALT DISNEY'S "PINOCCHIO"

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GIVE A LITTLE WHISTLE  
TURN ON THE OLD MUSIC BOX  
LITTLE WOODEN HEAD  
I'VE GOT NO STRINGS  
HI-DIDDLE-DEE-DEE  
THREE CHEERS FOR ANYTHING

CHAS. WARREN — Prof. Mgr.

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**INDIAN SUMMER**  
With A Grand Lyric by Al Dubin

From the COTTON CLUB PARADE to your hit parade  
**YOU'RE A LUCKY GUY**

... and in preparation—that startling new ballad  
**MAKE LOVE WITH A GUITAR**  
by Maria Grever, writer of "Ti-pi-Tin" and introduced and  
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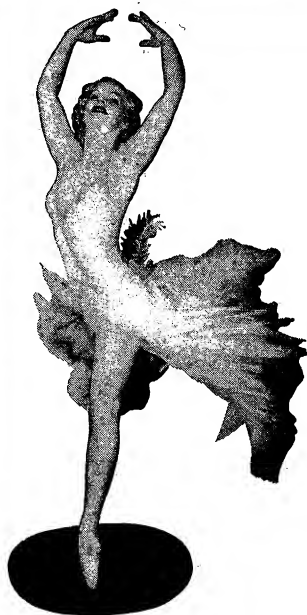












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"Miss HECTOR's dances, as anyone would expect, are a delight to the eye . . . In each of her appearances it is exciting to watch and marvel at that technique which must make Miss HECTOR something of a *Mischa Elman of the ballet*."

HARRY MACARTHUR, Evening Star, Wash.

"Lovely woman in the uppermost brackets, Harriet HECTOR, one of the few great dancers who owe no more to Russia than Isadora Duncan owed. When Miss HECTOR and her ballet danced about practically nothing at all, herself, running like the tollless fly or repulsing the pull of gravity like the highly motorized humming bird, this old belly acher melted down on the diet that dreams are made of."

ASHTON STEVENS, Chicago American.

"Harriet HECTOR the loveliest of the toe dancers."  
LLOYD LEWIS, Chicago Daily News.

"Miss HECTOR, whose middle name is grace, is incomparable."

DOROTHY DEERE, Chicago American.

"Taking best things first, we turn our attention to the faithful Miss HECTOR. She offers two routines, spinning and twirling, and altogether filling the eye with her loveliness."

RICHARD L. COE, Washington Post.

"Harriet HECTOR, following, revitalizes the circus. It's the best new dance act she's uncorked here. Her version of 'Foe's Taven' with her toes 'carefully fluttering like birds' wings against mystic-blue setting, is a striking novelty that is right down the alley of this ballet-crazy town."

PULLEN, Variety.

"America's Pavlova, Harriet HECTOR . . . adds color, grace and beauty to the show. Miss HECTOR has been very fortunate in her choice of numbers for this show in that they blend art with speed and frivolity."

unday Times, Chicago.

"Miss HECTOR solos in one of the routines that is the epitome of flowing grace and, in a court dance, does some of the HECTOR twirls and toe spinning that have made her queen of terrachore."

ANDREW R. KELLEY, Wash. Times.

"Ballerina Harriet HECTOR again charms with her imaginative dancing to Havel's 'Dulero'—and the arresting beautiful interpretive number titled 'The Haven.' The ballerina does considerable of this fascinating dance creation without music and, a toast to her artistry, you could have heard that pin, drop in the theatre. No applause could have been so thunderous."

The Show, Cleveland News

# HARRIET HOCTOR

\* EXCERPTS FROM REVIEWS DURING 1939

Personal Management: HARRY KRIVIT

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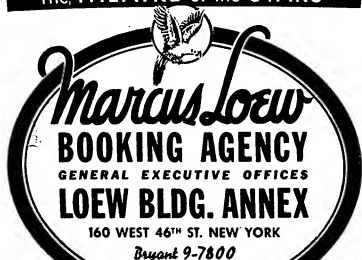
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—Denise Helene—

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To  
All

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ONE SOLID YEAR — XMAS EVE

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Direction: WILLIAM MORRIS AGENCY

That's All, Brother!

Season's Greetings

## BASIL FOMEEN



Management: GENERAL AMUSEMENT CORP.

### SEASON'S GREETINGS

## Belle Baker

### Season's Greetings

## JOE GLASER

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LOUIS  
ARMSTRONG  
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MARY LOU WILLIAMS

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JUNE RICHMOND and

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Doing the Vocals

Just Concluded 3 Months  
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Apollo, New York

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EARL HINES

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Six Months at Grand  
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SOUTH

and His Orchestra

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HAWKINS

and His Orchestra

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Howard, Washington,  
This Week

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## DON

REDMAN

and His Orchestra

Now on Western Tour

BLUESBIRD RECORDS

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'I've A Muggin' Ag'in

## STUFF

SMITH

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Off Beat Club, Chicago

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Like The Big Top...

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*Season's Greetings*

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His Piano and His Orchestra

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With grateful appreciation to VINCENT ASTOR, GASTON LAURYSEN, JULES GLAENZER, WILLIAM RHINELANDER STEWART, RICHARD ROGERS, BEN SELVIN, ELI OBERSTEIN and my many friends for their good wishes and cooperation.

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ORIGINAL EASTERN CIRCUIT  
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## THE WIERE BROS.

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Thanks to RACOYA, NAT KARSON and GENE SNYDER

Season's Greetings

Season's Greetings

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Holiday Greetings

## HERMAN L. CITRON

RCA Building, Radio City, New York

## PORTRAIT OF A CYP AGENT

By Joe Schoenfeld

Talk about the vaudeville agency business? Why hold the conversation to two words?

Of course it can be left at G. Izzy Muttel, personal representative de luce, that'll give you a high class lockdown.

G. Izzy Muttel is the third name from the button on that door in the Gypway Building. There are seven names over him, but don't let him come into believing they're silent partners. When he catches up with them, and they catch up with him, the landlord gets last month's rent, the stenographer gets another promise, and the phone company is told to wait.

Muttel has been an agent for 15 years. He used to be a prizefighter with a unique belly-roll specialty as the climax of a backdrop. From his work in the ring to a horse's head in vaudeville wasn't much of a transition, and that's how the former Canine Killer first wandered into theatricals. The acrobatic act didn't last long and Muttel joined a trampoline turn, which felt like home under another name, only this canvas had more spring to it.

Now Chauncey was pretty ambitious and soon began to think that bouncing from one canvas to another wasn't giving his bankroll any uplift. Just about this time he became acquainted, but not too familiar, with Jake Grabber, an agent who was so much on the take he made Muttel's former fight manager sound like an amateur snake-biter. Grabber wore a six-karat diamond on his left hand and carried a six-pound blackcap in the other. It wasn't a question of Grabber taking

10% of an actor's salary—it was a question of whether he would give the actor 10%.

Muttel's friendship with Grabber didn't last very long. Just a long enough for Muttel to pay him 40% of his salary for a few weeks and learn that he didn't avoid a union card to do the same thing Grabber was doing. So Muttel took another shortcut—from knockdowns in the ring to shakedowns in the talent business.

Muttel's first came into the vaudeville agency business the vaudeville business was still good. If he didn't exactly help it any. You see, Muttel has peculiar notions about the people minding their own business. For instance, he always says that the theatre business should look after the theatre business, and that he'd look after collecting his commissions. If he sometimes looks for 30%, that was also his own business.

### Some Extra Whiskies

Now Muttel isn't exactly a hunk of gamma, even if he does hold Pat Beka Kappa keys from several pool halls, but he saw right away that the vaudeville agents weren't hep to all the tricks of their own trade. They were making plenty of hay while the sun was shining, but Muttel figured out that the nights and dark days shouldn't also go to waste. He had his own idea, he thought out in advance, got a printer to give him some stationery on credit, and there he was in business.

One thing Muttel noticed right away was that all of the agents did a general business. They handled everything and anything, from acrobats to ballet dancers. But not Muttel. He decided to specialize—no suckers.

If an actor wasn't a puffer for a buildup and at least 15% commission, Muttel didn't waste much time with him. He also expected actors to show their gratitude on his birthday and every Christmas. Muttel would also admit that some of the actors didn't stand so good with him after he had the gifts appraised. Just selling acts and collecting commissions was too routine a business for Muttel. It was boring, so Muttel began to work angles. He never turned so many corners, however, that he couldn't wind up in the middle with takes from both ends.

He started the 'benefit' and 'audition' racket, but made sure never to work the gimmicks more than three or four times on the same actor. Muttel would first arrange to book a floorshow for some club affair. Then he would tell the actors that they were to appear for an audition before a couple of thousand legit and picture producers. The actors got nothing, the club got a show and Muttel didn't even pay his income tax.

He gave the racket some variation by also calling shows benefits. If he failed to tell the actors that it was strictly a benefit for himself, that was living up to Muttel's idea of minding his own business.

Just a Wrong Gee  
Muttel was also quick to notice that actors signed most anything without reading it. Muttel figured that they were either too lazy or couldn't read. He happened to be right both times, but that was no reason why he shouldn't use it to his own advantage.

This was how he hit on the idea of carbon copy signatures on contracts, which were the only things on the duplicates that read alike. The actor's contract would call for one figure, but the carbon copy that Muttel kept had an entirely different amount—and much lower, of course. This gag worked only when Muttel himself was booking some indie shooting gallery or when Muttel was splitting with some other booker with strictly private ethics,

but it worked often enough to put Muttel in U. S. Steel before the crash.

Muttel himself, or the booker in on the deal, would make the payoff to the acts on closing night. When the actor squawked that he wasn't getting the right amount, Muttel would flash his copy of the contract and claim that the actor had signed the figure on the original. It was then that Muttel would put on his best act. First he'd call the police, then a thief and a forger, then he'd threaten to call the police, and finally he'd break down and cry, and cause the actor had shattered his faith in mankind. Muttel was so often broken up he was working the caddy of the Gypway Building.

There's no telling how far Muttel would have gone if vaudeville hadn't slipped a mickey him, but his guys like Muttel helped mix, but his business now isn't what it used to be. That poker game he's running in his office is buying him some biscuits, and now and then he works a variation of the 'audition' gag, but these last few years he has been forced to gather one of the finest collections of pawns tickets in existence. So if you should ask him about the agency business, he's also apt to say, "It's lousy!"

Did you inquire what the G. stands for in G. Izzy Muttel?

On the city records it's Gregory, but some of his best friends will tell you it should be on the police blotter as GYPO.

## FIFTEEN DET. BOWERY, UNION INTO SETTLEMENT

Detroit, Jan. 1.

Fifteen is taking a bow for amiable settlement of what looked like a tough strike at Detroit's biggest millery, The Bowery. She kidded the boys on the picket line when all the unions swung their strength against the non-union place and kidded Frank Barbaro, the owner, too.

Result was that Miss Dorsey opened as scheduled. A member of three unions, she refused to cross the picket line, but her gut mood got a compromise between the unions and the management on an agreement to negotiate.

Season's Greetings

## BILLY CARR

4th Year M. C.

606 Club—Chicago

## CONNIE FANSLAU

606 Club—Chicago

## CAROLE LORD

606 Club—Chicago

## MARGARET FABER

And the 606 Sweethearts  
ANNABELLE FABER  
DEE DEE JENNINGS  
RUTH FOSSNER

My Appreciation and  
Season's Greetings to  
MR. and MRS. LOU NATHAN  
BILLY CARR  
SAMMY CLARK and  
MARTY WHITE  
From ALICE CERF

Holiday Greetings

Be A Booster For

## MILTON SCHUSTER

38 W. Randolph St., Chicago

SEASON'S GREETINGS

## JOHN VOORHEES

SEASON'S GREETINGS

to our friends everywhere

## JOE SULLIVAN

AND HIS CAFE SOCIETY ORCHESTRA

Composed of Great Negro and White Instrumentalists

APPEARING NIGHTLY

Cafe Society

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## JACK GILFORD

2nd STARRING YEAR AT CAFE SOCIETY, NEW YORK

"... He made us laugh..."  
"... He has developed into one of the funniest comedians in town..."

"One day Broadway will discover JACK GILFORD and he'll be on his way to the heights for which he seems destined..."  
ABEL GREEN—VARIETY

## HERBIE KAY

# Holiday Greetings

TED LEWIS

Holiday Greetings

FROM

DON ZELAYA

IN

MUSIC AND PHILOSOPHY

Legit. Mgt. East. Rep. West. Rep.  
HARRY BESTRY EDDIE SMITH SAM ROBERTS

Me, Too!

BILLY ROSE



HOLIDAY GREETINGS

from

BUDDY ROGERS

and His Organization

FEATURING

META STAUDER

(Ballad Stylist)

JOHNNY MORRIS

(Ace Singing Drummer Man)

MARJORIE WHITNEY

(Sweetheart of Rhythm)

JOE SODJA

(Guitar Soloist)

MICKEY SABOL

(Romantic Baritone)

SCOTTY BURBANK

(Novelty Instrumentalist)

THE FOUR NOTES  
GLEE CLUB OF 20

MUSIC CORPORATION OF AMERICA

Personal Management  
MICHAUD-PEPPE

NOTICE:

To all nite club owners who think their shows are bad.  
To all Bands who think the Acts make them look sour.  
To all Acts who think it's the Bands that smell them up.

You Ain't Seen Nothing Yet!!

We have been told by experts (drunk and sober) that our joint hits the absolute low in so called nocturnal  
...entertainment. Hey, we must really be lousy!

SO WHAT! Here we are celebrating an anniversary, too . . . OUR 15th in this same cellar . . .  
and all our bills are paid . . . unless actually get the brands they  
ask for . . . we were not worried about the work before Xmas or the work after New Year's . . . we  
even New Year's . . . Hell . . . it's just another night as far as we're concerned!

OASIS CABARET—BALTIMORE

Owned, Run, Housed, Devised and Operated in all directions by Judge Max A. Cohen, (Bel.).

GREETINGS TO MY MANY FRIENDS IN SHOWBIZNESS, JOURNALISM AND SPORTS . . . COME ON  
DOWN FOR SOME MORE LATCHES . . . YOU CAN'T BE TOO LOW DOWN TO FEEL SUPERIOR HERE . . .  
IT'S IN THE AIR (Continued by Carter) . . . FRY IS STILL HERE !!











## STILL GOLD ON THE ROAD

The sticks are also currently highly profitable for "Tobacco Road." Drama is just about getting by on Broadway, but two touring companies are sending in excellent profit checks weekly. In some spots the touring companies of "Road" are grossing four times that of the company in New York.

**KATHARINE CORNELL and GUTHRIE McCLINTIC**  
IN THEIR BEEKMAN PLACE STUDY, NEW YORK CITY





## Five Indie Brokers In Boston Sue Shuberts, Charging Ticket Monopoly

Boston, Jan. 1. Five in the ticket brokers have filed a bill in equity against the Shubert Holding Co. and others in Superior Court here. It is expected to bring a halt to a grip of several months standing in the ticket-selling fraternity since the Shuberts took over Herrick's agency.

Frank R. Foster (Toscani), Thomas M. Murphy (United Ticket Agency), Ben E. Cushman (Parker House agency), Mary Roman (Hotel Touraine agency), and Chester Seibert (Ritz-Carlton) are charging the Shuberts combine with creating a monopoly in the business of ticket resale, restraining the supply and price, and restraining free rivalry of the plaintiffs. It is also charged that the general public is prejudiced because they do not have free access to cheap tickets in the box office and that the policy of Herrick's is in violation of the laws of the General Court of Massachusetts.

Laws alleged to stipulate that no more than 50c premium shall be added in the resale of a theatre ticket in this state; later law also refers to monopoly and restraint of trade within the Commonwealth.

Herrick agency has been getting first choice of seats at Shubert houses (usually first three rows in the orchestra on hit shows); has been getting 75c premium on the re-sale; has been getting the best tickets on tickets going to other agencies, with the stipulation that the indie agencies also charge 75c.

Defendants in the action include Boston Plymouth Court (Plymouth theatre), Wilbur Theatre, Inc. (Majestic theatre), Select Theatres Corp. (Shuberts), and Herrick's, Inc. It is charged that all the defendants are controlled by Select Theatres Corp. and they are dominated by and have been acting in concert to control the resale of theatre tickets and to create a monopoly. The Shuberts control 90 per cent of all legitimate theatres in Boston, the suit further alleges.

Nathan Kirk is attorney for the plaintiffs and a preliminary hearing is scheduled for Tuesday before the Equity Motions Session before Judge Greenhalgh.

## ABBOTT ASKS REWRITE OF 'THE UNCONQUERED'

George Abbott has assigned author Ayn Rand to completely rewrite 'The Unconquered', which he opened and closed in Baltimore last week. Indications are that he will take another shot at producing the play in the spring if the Finnish-Soviet war and other world events still make it topical. It will be revised, Abbott ordered all but one set put in the storeroom. The one left in Baltimore is for the last scene, which will be written out.

Howard Freeman, who was injured in a 15-foot fall from his dressing room just before the first curtain went up last week, was returned from the Maryland General Hospital in Balto. to N. Y. Saturday (30). Paralysis which he suffered after the fall was found to be only temporary and the fears that he fractured his spine or pelvis proved groundless.

## Chi Aims to Do 'Children's Hour,' Once Banned There

Chicago, Jan. 1. 'Children's Hour,' the Lillian Hellman play which Mary Kelly prohibited from showing here some years ago in the professional theatre, will show here under amateur auspices by the Actors Co. of Chicago. Minnie Galsater, founder of the group, will direct the show, which will open Jan. 12, suspending play three more nights starting Jan. 19.

## ATS' Chi Bookings

Chicago, Jan. 1. Thoda Cocoroti, American Theatre Society rep here, returned to town last week after eastern contacts to set remainder of subscription plays for the season. Coming are 'Little Foxes,' which is figured to be the first in on the new year, followed by 'Time of Your Life' and a possibility of 'Paladino story'.

## Grombach Wants to Star Helen Gahagan, Douglas

Jean V. Grombach is dicker with Melyna Douglas and Helen Gahagan to co-star in his and Ethel Park Richardson's 'Bishop's Wife,' a dramatization of the novel by Robert Nathan. He hopes to do it in the spring. They discussed it during the recent visit of Douglas and Miss Gahagan to Mrs. Douglas in New York, but nothing is set.

Grombach, a radio producer and conception maker, last season was associated with the production of the J. B. Priestley play, 'Time and the Crossways.' Miss Richardson is a radio writer.

## PORTERFIELD'S PLAN

Va. State Theatre—Newsline Buying Va. Hams to Pay Royalties

Lynchburg, Jan. 1. Swapping Virginia ham for Broadway art may become another southern custom if a plan simmering with Bob Porterfield jells. The bawling barntowner, who makes his customers check their vegetables at the boxoffice instead of tossing them at the stage, is trying to interest the Commonwealth in backing a state theatre. He wants to make it a permanent organization, with two troupes in strategic cities. His argument is that it would be another tourist attraction.

Virginia has enough historical shrines, he says, but it doesn't give the tourist enough 'after-dark' entertainment. He favors state backing, but not state subsidization. Gave out his views while shopping this week for another supply of Virginia hams with which to pay royalties on the current season's plays.

He sent a ham as royalty to poet Bernard Shaw, a vegetarian.

## Future Plays

'Hidden Hands,' a satiric comedy by Harry Thompson, is slated as a possible February entry. Shirley Hector will produce and Eberhardt Krumschmidt direct.

## Paging A Swami

Producers of a show, which has been a big hit in a mid-western key spots for another week, waited their agent as follows, before production was about to pull out for a four road weeks tour. Try to arrange for capacity big in all intervening acts, which will be satisfied with nothing less.

## HENRY HAVING MONEY TROUBLE

Following the fast flop of 'Swingin' The Dream' at the Center N. Y., it has developed that other colored cash shows are running into difficulties. Danger signal was sounded by the management of 'John Henry' in Boston last week and there was doubt that the attraction will play out the second week. 'Henry,' which is widely publicized on Broadway as coming to the 44th Street next week, has Paul Robeson in the lead. It was produced by Sam Byrd, actor-manager, who could not be with the show, being in the cast of 'The Man Who Killed Lincoln,' which opened out of town last week.

It appears that the troubles of 'Henry' were augmented by a book-keeping mistake which spotted 'Mamie's Daughters,' colored cast drama, in Boston at the same time. Business for 'Henry' was under expectations. Equity was asked to permit 'Henry' to lay off this week because takings were off. Byrd's representative feeling that the first week in New York would be strong, what with several party sell-outs and the premiere. Permission was denied. Equity saying that if the show did not play, the players must be paid in full. There would be no salary liability if 'Henry' closes, but an eight-week interval is required by Equity before relighting. Renoted the financial trouble was finally adjusted.

A mixed cast show, 'Caribbean Cruise,' has been releasing in New York for more than the usual period and plays are now supposed to be on full pay. 'Cruise' was announced for the Bayes theatre early last month and is now mentioned to open at Daly's 63rd Street sometime this week.

## FIRST NIGHT FANFARE

By Hobe Morrison

Maybe it's the Hollywood influence. But whatever the reason, Broadway first-nights seem to be growing if not phoning, at least much louder. Still, they continue to call them 'openings,' rather than 'premieres,' as in the film colony.

But ultimately, they'll probably follow Hollywood tradition and erect grandstands in 52nd street and 45th street opposite the Guild theatre on the Music box, so the yuks can watch the celebrities arrive. About that time it'll be worth one's social or professional standing to stay away, and they'll doubtless have microphones in the lobby for converging bigwigs, including notable actors, playwrights and producers—possibly even the nation's politicians. The Juke Brattons will be there to tell everybody to say a few words to the radio audience. In a word, it'll be colossal.

Strange thing about the growing tendency toward fuss and feathers at first-night—nobody directly concerned (except the playwrights) but the people who, who considers it good prestige to have a 'first opening' really likes it, and in many instances the to-do is a distinct inconvenience and source of annoyance. There's really little doubt that the uproar sometimes seriously mars the effectiveness of the opening night performance.

However, Broadway first-nights have definitely become 'news' to the society and feature editors, so there are nearly always at least a few photographers on hand, plus special writers to describe for the news services the goings on by the visiting Hollywood star and Mrs. Whatiss of Park avenue. That accentuates the growing tendency of the 'first-night crowd' to be seen in the finest duds. It also swells the already-growing swarm of autograph hounds that descend on every opening, to rush at arriving taxicabs, crowd around the theatre entrances to impede playgoers and generally become a nuisance.

In some cases the obvious eagerness of 'celebrities' to get into the papers, or maybe just to draw attention, is rather pathetic. At the opening of 'Foreigners,' for instance, when the theatre was packed to the rafters and out by photographers who rushed about, elbowing ordinary playgoers and popping flashlight bulbs up and down the aisles, one frequently-publicized couple were plainly ignored by the photographers and survived unharmed. But as they entered the theatre a photographer who had manifestly been waiting there for just that purpose, came forward and snapped their picture. He then disappeared without being bothered to photograph anyone else. Apparently the husband had arranged to let his wife, who's a sucker for publicity. Of course the picture never appeared in any of the papers.

All this built-up excitement tends to increase one of the most objectionable phases of 'first-nighting.' That is the growing habit of the 'first-night crowd' to come late. Although opening night dinner parties are blamed for much of the tardiness (and the comparative alcoholic comatose of the late-comers) the trouble is probably much deeper than that. There's apparently some relation between the must-be-seen-in-the-right-places mentality and the social correctness of arriving late. So at the more fashionable openings people are gradually coming later and later, while the joyful greetings across the darkened auditorium are more and more usual ('commence' is certainly not the right word). Some management try to discourage first-night tardiness by refusing seat late-comers during scenes, but that doesn't work satisfactorily because those waiting in the rear of the theatre become noisy.

Even the Press

If photographers, autograph hounds and white ties are becoming more numerous at first nights, so are newspapermen. Although there are fewer dailies in New York than there were some years ago, the first-night press list has grown considerably. Reason is the papermen are being paid at least one columnist and are likely to have a few feature writers and assorted editors who want to cover the openings. Few of them will accept second-night tickets, although the press list has also grown enormously in recent seasons through the addition of numerous magazine representatives.

But of all the toney manifestations of modern first-nights, possibly the most outstanding is the activity of the 'bravo' boys. Dating from the

(Continued on page 162)

## BERT FEIBLEMAN, VET B'WAY MGR., DEAD

Bert L. Feibleman, 64, who died at the Polyclinic hospital, N. Y., Thursday (28), was unobtrusive, but very well known formerly on Broadway. Although he was not company manager for a number of hit productions, he was principally a legit house manager. During the partnership of George M. Cohan and Sam H. Harris, Feibleman was an important though not well defined member of the organization, regarded as a director's personal representative. After the firm split, however, he became more closely aligned with Cohan.

They frequently went abroad together, Feibleman always making the arrangements for such trips. He made it a point to spend the summers in Paris and found time to cruise around the world. After Cohan and Harris separated, Feibleman became manager of the Belasco, N. Y. Previously he handled the Astor. He was past exalted ruler of the Elks Indianapolis lodge, one of the oldest members of the Lambs club and belonged to the Jewish and Catholic Actors Guilds.

## 'Salute' to B'way

Hollywood, Jan. 1. Ralph Spence has completed rewrite of the 'Salute to Spring,' musical comedy given troyout at St. Louis Municipal theatre year ago, and it will be produced on Broadway by Dwight Deere Wiman.

Alfred Schille, collaborated with Spence. Lyrics are by Earl Crocker and Frederick Lowe, with Earl Crocker doing the music.



Holiday Greetings from

ALFRED LUNT and LYNN FONTANNE

AND COMPANY

Now on tour in "THE TAMING OF THE SHREW"









JOHN GOLDEN

WISHES

*The Greatest International Actress*

GERTRUDE LAWRENCE

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YOU

THE HAPPIEST OF NEW YEARS

GREETINGS

FROM

**BERT LYTELL**

PLAYING DR. JENNINGS IN

CLAIRE BOOTH'S

**"MARGIN FOR ERROR"**

*Season's Greetings*

Dennis F.

O'Brien

Arthur F.

Driscoll

Edward C.

Raftery

HELLZAPOPPIN'

2nd YEAR

OLSEN and JOHNSON

PERPETUAL COMMOTION

WINTER GARDEN, NEW YORK

LAURENCE RIVERS, INC.

*Presents*

# EDWARD EVERETT HORTON

*in*

"SPRINGTIME FOR HENRY"

*by*

BENN LEVY



On Tour

SEASON 1939-40

**MAX  
GORDON**



Met. LOU CLAYTON

7th YEAR ON BROADWAY

*The Champion Long Run Play of All Time*

**"TOBACCO ROAD"**

with

**WILL GEER (Jeeter the 5th)**

Now at the Forrest Theatre, New York

2 companies on tour—Season 1939-40

**"TOBACCO ROAD"**

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**JOHN BARTON**

Toured for 68 consecutive weeks from Coast-to-Coast

WEEK JAN. 1, 1940

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6th return engagement

**"TOBACCO ROAD"**

with

**CHARLES TIMBLIN**

Now in its 7th Week

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PRESENTED IN 500 CITIES  
IN FORTY-ONE STATES

TRIUMPHANT RETURN ENGAGE-  
MENTS IN MORE THAN 150 CITIES

Exclusive Management  
JACK KIRKLAND and HARRY H. OSHRIN

**Tickets For All Theatres  
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*George M. Cohen*

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**'YOKEL BOY'**

Now in its 8th Month

MAJESTIC, NEW YORK

\* \* \*  
THE ORIGINAL AND ONLY  
**FRENCH CASINO**

50th St. and 7th Ave., N. Y.

**LEW BROWN'S VARIETIES**

\* \* \*  
**HAPPY NEW YEAR**

*Greetings from the*

**GEORGE ABBOTT  
PRODUCTIONS**

**"SEE MY LAWYER"**

By RICHARD MAIBAUM and HARRY CLOK

with MILTON BERLE

Ezra Stone - - Teddy Hart - - Eddie Nugent

ADELPHI Theatre, New York

**"TOO MANY GIRLS"**

Music by  
RICHARD  
RODGERS

Lyrics by  
LORENZ  
HART

Book by  
GEORGE  
MARION, Jr.

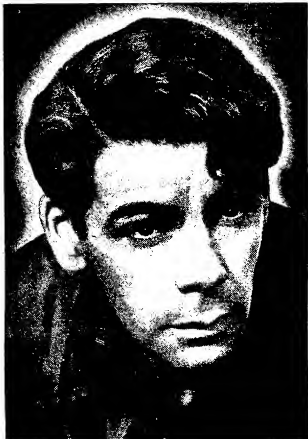
with Marcy Wescott, Hal LeRoy, Mary  
Jane Walsh, Richard Kollmar, Diosa  
Costello, Desi Arnaz, Eddie Bracken

IMPERIAL Theatre, New York

# The Playwrights' Company

MAXWELL ANDERSON • S. N. BEHRMAN • SIDNEY HOWARD  
ELMER RICE • ROBERT E. SHERWOOD

presents



# PAUL MUNI

IN

MAXWELL ANDERSON'S

# "KEY LARGO"

"In both the writing and the acting 'Key Largo' is the work of people who know their jobs in the theatre." —BROOKS ATKINSON, N. Y. Times

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AT THE

**BARRYMORE THEATRE**

NEW YORK CITY.  
NEW YORK

COMING IN  
JANUARY

**"TWO ON AN ISLAND"** by ELMER RICE

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From the

**San Carlo Opera Company**

30th SEASON

"Oldest Road Show in America"

**FORTUNE CALLO**  
Managing Director



THE THEATRE GUILD Presents  
The **ALFRED LUNT** and **LYNN FONTANNE**  
Production of

**"THE TAMING OF THE SHREW"**  
NOW ON TOUR

**PHILIP BARRY'S** Comedy  
**"THE PHILADELPHIA STORY"**  
with

**KATHARINE HEPBURN**  
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**WILLIAM SAROYAN'S** New Play  
**"THE TIME OF YOUR LIFE"**  
(Presented in association with Eddie Dowling)

with  
**EDDIE DOWLING** **JULIE HAYDON**  
BOOTH THEATRE, NEW YORK

IN REHEARSAL:  
**"THE FIFTH COLUMN"**  
with  
**FRANCHOT TONE**

Season's  
Greetings

# COLE PORTER

# BENNY BAKER

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**"DU BARRY WAS A LADY"**

46th STREET THEATRE  
NEW YORK CITY

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## "THE MAN WHO CAME TO DINNER"

By MOSS HART and GEORGE S. KAUFMAN

Original Company Now Playing Music Box Theatre, New York City

Chicago Company with Clifton Webb Opened at Harris Theatre December 25

Pacific Coast Company with Alexander Woolcott Opening in Santa Barbara, Cal., February 9

Best Wishes to *VARIETY* from

# ALDRICH & MYERS

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Now in its 3rd Month

PLYMOUTH THEATRE, N. Y.

CLARE BOOTHE'S

## "MARGIN FOR ERROR"

With

BERT LYTELL SAM LEVENE  
BRAMWELL FLETCHER LEIF ERICKSON  
ELSPETH ERIC PHILIP COOLIDGE  
and OTTO L. PREMINGER

Directed by Mr. PREMINGER  
Setting by DONALD OENSLAGER

Company Manager, RAYMOND L. BROEDER  
Press Agent, CHARLES WASHBURN

Now in its 8th Month

SELWYN THEATRE, Chicago

Coming Soon to New York

## JOHN BARRYMORE

in

## "MY DEAR CHILDREN"

By CATHERINE TURNER and JERRY HORWIN

With

DORIS DUDLEY TALA BIRELL  
PHILIP REED

Directed by OTTO L. PREMINGER  
Setting by DONALD OENSLAGER

Company Manager, PIERCE POWER-WATERS  
Press Agent, CHARLES WASHBURN

Opened Dec. 29th, 1939

At the PLAYHOUSE,  
WILMINGTON

In Association With  
BLACKWELL & CURTIS

## CONSTANCE BENNETT

in

## NOEL COWARD'S "EASY VIRTUE"

With

RICHARD AINLEY  
REGINALD MASON VIOLA ROACHE

Directed by HASSARD SHORT  
Setting by JOHN KOENIG

Company Manager JOHN H. POTTER  
Press Agent, CHARLES WASHBURN



DWIGHT DEERE WIMAN

PRESENTS:

A NEW AMERICAN COMEDY

# "MORNING'S AT SEVEN"

By PAUL OSBORN

(Author of "ON BORROWED TIME")

Now Playing Longacre Theatre, New York

IN PREPARATION

## A NEW MUSICAL COMEDY

STARRING

### Marta Eggert—Shirley Ross

Music by

**RICHARD  
RODGERS**

Lyrics by

**LORENZ  
HART**

Book by

**GLADYS  
HURLBUT**

Staging by JOSHUA LOGAN

Dances by ROBERT ALTON

Settings by JO MIELZINER

Costumes by LUCINDA BALLARD

OPENING IN NEW YORK ABOUT MARCH 1st

*Season's Greetings*

## MARY BRIAN



ON TOUR

"THREE  
AFTER  
THREE"

*Greetings for the New Year*



**ART JARRETT**  
ON TOUR — "THREE AFTER THREE"  
Direction—DOROTHY VERNON

— *Holiday Greetings* —

## VINTON FREEDLEY

— PRESENTING —

**WILLIAM  
GAXTON**

**VICTOR  
MOORE**

**SOPHIE  
TUCKER**

IN

"LEAVE IT TO ME!"

— ON TOUR —



"YOUNG MAN WITH A HORN"

WITH

**BURGESS MEREDITH**

— IN PREPARATION —

30 ROCKEFELLER PLAZA  
NEW YORK CITY

## Love To All

*Always—*

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"THREE AFTER THREE"

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## THE CRITICS' VERDICT Judge for yourself! . . .

### 100% FOR THE NEW PINS & NEEDLES

"Admirable evening's entertainment."

*Watts-Herald Tribune*  
"I've seen it through three editions and call this 'Extra'."

*Anderson-Journal American*  
"Three years old and prickly fun."

*Richard Lockridge-N. Y. Sun*  
"Dull moments are not to be found in 'New Pins and Needles'."

*Whipple-World Telegram*

"Fun."

*Barnes Monthly-Daily News*

"A merry evening."

*Vahldorf-Past*

"Liveliest musical show in town."

*Fullock-Brooklyn Eagle*

"Evoked robust applause."

*Colman-Mirror*

"Harold J. Rome scores again and Joseph Schrank's playlets are rich in humor and satire."

*Kelley Allen-Women's Wear*

"The new show is better put together, better paced and better performed."

*Time Magazine*

"The most adult revue in town."

*Robert Benchley-New Yorker*

"Bright and spontaneous."

*Clouston-Cue*

"No better entertainment, buy on B'way."

*Variety*

"As swell a show as anyone could want to see."

*Billboard*

"Spirited, enthusiastic."

*Christian Science Monitor*

"Enjoyable experience."

*Rice-Morning Telegraph*

"Improves with age."

*Price-Brooklyn Citizen*

"A great show."

*Hollywood Reporter*

"Lifting lyrics, brilliant sketches."

*Bronx Home News*

"A good show."

*Dudley-11HN*

"Crammed full of refreshing joy."

*Starr-11NCA*

"Ebullient spirit not preserved . . . If not tempted to rest on its laurels, Labor Stage knows how to put on a good show."

*Gold-N. Y. Times*

"Producers have felt the need to spice the show with a dash of rol-lalting . . . yet the fun gets under the skin."

*New Masses*

"Sour note is struck in 'Five Angels of Voce' when Stalin appears in the lineup with Chamberlain, Mussolini, a militarist Japanese and Hitler . . . 'New Pins and Needles' totters."

*Daily Worker*

"No better entertainment, buy on B'way."

*Variety*

"No better entertainment, buy on B'way."

*Variety*

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*Variety*

"No better entertainment, buy on B'way."

*Variety*

"No better entertainment, buy on B'way."

*Variety*

Season's  
Greetings!



OSCAR SERLIN presents

Clarence Day's

## LIFE WITH FATHER

Made into a play by

HOWARD LINDSAY and RUSSEL CROUSE

Directed by BRÉTAIGNE WINDUST · Setting and Costumes by STEWART CHANEY

**EMPIRE THEATRE**

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PATRICIA BOWMAN

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OF "THE BALLET THEATRE"

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## Still at Movie Prices! NEW PINS AND NEEDLES

Music & Lyrics by Harold J. Rome

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40¢ 75¢ \$1.00 55¢ \$1.10 \$1.65

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HERMAN SHUMLIN  
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# TALLULAH BANKHEAD

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## "THE LITTLE FOXES"

LILLIAN HELLMAN'S Dramatic Triumph

with  
PATRICIA COLLINGE • FRANK CONROY

CHARLES DINGLE • EUGENIA RAWLS • CARL BENTON REID  
LEE BAKER • DAN DURYEA • JOHN HARRIOTT • ABBIE MITCHELL

**In February, 1940, after a year's  
run at the National Theatre in New  
York, "The Little Foxes" will start  
on a two-season, nation-wide tour.**



## "THE MALE ANIMAL"

A New Comedy

By JAMES THURBER and ELLIOTT NUGENT

Opening Cort Theatre, New York, January 9



## Musicals Big

Continued from page 146

of all operettas, when it was a bankruptcy item.

Dwight Deere Wiman occasionally produces straight shows, but his most profitable efforts have been with musicals. When the other showmen stayed away from summer production, he came along with such hits as 'On Your Toes' and 'I Married an Angel' (now on tour) and had the summertime to himself. He is due to repeat during the season. Another consistent hit musical producer is Vinton Freedley, whose 'Leave It to Me' is on tour along with 'Angel' and 'Scandals,' plus a couple of less important tune affairs. 'Me' was a victim of the slump during the latter part of its Broadway run that accompanied the World's Fair and there was much doubt that it would be welcomed on the road. Its scores, however, are the highest of the musicals on tour.

### Abbott Enters Field

George Abbott has entered the musical field successfully. Last season he made his debut with 'The Boys From Syracuse,' which was a hit on Broadway, but has not been sent out this season. His second try is 'Too Many Girls,' which is a distinctly better money draw. Abbott has specialized on straight laugh shows, but is now counted on to regularly contribute to the musical field. He has the backing of Warners.

Freedley rarely ventures outside the musical field. He was formerly teamed with Alex A. Arons and they fashioned some of the most popular musicals, becoming encoined at the Alvin until Broadway dipped too much and the partnership broke up. Arons went to Hollywood for an extended stay, but is back and now readying a musical ('Shooting High') teamed with Georgie Hale.

Max Gordon has scored some top successes with musicals, usually of the musical comedy or operetta form. Several such presentations have not won the critics' nod, but landed well in the money, including 'Roberta' and 'The Cal and the Fiddle.' His current 'Very Warm for May' was similarly treated, but he insists it will make the grade. Gordon's most ambitious musical was 'The Great Waltz,' which also was not warmly greeted by reviewers either, yet earned back most of the production cost during a run at the Center and, like the others, made excellent money on the road.

## LEONARD B. McLAUGHLIN

Managing and Booking  
Baltimore's Leading Theatres  
MARYLAND AUDITORIUM  
(1724 corners) (1515 corners)  
Both Houses Equipped with  
W. M. Sound  
Available for bookings of all kinds  
Abbott, Leonard B. McLaughlin  
Maryland Theatre, Baltimore

## BROCK PEMBERTON

Wishes His Touring Company in

Clare Boothe's

"KISS THE BOYS GOODBYE"

A Happy New Year



Also the Same to the Companies of

Paul Horgan's

"DEATH, MR. PRESIDENT"



and Margery Sharp's

"THE NUTMEG TREE"

Which Antoinette Perry Will Direct  
for Him in 1940

Holiday Greetings

# BERT LAHR

"DU BARRY WAS A LADY"

46th Street Theatre

New York City

Season's Greetings

## ALMIRA SESSIONS

CHARACTE... COMEDIENNE  
Lew Brown's "KOKEL BOY" Majestic, New York

## Broadway

B. Moss favored Atlantic City for New Year's.

W. C. C. Fitzgerald held a big shindig at the Astor Friday (28).

Al Sindinger, publisher of Time's pub. left yesterday for New York.

S. Jay Kaufman is behind a new publishing undertaking in New York.

London went to Florida, but did back late this week.

Walter Reed of the Rivoli decided to celebrate the Santa Anita racing New Year's day.

Jim Dunne of the Rivoli decided to celebrate the New Year's day.

Mrs. Jack Spaulding, wife of the Paramount director of the Paramount, went out to bed after a long illness.

Startling Stewart, now associated with Rosalie Stewart, his sister, in the singing field on the Coast, due to the Engineers.

T. H. Blodgett elected to Allee Service Corp., directorate, taking the place left vacant by the death of A. L. Allen.

H. B. MacKenzie, Western Electric manager in Argentina, back to U.S. for prolonged vacation. Sails back to the United States.

Al Spink is agenting the Coast company of The Man Who Came to Stay, John Murray, for the Chicago company.

Robert L. Graham, Paramount producer, arrived Thursday (28) for homeoffice duties. Likely he'll be assigned another troupe.

Cliff Rice, associate producer for the Coast, went to New York, catching the legions. He just finished work on 'Saints Double Trouble'.

James O. Stack, once director and v.p. of the RKO, came back to the U.S. to the RKO, directed and wrote of the RKO, succeeding the late Albert Koller.

Henry Holms of the RKO home office, department of the RKO, succeeded David Thompson who died last week.

Joe Hummel, Warner Bros. foreign manager, expected to return to the U.S. this month from Argentina, where he has been for six weeks.

Talk that 'Streets of Paris' may be made into a short, with a new cast, is being replaced by Abbott and Costello, who are bound to New York by commitments.

Willard Keefe leaving a post with the RKO, to be replaced by Al Johnson, who is expected to start rehearsals for New Year's.

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Roy Lambert bought West End rights of 'Dead Heat' by Sir Robert Vanston, deal made by Eric Gals.

Barry O'Brien, who is touring Mice Cat's, New York, will be appearing for touring rights of author's 'Mice Cat's' without delay.

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Walter Reed of the Rivoli decided to celebrate the Santa Anita racing New Year's day.

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Mrs. Jack Spaulding, wife of the Paramount director of the Paramount, went out to bed after a long illness.

Startling Stewart, now associated with Rosalie Stewart, his sister, in the singing field on the Coast, due to the Engineers.

T. H. Blodgett elected to Allee Service Corp., directorate, taking the place left vacant by the death of A. L. Allen.

H. B. MacKenzie, Western Electric manager in Argentina, back to U.S. for prolonged vacation. Sails back to the United States.

Al Spink is agenting the Coast company of The Man Who Came to Stay, John Murray, for the Chicago company.

Robert L. Graham, Paramount producer, arrived Thursday (28) for homeoffice duties. Likely he'll be assigned another troupe.

Cliff Rice, associate producer for the Coast, went to New York, catching the legions. He just finished work on 'Saints Double Trouble'.

James O. Stack, once director and v.p. of the RKO, came back to the U.S. to the RKO, directed and wrote of the RKO, succeeding the late Albert Koller.

Henry Holms of the RKO home office, department of the RKO, succeeded David Thompson who died last week.

Joe Hummel, Warner Bros. foreign manager, expected to return to the U.S. this month from Argentina, where he has been for six weeks.

Talk that 'Streets of Paris' may be made into a short, with a new cast, is being replaced by Abbott and Costello, who are bound to New York by commitments.

Willard Keefe leaving a post with the RKO, to be replaced by Al Johnson, who is expected to start rehearsals for New Year's.

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## Hollywood

Bob Palmer nursing flu.

Pat O'Brien recuperating from heart attack.

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## Literati

Milton's New Daily.

George Fort Milton, Chattanooga, Tenn., newspaper publisher whose paper, the Chattanooga News, was allegedly sold from beneath him and his wife, Mrs. Milton, to a publisher in that city. In association with a number of former employees of the News, Milton formed the Chattanooga Newsman Corp. to bring out a new afternoon paper to be known as the Evening Tribune.

Allied with Milton in the project are Alfred D. Mynders, who was associate editor of the News; Harry P. Clark, Jr., managing editor, and R. E. Nicholson, director of circulation.

At the time the Chattanooga News suspended publication on Dec. 16, Milton charged the act was carried out by a number of stockholders in behalf of a rival publisher.

The best told stories told or heard about newspapermen and their work will fetch prices from Sigma Delta Chi, home of journalism internality, with Lowell Thomas, Irvin S. Cobb and Arthur R. Brown as judges.

The contest will be a three-day, serialized book; second prize, \$15 and an inscribed silver key; third prize, \$10 and a silver key.

What may be considered a hitch to the competition is that the submitted entries must contain no libel or obscenity.

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## Chatter

Monocled. He photographed the famed Brann's.

William G. Whittemore has quit as assistant v.p. of the American News company, which has been published for 28 years with the company.

'The American Thesaurus of Slung,' containing around 10,000 expressions, is being published by Crowell in the spring.

William LaVare sailed for South America to attend to business and to gather material and take pictures for a book on Venezuela.

Valencia, Spain, is the scene of a robbery for a while and will make his home in the Virgin Islands in an effort to restore his health.

New Look carries picture story on Dorothy Dix, who has been passing out to fannies through her newspaper column for 43 years. She's now in 24 papers.

William Du Bois, of the N. Y. Times, who's had a number of plays produced, makes his bow as a novelist with a whodunit, 'The Case of the Deadly Diary,' to appear this week.

Former colleagues on the N.Y. World-Telegram at Christmas saluted Murdoch MacLeod, recently retired from the post of managing editor. Composing the message, the committee were Douglas Gilbert, 'Speed' Denlinger and Frederick Wolfman.

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Former colleagues



**BEST WISHES**  
**FOR**  
**1940**

**Eastman Kodak Company**

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BEST WISHES

Jimmy T. Berlew

# ENTERTAINMENT

PRICE  
25¢

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## BOOKS MUSIC THEATRE

### Phono. Discs—Not Radio—Develop Singers; NBC Flopped on Ink Spots

As agency impressing generally agree that the phonograph industry has taken over from radio the function of developing singers. It's been four or five years since a single artist could have been made by radio but phonograph records can lay claim to the clicking of such singers as the Andrews Sisters, Boswell Sisters and the Ink Spots. The latter (colored) seminary was on NBC for years but they made no headway in popularity until they started making records for Decca. "Thank 'I I Didn't Care" started them. As a result of this shift in material developing agency men have begun to view themselves more conversant with the latest output of the disc mills.

Not so long ago it was radio that produced candidates for popular attention in other media such as films, stage and discs. Now the course is reversed, with radio waiting to see what the other media succeed in producing to headline broadcasts.

### Refugee Lawyer Writes Play, Starring Himself, To Hurdle U.S. Barrier

Ingenious attempt to get into the United States via a play which he has written to star himself is being made by a former top-ranking Berlin attorney. Drama, now going the rounds of New York agents, is by Dr. Erich M. Frey, who is exiled in Chile and unable to obtain a permit to enter this country under the quota laws.

With plenty of time on his hands, Dr. Frey set out to hurdle the immigration technicians. So he wrote the play and later made the major role in it himself. Now he hopes to find a producer to stage it and thus stage a visiting actor's first, which would allow him to enter the country without awaiting the quota clearance.

Play deals with various aspects of humanity, with the leading player as attorney—by Dr. Frey would mean a titled "The Dr. Frey Case" (The Third Ear) and has just been translated from the German by the New Barclay agency, international play brokers. Dr. Frey, who is Jewish, appeared as defense counsel in many famous Berlin political trials.

### Having Fun for \$1.50

Joe Meisner, Jan. 9  
Mary Little radio columnist for MARY-KRIST in The Meisner Register and Tribune, is organizing a contest for AKA-Better on "How to Have Fun on \$1.50."  
The winners will have an all-expense paid trip to Chicago.

### Brain Operation Filmed

Tokyo, Dec. 18.  
The first medical picture in sound to be produced in this country will soon be released for educational purposes.  
It is the work of Dr. Kageo Saito, head of a section of the Nagoya Medical University, and will show a delicate piece of surgery upon the brain of an epileptic. Operation will be accompanied by music.

### BOWLING NEW MENACE TO B.O.

Minneapolis, Jan. 9.  
Bowling is the latest concern of exhibitors in the territory. With the public going strong for the game in ever increasing numbers, allies are springing up like mushrooms everywhere. What's more, they're playing to capacity houses, diverting much trade away from the show-houses.

The alarming part of the development is that women are becoming as good customers of the bowling alleys as the men, it's pointed out by exhibitors. Leagues are being formed right and left. Here in Minneapolis they've even formed a film league, with all of the exchanges and many exhibitors represented.

Bowling is being exploited as a weight reducer for the fat sex, but it adds up as an additional headache for exhibitors.

### WHAT TO CALL BABY A 15G RADIO CONTEST

Peppodent will give away \$15,000 as a prize in a name picking contest, slated to start on the Bob Hope program Jan. 26. The object of the game will be the infant daughter of Bill Goodwin, announcer and stage on the show. She was born two weeks ago. Winner of the name that's pinned on the youngster will get \$1,000.

The last time that Peppodent had a similar name picking contest it involved Madame Queen's baby in the Amos 'n' Andy script. The contest drew 2,500,000 buyers.

### 3d Starrer At 2.

Hollywood, Jan. 9  
Baby Sandy starts her third Universal picture, "The Lady in Lady," this month, shortly after she reaches the age of 2.  
Muppet will celebrate her second birthday Jan. 18.

### BREAKS TERRIBLE THIRTIES' GLOOM

Song Sheet and Phonograph Disc Sales Figures for 1939, with Promise of Even Better 1940, Marks Recovery From Headache Decade—And One of Few Industries in America to Really Turn the Tide

### LEADERS NAMED

So far as the popular music industry of the United States is concerned, the Terrible Thirties decade has ended with a complete restoration of vigor and public affection. Tentative estimates for both song sheet and phonograph record sales for 1939 are sensational when contrasted with the multi-year slump of a few years ago. Taken together with the present number and popularity of name dance orchestras the figures are eloquent of one of the most amazing comebacks ever scored within amusements and, in a wider sense, makes the music industry one of the few American businesses to really climb out of the 1930-40 vale. Through a check on jobber sources it is estimated that the turnover of (Continued on page 35)

### AUTOGRAPH SECRETARY SAVES WEAR AND TEAR

Detroit, Jan. 9.  
Here's a tip to all autograph-hounded actors, actresses, politicians, preachers, authors and other celebrities who wear out their good right—or left—arm in signatures or handshakes. Gov. Lauren Dickson, no mean shakes at coping publicity, has just appointed a Secretary of Autographs. He picked out Velma Jean Spotts, 19 and attractive, as his god-handling secretary.  
Wherever the Governor goes there will go Velma. She will hand out pretty little autographed cards, signed by the Governor at leisure, embossed, what's more by the State seal of Michigan. She also will help to greet visitors, doubling for the Governor on the hand-pumping business.  
The aged Dickson has been called upon to address what he calls "meetings" at least 25 times since his election's junket, when he returned from the conference of Governors in New York to criticize "high life in high places."  
To avoid handshakes and autograph bounds he has been ducking out of the backdoor, but the Governor is not a political chump. Not like that. He figures that he still is good for about 10 minutes a day. He returned from his duties after the secretary cuts in.

### Laughton Meets Memphis Femmes And They Express Their Sorrow

### What About Stripes?

St. Louis, Jan. 9.  
Corvets at the Hawthorne state penitentiary have a weekly radio program, 30 Minutes Behind Prison Walls. Over the recent holidays the cove got 6,000 pieces of fan mail.  
One inmate: "I love your voice. Meet me in the lobby of the hotel. Wear a white carnation."

Memphis, Jan. 9.  
Charles Laughton's one-day excursion here for Discs premiere of "Hush" at Motie Dams' was general favor from all save the ladies of the Memphis Better Film Council.

Academy award winner generally made favorable impression at cocktail party, two brief personal on Helen Palmer stage, where picture is showing, and with the press. But better Filmmakers are still scolding their dilettantes.

Femmes squawked that Laughton was untidy, was no vet, had twisted ring for saddle and dirty shirt. Hair wasn't combed, they said. Nor were they pleased with the frankness of the picture about women from "Rembrandt" which he read to them, topped by awkward remark that he hoped all the ladies' little boys would feel that way about them. "I don't know if there's a newspaper down town that's taken the newsman later to complain about its stout."

Funny twist to incident was that this was the only chance arranged by Terry Turner and Don Price, handling visit, to which Britisher had objected. He said he was no lecturer and couldn't bear to face so many women at once.

### Cheese Was Too Much, So Philly's City Hall No Longer OK's Free Ads

Philadelphia, Jan. 9.  
Theatrical and film press agents who were able to promote free ads in tables on the sides of City Hall ballyhooing their productions in the past will get the thumbs-down treatment on this bid in the future. Mayor Robert E. Lammont, who has put the kibosh on it with the idea that the municipal holidays would only be used for civic and charitable events.

Advertising men said the mounds of cheese in the heart of the city, were worth a couple of hundred dollars a day. Those were given gratis in the past to any p.k. who had an ad with the Mayor or his secretary.

A couple of months ago an ex-political artist was successful in getting a sign: "Welcome Hour of Cheese" on the side of the Municipal Building ballyhooing the engagement of Phil Spitznagel former arch of the "Daily Eagle" to his wife.

Even nitery artists were able to nail the choice spot with a "Welcome our Duesler" in big, blazing lights. The low spot was reached when "Eat More Cheese" was shown above Broadway and Market streets, heralding a convention of cheese manufacturers.

### PARIS NITE LIFE GIVEN A HYPO

Paris, Jan. 9.  
A few more shades of gray are being put back into "gay Paris" following several new decisions taken by local military authorities towards normalizing the capital's night life.

The ban on public dancing, as since the start of the war, has been lifted and 49 dancehalls have received permission to reopen. This was decided upon after the one-day trial of rumormongering, on St. Catherine's Day (Jan. 26), was considered a huge success.

The 11 p.m. curfew was set aside by permit merry-making over the Christmas holidays, according to an official announcement. Prefect of Police Langemann was authorized to permit cafes, restaurants, dancehalls, (Continued on page 35)

### S. A. LYNCH, PIC EXHIB, BUYS FLORIDA RAILROAD

Miami, Jan. 9.  
S. A. Lynch, veteran showman and partner of Paramount in the operation of a circuit of theatres in Miami and vicinity, has acquired control of the Florida East Coast Railway. He has been in the line for some time.

Negotiations were carried on through J. F. Morgan & Co. of New York.

Lynch, owner of numerous hotels in Miami as well as other real estate, has sold Venetian Islands, development near Miami.

### Film Radio's History

Twentieth-Fox is reading a story concerning the rise of radio from the crystal sets to television and sound. Alice Faye and Don Ameche in the leading roles. It may be one of the best productions on the company's 1940 schedule. Radio stars of the past decade would be included in the cast.





# NEWS QUENY PUBLIC

## Goldwyn's \$975,000 'Westerner' May Find Berth on Shelf; WB Deal Off

Unless Samuel Goldwyn has something very unique up his cuff, general trade opinion is that the United Artists label battery has jockeyed him into the unhappy position of passing almost \$1,000,000 worth of film for which he has no release. The 'Westerner' will shortly come to the finish line at a cost of approximately \$975,000, and unless Goldwyn is willing to pay a heavy dose of his pride and give it to United Artists for release, he apparently will have to put it on the shelf.

Although there is no official statement from Warner Bros. that the distribution of the film is off, there is a strong denial of reports to that effect. Paramount and RKO have declined legal guinea pigs for the Goldwyn situation of UA and are not terminating and it appears unlikely that other companies will do so themselves.

Goldwyn, who arrived in New York Friday (8) night, in accordance with instructions from his attorney, Max D. Berman, kept his line tightly closed on the entire matter. There was little more valuable work in the current indication of the trade press reports of the 'Westerner' and being off.

Goldwyn, trained from the Coast to Chicago with James Muir, his cousin, and planned the remainder of the distribution. He is thought to be in to accept the New York film critics' award Sunday (7) for "The Fighting Heart" as the best picture of the year, but has had a series of battles in his Waldorf Astor Hotel. He returns to the Coast today (Wednesday) or tomorrow. Warner Bros. released a letter to Charles Schwartz, co-owner of UA with O'Brien, Cronin & Bailey, to "Wells" deposited on the switch when the Warner circuit had immediately advised breaking the Goldwyns' deal. The letter was registered on the Coast by Harry Warner, Graduate Sales, also the Schneider, company treasurer, and Joe Bernhard, Warner circuit head.

**Westerner Inhibition Stalls**  
Goldwyn's letter that the inhibition act against WB to prevent distribution and an action for damages. (Continued on page 53)

## M-G, PAR, 20TH COULD GET 40 PIX

Only 60 pictures each will be released by Metro, RKO-Pic, 20th-Fox for 1946-47, according to release indications. Most will be made in England, topped up with Hollywood names. The three studios have each an average of up to six feature pictures per season, but it's understood that next year new seasons won't exceed one picture, which constitutes heavy trim numerically over past seasons.

## Par Narrows Down Cartoon Feature Field

Several weeks by Paramount entering the past few weeks have resulted from about 20 to four the picture subjects for feature-length cartoons by Max Fleischer to production will be made within the next few weeks. (Under the right subject, it is said by Par's story department, is made difficult by demand of the cartoonists' hands that it not be scarce, so have suspense)

## 'Pinocchio' In After 2 Years of Cartooning

Hollywood, Jan. 8. Walt Disney wound up camera work on his animated cartoon, "Pinocchio," after two years of shooting and turned it over to crew for the working-in of sound track on the master print. Tentative release is set for Feb. 23. Original plan was to send it out this month.

## UA PRODUCER DEAL NEAR CLOSING

Addition of another producer to the UA line is being talked of this week, with deal having been virtually worked out and only signing of the papers needed to make it official. Name of the newcomer is being kept secret, even the UA line is being let in on it. Murray Silverstone, company's chief, is known to have been negotiating recently with the Frank-George-Robert studio unit. It is not believed, however, that the Capra-Bazin deal is up to the UA line.

Another change in the UA producer act being arranged, it is said, is the Al Hirschfeld deal. Hirschfeld's activities from London to Hollywood when he flashes his present projects for the British Admiralty, "Chasing the U-Boat," "Korda, Silverstone and other UA entries established on the switch when the English producer-owner was in the U. S. about a month ago. James Roosevelt's unit, product of which will be distributed by UA, will get underway on its first picture, "The Bat," in April. Roosevelt has also purchased "Storm in Paradise," by David Bush and Henri Verneuil, and "Love Song," which will be published in novella form in McCall's mag in February. Letter is for full production.

Silverstone was careful to point out that Samuel Goldwyn, with whom Roosevelt was associated and who is now in a bottle with UA, will not be the financial or directing agent behind the new producer. "Mr. Roosevelt has not only financed and organized his own company, Silverstone said, but will be in every way, the guiding spirit behind his pictures."

## LEVY GOES WEST TO MAKE 'SYRACUSE'

Set with Universal for the production of one picture, to be directed by all probability by others, Jules Levy left for the Coast last night (Tues.) to prepare for "Syracuse," his initial as a producer. Setting up his own production company, known as Levycine Productions, Levy's deal is one for release only.

Until recently Levy was general sales manager of RKO, his entire career having been spent in distribution, and his theatre company resigned from RKO about two months ago, his deal with U following.

## Charles Heading East

Ernest S. Enfield, WB vp in charge of publicity-advertising, is leaving in New York Friday (12) for homeoffice huddles. Grad Sears probably will return from the Coast this afternoon. Enfield probably will devote part of his time to personally supervising the premiere of "Fighting 69th."

## TO OVERY LACK OF ATTENDANCE

**Film Companies Particularly Anxious to Know What Is Keeping Public Away From Theatres—Though Basic Industries and Agriculture Showed Definite Upturn in '39, Admish Scales Dropped Slightly**

## ALONG RADIO LINES

Strong possibility looms that the motion picture industry in the spring will employ a professional agency to hire interviewers into thousands of homes of every type in every part of the country to determine what people are watching on radio. It's to be a task on a radio survey.

While business statistics indicate a decided upturn in basic industries and agriculture—which it is figured should be reflected in increased theatre attendance—there is no proportionate gain at the boxoffice. Fact is, considerable loss office figures show that film admissions during 1939, with the average admission price lowered, were from considerably below expectations.

Problem of what is keeping the public away from theatres is on which production, distribution and circuit execs have been unable to find a satisfactory answer. They have not only pondered it for the past year, but worried over it plenty. They think it is one of the biggest snags the industry has ever been called upon to crack and one that is vital to future existence.

Several quiet combats have been held by circuit and distribution officials with members of the Harry's staff on a plan, or method for (Continued on page 53)

## RKO PAYS 160G

## TO FORGET PIC BY WELLES

Hollywood, Jan. 8. RKO is shelving "Heart's Darkness," which was to have been the first film by Orson Welles, due to the estimated budget of \$1,100,000.

Studio figured the film was overboard on cost, as it charged its director, Welles and his crew, \$100,000 by paying off \$100,000 to forget "Darkness." Welles and John Houseman have dissolved their partnership. Houseman going back to Broadway and Welles remaining in Hollywood.

They had been partners since birth of the Mercury Theatre. Houseman insists that Welles be allowed on Broadway, in spite of his ambition to make pictures.

## Freeman Will Huddle With Par Heads in N.Y.

Y. Frank Freeman, vice-president of Paramount in charge of the studio at Hollywood, is due in New York early next week for home office conferences with Warner, Babylon, Stanton L. Gruffs, Neil F. Apper, Austin C. Knepp and others. Matters on the agenda are of a general character, including production plans of the immediate future as well as for 1946-47. Since gone out to the studio two years ago, Freeman has been out only on one occasion since then.

## La Guardia Claims \$25,000,000 Will Be Spent and 125 Pix Made in N. Y. In Next 2 Yrs.; Vague on Tee-Off

## Stahl, Starr Combo To Produce Col Fair

Hollywood, Jan. 8. John M. Stahl closed down to produce two pictures this year on the Columbia lot in association with Irving Brill.

Financing will be equally split between Stahl and the studio.

## HORNER HEARS BIOFF MATTER TODAY (WED.)

Chicago, Jan. 8. Matter of ordering William Bioff's extradition from California which has become a local political issue and the cause celebre of a \$250,000 libel suit filed by Gov. Horner against the Chicago Daily News, will come up again tomorrow (Wed.) in Springfield when the Governor resumes hearings on the application. Motion for the return to Illinois of Bioff, head of labor union and representative of George E. Brown, president of the I.A.T.E., is being made by Thomas Courtney, Chicago prosecutor, who is in session of records that Bioff in 1932 played under a card a small sentence in the Birdwell.

Bioff was detained by Los Angeles police on telegraph request by Courtney and subsequently released pending issuance of an extradition order by Gov. Horner. Letter is reported to have asked the state's Attorney General, John Cassidy, for an opinion and investigation, and it is believed generally in political and labor circles here that the state's top legal officer will advise that the necessary papers be issued immediately by the governor.

Bioff's attorneys have contended that the records of the one-time conviction of the labor negotiator were due at this time because of anti-trust created by labor unions in the film studio.

## BERMAN TO METRO ON 3-YR. PRODUCER DEAL

Hollywood, Jan. 8. Pandro Berman signed a three-year pact as producer at Metro, moving in about Feb. 1. Deal calls for straight salary, without the percentages he formerly received as executive producer of RKO.

## Ross Quits As Exec, But Will Produce For Roach

Hollywood, Jan. 8. Frank Ross, executive vice-president of Hal Roach studio since last spring, has decided that job to produce two pictures on the same lot. Ross joined the Roach outfit two years ago as a reader, later becoming story editor and stepping up to the vice-presidency after the resignation of Miles Rea.

## Look's Shorts Via Par

Paramount is discussing a deal with Look magazine to distribute a series of short, already made, program making. The first, already completed, has been ordered by Par but so far a deal has not been closed.

New York's Mayor Fiorello La Guardia Monday (8) told reporters the next two years would cost \$25,000,000 spent on product and more than 125 pictures made in the metropolis. The mayor declared that N. Y. was contributing 27% of the total income of Hollywood and it was only fair that an equal proportion of work should come to this city.

"We have made pretty good progress, not as much as I would like, but a great deal more than some of the other cities can possibly boast."

The mayor also discussed that several major film companies have appeared only once for feature productions. A cinema city is under consideration with developments far ahead of them.

It was disclosed in this regard that all producers would work together on this lot, which will be large enough to handle the production. In the meanwhile, production will be carried on at the Feature Service and Biograph studios. The mayor refused to divulge the location of the new studio, pointing out that should it become known the real estate values would jump considerably.

La Guardia stated that he had spoken to many executives of the film industry, most of whom had replied and were willing to cooperate. He admitted failure to get together with others.

**Wants 'Harmless'**  
"New York does not want to take anything away from Hollywood," La Guardia declared. He expects to work in complete harmony and with the cooperation of Hollywood. He reiterated that is a great deal of capital invested in Hollywood, but we feel we should be able to make our share of the same as Los Angeles does."

As to when actual production would start La Guardia was somewhat vague. He declared that various producers would gradually be asked to work in the center. Planned down for a date, he said that some time would be taken to make the studio a haven to find that they would not all be grade A productions, but (Continued on page 18)

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# THE SPECTACULAR NEW YEAR

## ASCAP Won't Take Sides on Neely

American Society of Composers, Authors and Publishers has declined to take any side in the Neely anti-black-booting bill now before the U. S. House of Representatives. Harry Brandt, of the Independent Theatre Owners Association of N. Y., sought to interest ASCAP in stirring up opposition to the bill within its own ranks but found a chilly reception.

Brandt's line of argument was that passage of the bill would result in the closing of many film houses and thus a situation would develop ASCAP of a substantial amount of license fees.

## FACTIONS TAKE DIFFERENT SIDES

Pro and Cons Involve All Sides in the Trade in Hot Debates—Splits in Ranks of Trade Associations Not Unlikely Over Anti-Black Booting Measure

### UNIONS, TOO

Before it is decided one way or another, with that possibly meaning the U. S. Supreme court ultimately, the Neely bill to outlaw black-booting threatens to draw sections into a bitter-fought battle between movie and distributor. The pro and cons are already mounting in unprecedented seriousness, with even latest action and demand for the bill and making time out to go on record concerning it.

Premises is that every single exhibitor in the country, together with various exhibitors not aligned with trade associations, will be in the firing to either tear down, or defend the much-discussed Neely legislation.

Exhibitor organizations are the producers and distributing organizations on edge, with their attorneys highly restless about the pending Neely measure, but throughout the trade, both in major and independent quarters, it is being urged to stand fast and not exclude pro agents, for instance, who are actively of the opinion that the Neely bill, if passed, will redound to their benefit, since every picture will be sold separately to movie, demand the best in showmanship and exploitation.

Film salesmen are equally of the opinion that their sale will be improved through the Neely bill. The thought is also expressed that the number of sales jobs for film salesmen, press agents, exploiters and others would no doubt multiply.

Exhibitor organizations are divided on Neely, but the majority are urging all their members to carefully study the provisions of the measure, so that they may recognize its benefits, or forestall its disadvantages. Split in the ranks of various trade associations is also not unlikely, since it is so highly controversial and so against exhibitors are not all for it, or all against it.

**MPTOA Sees Bill Passing**

The Motion Picture Theatre Owners of America predicts the bill will be passed by the House at this session of Congress, but declines to make a point out of the refusal of several of the distributing companies to provide for any additional money to cover pictures on their own exhibition contracts, or otherwise, has not helped their situation. The Neely bill, which is also nullified to a large extent the effect of the cancellation clauses which are found in the contracts of the leading film companies.

"We exhibitors," Kyndemann states, "are unable to understand the defiant attitude of the distributing companies who have failed or refused to provide an adequate right to cancel in their 1939-40 contracts. However, this law will hit every one of the exhibitors, who have made any effort to provide selective contracts or not. So will an exhibitor who is not in the booking charges in the government anti-trust suit."

Claiming that "no greater mistake can be made by an independent exhibitor than to believe this law will not drastically affect us," the MPTOA has made a detailed summary-analysis of the Neely bill and its ramifications. The analysis is headed "Black Booming Delusions."

TFO, the Western Association of Exhibitors, is strongly against Neely, the Independent Theatre Owners As-

## Job Selling Charges Reported Rumor Down in Quiz; Guild Threatens To Force Guilty Ones From Pic Biz

### Leap Year Film

Hollywood, Jan. 9.  
Pete Smith proposed to cash in on Leap Year in 1940 with a Metro specialty, "Woman Producer".  
Johnny Hines directs.

### Hollywood, Jan. 9.

Atherton agency, which has been conducting since its asserted job-selling and favoritism among Central Casting and studio casting offices, is expected to make a report to Screen Actors Guild middle of this month, at which time investigation threatens to come to a head. Reports circulated are that from advance indications charges preferred against various casters will be substantiated, which may lead to sweeping personnel changes in job clearance departments.

Dismissal of proven violators from the picture industry has been threatened by SAG, which started its drive for reform last September. Those who are charged, however, will be pushed regardless of whether personnel are affiliated with Central Casting.

## War Clause' Will Force Dietrich To Kick Back \$15,750

### Paris, Jan. 9.

Marlene Dietrich is going to have to kick back \$15,750 advanced to her for signing a contract to appear in the French film, "Bruges la Morte," which cannot be executed due to the outbreak of war. Jack Forrester revealed that he is negotiating with the star for a return of the advance which was made in two installments of \$15,750 and \$2,000. The return is based on the fact that the contract which specified that the Forrester-Parsons Production Co. would be at liberty to call off the film and release all parties in the event of "force majeure."

The war clause involved due to the fact that director Pierre Chenal and all the actors, with the exception of the male lead, Raimu have been mobilized. Also, the picture was substantially thrown down by the French authorities because of war and movie themes are banned for the duration of the war. Another contributing factor would have been Dietrich's inability to come to France to assume a supervisory post in the making of the film, due to her German nationality. Forrester also stated that he doubted whether the French authorities would allow Dietrich's trip to France to do on picture.

Forrester is presently paid under, as most of the male members of the firm are mobilized. He leaves for Rome later in Dec. to conduct with Sealers Bros. for possible production in Italy. Forrester will return to New York in a drive to get the bill for New York on an Italian line in mid-January.

## CROSBY, MARTIN DUO IN PAR'S 'GHOST MUSIC'

### Hollywood, Jan. 9.

Mary Martin gets the co-starring part with Bing Crosby in "Ghost Music," which starts at the Rialto soon as crooner winds up his forthcoming job at Universal.

Don Anderson, a screen writer who "ghosts" duties for better known tunesmiths.

## Weber and Fields Play Selves in 'Li'l Russell'

### Hollywood, Jan. 9.

Joe Weber and Lew Fields play themselves in the 20th-Fox production of "Lillian Russell." The glamour pair used to work for them. Shooting starts Jan. 22.

Edward Arnold gets the part of "James Jim Brady," a character he created in a Universal picture of that name four years ago.

Don Anderson makes a trippy of stars in "Lillian Russell," sharing top line with Alice Faye and Henry Fonda. Irving Cummings directs.

Disciplinary that any increase in the \$15,750 pay check might result in fewer calls, dress extras have turned thumbs down on proposed wage hike. Top salaries of \$25 and \$11 per week are said to be paid to any wage increase because of possible loss of income.

Racial groups, which receive most of the work, are said to be determined to have central biggest chunk of pay bill, but even here leaders feel that they will be able to get a share of the work.

Studies to use fewer male players.

For increased pay for members of the guild, the SAG has been retroactive to Oct. 9, last, with all probability go to producers this week for granting a raise, with the possibility of further action after. Rough draft of contract has already been accepted by the guild.

**Pay Cut of Editors Seen**

Producer labor office has requested various studies for data to determine the cost of grading. It was also asked by Society of Motion Picture Film Editors. Studios are asked to designate number of editors, assistants, librarians, sound effect cutters and apprentices now employed, so that cost can be determined.

Demand for adjustment of hourly wage scale under basic wage and minor minimum work by Screen Set Designers has been taken under advisement by Fred Pisoni, producer labor control, following meeting last week. Designers are asking for increase in pay to \$1.70 per hour, compared with \$1.50 as now being paid. This, it is claimed, would secure members same weekly earnings for hours of grading as now being paid 44-hour weekly schedule.

Figures compiled by MPTOA indicate that 1939 of 1935 wages were granted various crafts, and 15% increase in wages, but cost studies showed \$60,000 in extra costs, active pay the script clerks, painters, camera operators, and technicians. Script clerks, who are paid \$1.50 in back wage adjustments.

Figures by Crosby has been elected to \$2,000 in back wage adjustments.

Don Anderson, a screen writer who "ghosts" duties for better known tunesmiths.

Forrester is presently paid under, as most of the male members of the firm are mobilized. He leaves for Rome later in Dec. to conduct with Sealers Bros. for possible production in Italy. Forrester will return to New York in a drive to get the bill for New York on an Italian line in mid-January.

regular monthly meeting of AMG. The guild has asked members to cover cost of license for Screen Actors Guild, to be 11% of gross business, and has discussed. Assessing of members will be done by Pric. Webster & Co., in order to be obtained.

**So Soon Technicians**

Technicians' Local 37, whose charter was returned to the International Alliance of Theatrical Stage Employees, has been taken over by Guy H. Copper, secretary from Sept. 28, 1938, until dissolution of the union. The union has been of \$1,500 for anticipatory claim of contract. But is based on claim that

## Jackson's Appointment as Att'y Gen'l Won't Change Anti-Trust Suit Picture; Arnold's Position Stronger

### Washington, Jan. 9.

Appointment of Robert M. Jackson to the cabinet post of Attorney General, displacing Frank Murphy, who is tipped to the Supreme Court, is not regarded here as any reason for the belief that the Neely bill will be changed. The bill, which is now in the Department of Justice anti-trust prosecutions against major film companies and foreign independent theatre circuits, co-ordinated in suits already filed, against Thurnham, his most recent, the anti-trust division, is strengthened as a result of the shift of department, in the general belief.

The new head of the Department of Justice is initially familiar with all phases of the Government's anti-trust program against the film companies. Prior to his appointment as Attorney General, the department was head of the anti-trust division and for a period of nearly three years fought to work out by agreement and cooperation with the film companies the numerous complaints alleging violations of national distributors of trade conspiracy statutes. After a thorough trial of the cooperative idea, the department abandoned the program, and when Arnold succeeded Jackson the suits were filed. Principal action in a civil proceeding involving all the majors as defendants in the southern district of New York. Trial has been set for early spring.

Department of Justice is too far removed to the aggressive anti-trust program at the present time to modify any of the pending cases, it is believed here. Within the period that Jackson served as trust-buster a voluminous record of complaints was compiled. Many of these constitute specific instances of alleged law violations that are included in the Government's complaint. Persons who are close to the Neely Arnold General believe that will pursue a hard policy to enforce Arnold's prosecution.

Meanwhile, the New York courts are keeping the Neely bill out of the court within which answers must be filed by the contestants to the Government's complaint. D. Williams, special assistant in charge of the film prosecutions, reported here on Jan. (8) after a three-day conference in New York with counsel for the major film companies during which considerable progress was made towards clearing up preliminaries. Under the new government governing procedure, a pre-trial session has been set for March 1, in the course of which the Government and the attorneys will clear away, by agreement, numerous motions and demands for the purpose of expediting the formal trial, which is scheduled for May. The pre-trial is expected to prove an economy step by shortening the trial period.

Williams has until Jan. 15 to supply the Government with names of many Government witnesses.

### GLAZER WINS SPURS

### Hollywood, Jan. 9.

Bert Glazer was appointed to share directorship at Metro after working as assistant to Director Roy Rowland in "Charles R. Boyer".

First assignment is "Jackpot," a Crime-Does-Not-Pay bridge.

### Howard Directing at WB

Hollywood, Jan. 9.  
William K. Howard, veteran director, checks in at Warner Bros. film.

Currently he is reading scripts to pick his first picture under supervision of Hal Walth.

## Denies UA Plea To Nix Folley's Anti-Trust Suit

Application of United Artists Corp. to dismiss the amended complaint of the Folley Amendment Radio Corp. against it was denied Thursday (6) by Federal Judge Vincent L. Leavelle in N. Y. Folley is suing all the majors, and the program, Republic, the Radioactive Amendment Corp. and several individuals, for alleged violations of the Sherman anti-trust act.

Judge Leavelle ordered the plaintiff to pay UA with a bill of particulars in 30 days, and gave UA 30 days to answer the bill. UA had also pleaded the complaint could not be enforced by the federal court as no interstate commerce was involved. Should the bill of particulars fail to furnish details as to interstate commerce, UA was given permission to renew its dismissal application.

Damages of \$750,000 are sought in the action, which charges the Brooklyn Folley was put out of business by depriving it of film.

## TREVOR'S ILLNESS UPS PIC COST TO MILLION

### Hollywood, Jan. 9.

Claire Trevor's long illness is likely to cost her picture, \$250,000 in added expense for "Dark Command," originally budgeted at \$750,000. Shooting was suspended Dec. 25.

Doctors informed studio execs that actress would not be able to return to work for another month. Meanwhile, Republic is protesting against Walter Pidgeon going into "The Sign of the Cross" at Universal on the ground that he is still drawing pay for working in "Dark Command."

Production stoppage, due to Claire Trevor's illness, is putting Lyrical of London for \$250,000 in insurance payoff. It's the hardest loss policy outfit has suffered in past four years. Republic is paying \$500,000 in insuring with \$250,000.

### Caesar's 'Hull House'

### Hollywood, Jan. 9.

Arthur Caesar set a double chair on "Jane Addams and Hull House," doing the original story and the Republic production. Charles R. Boyer. Picture is Rogers' first under his new deal with Columbia.

(Continued on page 14)



A film with a plot showing the transition that takes place from the time a girl enters college as a homesick freshman to the day she is graduated as a senior is on the agenda of Miss Josephine Dillon, first wife of Clark Gable, who becomes head dramatic coach at Christian College, Columbia, Mo., Monday (15).

Miss Dillon doesn't care to be known as Mrs. Gable and asserted she has to be careful that she isn't confused with the actor's second wife (Carole Lombard).

# Rat and Baby' Parsons Unit Lead Strong Chi with Wallowing \$39,000; 'Accident'-Davis Fair 13G, Rest OK

Chicago, Jan. 9. Business continues along a strong and even keel in the picture houses showing steady grosses on paid attractions. Best of the week is unquestionably the Chicago with the Babylon 6, which is wallowing in another big session with the Louella Parsons unit on the stage and Brother Rat and a Baby on the screen.

Of the two other vaude units the Baby-Louella is managing a profitable session with the second act of 'Dead End Kids' but the latter is not doing as well as the smash business tale of the previous group billed under that title.

Original, which has come through to the picture houses, Linnik & Schuster opened last week with a fairly good business.

At the Metro Grand, 'Baby-Louella' is holding up well in the Palace and going to go to two more weeks at the end of the present run. The Baby-Louella season and is now rolling along on a steady basis. 'Gulliver's Travels' dropped off fast as soon as the holiday season was over, with the picture at least a week behind in the box office.

Another Thin Man, which is being well in the Garrick after a big Chicago week.

**Palace (RKO):** (1,300; 35-40-45-75) 'Internationale' (UA) (3d wk.). Holdings all right. Last week, with a strong \$7,000 last week, with a good business.

**Chicago (RKO):** (1,400; 35-40-45-75) 'Rat and Baby' (WB) and Louella Parsons unit on the stage and Brother Rat and a Baby on the screen.

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## TED LEWIS UPS ETERNALTY TO 21G, PIT.

Pittsburgh, Jan. 9. Cold weather killed everything over week-end but let-up in business.

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## First Run on Broadway (Subject to Change)

Week of Jan. 11  
Adams—'Gone with the Wind' (M-G) (4th wk.).

Capital—'Gone with the Wind' (M-G) (4th wk.).

Criterion—'Child is Born' (WB) (1st).

Globe—'My Son Is Guilty' (Col) (1st).

Music Hall—'His Girl Friday' (Paramount) (1st).

Palace—'Man Who Could' (WB) (1st).

Paramount—'Gulliver's Travels' (Par) (4th wk.).

Radio—'The Invisible Stripes' (WB) (1st).

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## B'way Tapers Off After Smash New York's Wk; Wnd's 3d Wow \$98,000, Carbo-Vau Big \$32,000

Broadway was badly battered over the New Year's holiday and most of the week, but the picture grosses were still showing steady business.

The movie market, putting on a complete show after midnight New Year's Eve, but at no increase in prices, grossed nearly \$20,000 on the day.

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the Strand the same picture, 'His Girl Friday' (Paramount) (1st).

## 'Honeymoon' Big 14G Wives 11G in Bullish Cntry

Cincinnati, Jan. 9. Aggregate big major share in the picture market.

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## HERBERT SOCK \$9,500, NIGHT '96, PROVIDENCE

Providence, Jan. 9. Grosses still fairly strong with 'The Great Victor' (Paramount) (1st).

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Grosses still fairly strong with 'The Great Victor' (Paramount) (1st).

Grosses still fairly strong with 'The Great Victor' (Paramount) (1st).











## *My Deepest Gratitude . . .*

To the New York Film Critics for having acclaimed  
WUTHERING HEIGHTS as the best picture of 1939.

I also wish to express my appreciation to those associated with  
me in the production of WUTHERING HEIGHTS . . . .

William Wyler, the director.

Ben Hecht and Charles MacArthur, screenplaywrights.

Merle Oberon, Laurence Olivier, David Niven, Geraldine Fitz-  
gerald, Flora Robson and the other members of the cast.



Gregg Toland, cinematographer.

Alfred Newman, music.

James Basevi, art direction.

And all the other members of my organization whose sincere  
efforts made WUTHERING HEIGHTS possible.

## *Samuel Goldwyn*





**"BROTHER RAT  
AND A BABY"**  
with  
**FRANCES LANE • JANE BRYAN  
JANE WYMAN • WAYNE MORSE  
EDIE ALBERT • DONALD CRISP  
And the Wonder Baby  
PETER B. GOOD**  
Directed by **RAY ENRIGHT**  
Original Screen Play by John Meehan, Jr.  
and Fred F. Finklehoffe  
A Warner Bros.-First National Picture

**FIRST REVIEW!** *Daily Variety*

But, surely for laughs—and getting plenty of them—this sequel to *Brother Rat* offers welcome entertainment contrast to much of the heavy drama and sentimental offerings. Picture takes the background of military

adventure which is preposterous established and uses it as a springboard for the guffaws. Played to the hilt by cast of considerable aggregate draw and directed with galloping pace and intent only to provide 90 minutes of breezy entertainment, *Brother Rat and a Baby* does just that!

# ALL THESE IN JANUARY, TOO!

**'THE FIGHTING  
SIXTY-NINTH'**

Jeanette Godfrey • Pat O'Brien • Gene Breen • Jeffrey Lynn  
Alan Hale • Frank McHugh • Dennis Morgan  
Mick Moran • Wm. Lundigan • Colleen "Big Boy" Williams

**'INVISIBLE  
STRIPES'**

George Bell • Jane Bryan • Wm. Holden  
Montgomery Sargent • Flora Robson • Paul Kelly

**'A CHILD IS  
BORN'**

Georgette Fitzgerald • Gladys George  
Jeffrey Lynn • Gale Page • Spring Byington

**'BRITISH  
INTELLIGENCE'**

Beth Corbett • Margaret Lindsay

JACK L. WARNER in Charge of Production • HAL B. WALLIS Executive Producer



# TODAY!

## Special M-G-M Flash!



MARGARET SULLAVAN & JAMES STEWART in The Ernst Lubitsch Production "THE SHOP AROUND THE CORNER" with Frank Morgan Joseph Schildkraut & Screen Play by Samson Raphaelson - Produced and Directed by Ernst Lubitsch A Metro-Goldwyn-Mayer Picture

*Ernst Lubitsch directing a scene with Margaret Sullavan and James Stewart!*

Quickly Mr. Exhibitor!

Tell your patrons about M-G-M's

## "THE SHOP AROUND THE CORNER"

It's a dream! It's a honey! It's BOX-OFFICE!

Opening soon at Radio City Music Hall!

Thank you Mister Lubitsch!

While the folks are still howling over "Ninotchka"

You deliver another hilarious hit!

You know what laughter means these days:

It means escape from the world's woes—

And it means lines at the box-office for every Tom, Dick and Mabel in town. And it's a grand love story between sweet Margaret Sullavan and James ("Mr. Smith Goes to Washington") Stewart.







# RAFFLES

The most beloved  
crook of all fiction

**GETS THE BOX-  
OFFICE LOOT**

One of the best  
U. A. openings of  
the year at  
**LOEW'S CENTURY,  
BALTIMORE**

in superb **GOLDWYN**  
thrill entertainment!

Grossed average full  
week's business in three days  
at **LOEW'S STATE,  
NEW ORLEANS**

Smash first day and building steadily  
toward record take at  
**LOEW'S, RICHMOND**

130% of average for opening week-end at  
**LOEW'S, ROCHESTER,  
and LOEW'S, SYRACUSE**



from  
**SAMUEL GOLDWYN**  
... whose production  
"Fanny Hildes" has  
just been chosen by the  
New York Film Critics as  
The Best Picture of 1939.

## SAMUEL GOLDWYN presents **RAFFLES**

co-starring **OLIVIA  
DAVID NIVEN · de HAVILLAND**

with **DAME MAY WHITTY · DUDLEY DIGGES**  
Based upon the celebrated adventures of "The Amateur  
Crackman" by E. W. Hornung · Adapted for **UNITED ARTISTS**  
Directed by **SAM WOOD**







"CONGRATULATIONS, CARY! THEY SAY THE PICTURE IS A TRULY GREAT SUCCESS!"



"SAME TO YOU, ROSALIND, AND HAVE YOU HEARD SHOWMEN ARE CALLING IT THE FASTEST COMEDY IN YEARS?"

Imagine the wild woman of "The Women" and the reckless lover of "The Awful Truth" gangling up on your patrons! It's one of the sweetest comedy set-ups that'll come your way all season!

# CARY GRANT ROSALIND RUSSELL

HOWARD HAWKS

# HIS GIRL FRIDAY

Based on a play by BEN HECHT and CHARLES W. FLETCHER  
Screenplay by CHARLES FLETCHER  
Directed by HOWARD HAWKS  
A COLUMBIA PICTURE

with RALPH BELLAMY • GENE LOCKHART • Helen Mack

COLUMBIA PICTURES





# **"THAT'S FOR NOTHIN' "**



## **LAST WEEK I WAS SUPPOSED TO BE IN THE BIG BOOK**

**That 34th Anniversary Issue  
With the Green Cover**

**I goes into hidin'—and they can't find me—**

**I emerges—and they corner me and they ask me  
if I'm goin' to be in this week.**

**I says "What's It Going to Get Me"—**

**They says "NOTHIN'"—**

**So—on account of their truthfulness I says  
"Here's the Copy"—**

**Which Tells Nothin' and Gets Me Nothin'**

**Jimmy (Schnozzle) Durante**

**Management LOU CLAYTON**



**P.S. I couldn't find clippings of my rave  
performances—I must of been robbed!**



# Chains vs. Indies' Renewed Battle In Mobile; Other Theatre News

**Mobile, Ala., Jan. 9.** The fight between the chain operators of theatres and independent-owned theatres around here is the Souther Theatre Corp., operator of three theatres in the downtown section, announced it would build a new three-story building on a lot in the downtown section to replace the one at the Alabama, an old theatre house operated by B. King & Co. which recently was destroyed by fire.

For, requiring the producers to give King the privilege of choice of plays in 60 days time after they are played by the Souther Theatre.

With closing, Irving Berlin, who managed Lake, is being taken to Warner Bros. Colony as assistant. Steve Davis, second in charge, also returned there as chief of service. J. H. Dunnington, head of W. B. publicity and advertising, was granted leave of absence because of illness and on Monday (11) at Hollywood to take rest cure. During absence Manny Perlmutter is handling department, aided by newly appointed Dan Reilly, transferred here from Kansas, formerly with the theatre. Guy Ellis, recovered from auto accident injuries suffered in December, returns this week to assistant manager's post at Warner's Variety.

**PH Huppingtons**  
Pittsburgh, Jan. 9.  
Mrs. Peter Gorrin, widow of the veteran officer, has taken over the operation of her husband's theatre in nearby Glensport. Mr. Gorrin, a member of the police force since then has been managed by a brother, John Gorrin, on the last twelve months, but more recently returned him to the theatre.

With theatre in the city, for number of years operated by H. G. Ellis, then taken over by Mr. Gorrin, who recently ended the New Lighter theatre. Acquisition

gives Alaska all of the product allocation of old house, which will be dominated by the chain.

**Buffalo Events**  
Buffalo, Jan. 9.  
Bernie Zeeman, assistant manager of Columbia branch operations, here for a few days, likewise Bill Sumner and George Roberts, executives of the district managers, respectively, of 20th-Fox.

Bill Stewart, topper of assistant booker at Paramount, Bert Form, formerly Grand National branch manager, has taken the Republic sales job left vacant by Nick Marano. Leo Weinberg, Columbia branch manager, checking the Buffalo exchange.

**Full Brings 1940**  
Buffalo, Jan. 9.  
Suits totaling \$1,000 have been filed against the K. K. Operating Co., Ltd., owners of the Republic theatre here, on the aftermath of a fight between the theatre and a patron, while divorcing a starling under to the theatre lounge. Mrs. Francis, who was injured for the injuries she allegedly suffered, was awarded \$5,000 for medical expenses and loss of his wife's services.

**Bob Says Lincoln, Columbus**  
Columbus, Jan. 9.  
Purchase of the Lincoln theatre building, for a price in excess of \$100,000, has been made by the J. R. Bell Theatre Co. Property located on the corner of Ohio and Main streets, has a seating capacity of 1,000, four stories, built on the second floor and offices on the third floor. The transaction was completed with the purchase of the building by J. R. Bell, who operated the Lincoln during the last five years. It also operated the Cinema, St. Mark, and the Lincoln.

man's welfare director in the city. Mayor Floyd Groves, who also is a member of the city traffic commission.

**Tri-State Gets Omaha Play**  
Omaha, Jan. 9.  
Tri-State got its "white elephant," the 1,000-seat Paramount, built in 1908, after a two-year and expensive experiment. Defenses in just one month after the theatre has been open only about two months out of each of last six years.

Here, on Jan. 9, in November on strong stage-screen play featuring Martin Scott, Paul Robeson and Calamity Jane in succession. Taken over by the theatre, the theatre has been converted into a theatre, giving value to the Orpheum and putting Paramount on the picture list. The play was a success.

**Remounted Theater**  
Leon Remounted, operator of the World Circuit, who has been Jerry and Staten Island, has been bedded for more than four weeks with pneumonia. He is now on his way to recovery now. Bernie Brooks, assistant, has been seeking for him.

## MONOPLAYDATE DRIVE; FILM DEALS

A five-week playdate drive is being undertaken by Monogram studios, with three important prizes, amount not stated, to be awarded on the basis of the results obtained among the country's 30 exchanges. Prizes will be given to branches finishing first, second and third.

The drive has been scheduled to coincide with the release of the new top-budget pictures on the Monogram program.

Local deals closed by Monogram include the Warner theatres in the Buffalo area, Public-Bureau in Charlotte, N.C., and the theatre in Chicago. Harry-director theatres in Pennsylvania, Lehighman Theatre, Washington, D.C., and the theatre in Detroit, and Fox-West Coast houses in San Francisco.

**WB Sets Colorado Deal**  
Warner Bros. has negotiated a product deal with the circuit (1939-40) product with the Colorado Corp., operating 11 houses in and around Los Angeles.

Jack Brewer of L. A. acted for Warner under the supervision of J. H. Callaway, western district manager.

**REO Contracts**  
Several deals have been closed by REO, covering its 1939 production program, with the circuit.

They include the Frisco circuit of 10 houses in Illinois, Missouri and Iowa; Fanchon & Marco circuit in St. Louis, Kansas chain in San Francisco and Alameda, the Public-Mex group of 11 theatres in Arizona, Deanna Brennan chain in California and the Moran-Jolly chain in Oklahoma, comprising nine situations.

## Charge Par Violated Labor Law On Minors

Los Angeles, Jan. 9.  
H. S. Carranza, State Labor Commissioner at San Francisco, will sue charges preferred against Paramount for asserted violation of rules governing employment of minor children in picture making, which was held last week behind closed doors by Thomas Barker, in charge of the Los Angeles branch. Charges followed Barker's reported failure to obtain proper work permits for his minors used in the "Bluebird Ester." Studio faces possible loss of its right to hire juveniles for future picture work, including use of those already under contract.

**Dinkie Freeman Emotes**  
Hollywood, Jan. 9.  
Charles F. (Dinkie) Freeman Jr., one of the general managers of Consolidated Radio Artists in New York, was chosen top (amateur) actor of the year in the studio's annual dramatic games. Award landed young Freeman a berth with the Pandemonia Players.

Freeman's acting career call for his doubling from Columbia's cutting room.

## Inside Stuff—Pictures

Marriage and announced retirement from the profession of Jane Bryan was a surprise to her friends as well as to the business. Regarded as one of the most promising young actresses in Hollywood, Miss Bryan recently ended a personal union with "We Are All Americans" with Paul Brown and has two subsequent pictures ready for release. She was under a seven-year contract to Warner, the deal having about three years to go. Active in the picture business with her husband, Mr. Bryan, she was known to be anxious to get out of her contract, had made no attempt to buy it up or break it. However, she recently refused to do "Harriet," a picture which she had been assigned to make by Warner, and she had Hollywood from a visit out. Subsequently she and Olivia De Havilland, who likewise balked at doing the picture, were assigned to a series of "The Sign of the Cross."

Warner refused to permit Miss Bryan to accept an offer from George Abbott last month to do a part in the legit circuit. "Mrs. O'Brien" International was particularly displeased by the move. Miss Bryan had stage ambitions, but also because her real name was O'Brien and she had taken a sentimental flight to the play had been refused. She was also reported to be particularly displeased by the move. She had been approached regarding another future Broadway show, as well as for starveling engagements next summer.

Wedding to Justin W. Dart, general manager of the Walgreen Drug Co. took place New Year's Eve in the Chicago apartment of her parents, Mr. and Mrs. James O'Brien, who has been in the business of the city of Los Angeles. Mr. O'Brien is an attorney. Dart is a beneficiary of the will of Charles R. Walgreen, founder of the drug concern, from whose daughter, Mrs. Ruth Walgreen, he was divorced. Wedding was private and no pictures of the principals either before or after the ceremony appeared.

Annual financial statement of Universal, covering the fiscal year, ended last October, probably will not be heard for two or three weeks, when U report will be presented by the group Theatre for the lead in the following week Thursday (11), with only routine business taken up. Stockholders' meeting is in March at Wilmington, Del.

David O. Selznick has been made a member of the advisory board of the National Education Ass'n., committee on Motion Pictures. Reporting on the first time that a film producer has been appointed to this academic organization.

Warner is mulling the idea of a comparative unitary for the title role in "Route 66." Studio tried to borrow Spencer Tracy from Metro, but the deal failed to jell. Script has been ready for some time.

## THUS GET \$1,360 FROM WE HOUSE IN RACINE Till Looms Between 20th-Fox, U on Quicks; Pathe Cold on Renewal

**Minneapolis, Jan. 9.**  
While patrons were watching a picture house, several times a picture house in Racine, Wis., tied up the manager and recommended that the picture be returned to their parents, may precipitate a rift between 20th-Fox and Universal, who are contending with either of the Quicks for a picture while 20th's part in the picture is being renewed. The picture is being renewed by the Ontario Commission of Welfare.

If Quicks are turned back to picture, both studios will press their claims.

**Home Rep. Finished**  
Oskeland, Cal. Jan. 9.  
Alvin Lewis, manager of the Vogue, Alameda, which he formerly owned of the California theatre, was reported Jan. 9 on complaint of studio checks on their charges.

**Attorney Ralph Hey, Levin** has been relieving the doorman for certain periods during the night, holding the door from the chopper and giving them back to the cashier for meals. His late, according to charges, averaged as high as \$100 a night. The girl was arrested.

**Kibbey Freed**  
Montreal, Jan. 9.  
Charles E. Kibbey, accountant of Consolidated Theatres, Ltd., was freed at a preliminary hearing Thursday (4) when forgery and theft charges involving \$10,000 against him were abandoned. L. A. Spenser, counsel for the company, advised Judge John Dumas that there was no evidence to offer on the charges.

**Yeggenes Fall in 1 Try**  
Winnipeg, Jan. 9.  
Yeggenes' own on unprofitable New Year's in Winnipeg, where he attempted to smash sales in two Winnipeg theatres. Bandits hold and staged a night with Arthur W. Snow, of the Capitol, and then attempted to break open the safe in the office of the theatre manager, Hector Novak. They finally gave up and left by a side door.

A police officer disturbed bandits who were attempting to shatter the safe of the Kane theatre. Both attempts occurred New Year's morning after midnight show. No arrests have been made.

**Thugs in Skirts**  
Detroit, Jan. 9.  
Dressed in women's attire, five young bandits held up Grand Rapids Vogue theatre last Tuesday (3) and got away with \$100.

Jean Sova, the cashier, said the pair whipped out the guns from under their skirts.

**Supreme court justice Charles B. McLaughlin** in N. Y. Tuesday (1) granted an application by the Remy Theatres Corp. and gave the Tax Commission authority to audit the company's records for 1935 to 1936 to answer a writ of certiorari by the theatre, or he held in contempt of court.

Twentieth Century-Fox Film Corp. also was ordered to produce a reduction of \$215,000 from three pictures of property it owns in N. Y., which were assessed \$1,000,000.

## New York Theatres

THERE'S A BETTER SHOW AT THE

## THE PICTURE THEATRES

## GONE WITH THE WIND

W. W. P. 1939 and 1940. The most beautiful picture ever made. A Warner Bros. Picture.

## "The LIGHT THAT FAILED"

THEATRE INVOLVED Broadway

## MUSIC HALL "This Girl Friday"

Spectacular Stage Productions

## "INVISIBLE STRIPES"

A Warner Bros. Picture

## SHEP FIELDS and ORCH. STRAND

## "GULLIVER'S TRAVELS"

A Paramount Picture AND HIS GIG.

## PARAMOUNT

## State

THEATRE INVOLVED Broadway







# NEWS

## \$50 Pianist Has \$300 Staff

One agency is keeping its extensive radio department staff in place by letting them all participate in the preparation of a weekly 15-minute program which contains but one performer, a singing pianist. Another production conference for this service of a writer and three production men. When they get through the session the performer has enough material material to last an hour and he has to record the next day, with the same staff, and it takes down 15 minutes. The performer's weekly salary from the agency is \$50. It is estimated that the pro rate salaries of the production staff comes to five times that figure.

## Sloan Foundation's 'Controversial' Programs to Start on KOA, Denver

Denver, Jan. 9. Commencing a series of experimental additions of programs built in the hope of making radio as interesting as commercial, the Sloan Foundation again will go on the air, this time over KOA, the Sloan series 9:30-10 p.m., Jan. 15, will start off with "Government in the Making." Three broadcasts will be devoted to each subject, all controversial tunes. Booklets are to be made available.

The initial program will have a cut of 35 characters. Professional music, dramatic effects, dramatic scenes and all the radio trimmings of quality commercials will be employed.

In charge of the program is Dr. A. D. Kaplan, professor at the University of Denver, assisted by Roscoe K. Stockton, instructor of radio broadcasting, and Forbes Parkhill, writer.

The Sloan Foundation also sponsors the University of Chicago Round Table program, maintaining an exposure of students in several universities who study government methods.

## SUES TRANSADIO FOR DX OVER-TIME

Dallas, Jan. 9. Transradio Inc. is being sued here by C. W. Churchill, discharged employee, for \$500 plus attorney's fee under the fair labor standards act. Churchill alleges amount is due for back wages over an 18-month period, during which he worked 2188 hours overtime receiving short wage broadcasts in code 17 in Transradio broadcasts, turned them into news broadcasts for WBB, municipal.

In addition, he claims to have obtained local news for the bureau, which hired him in April, 1938.

## Dorothy Maynor, Colored Soprano, Air Guesting

Dorothy Maynor, Negro soprano who recently made her New York debut, may, will guest on the Alca Theater Alca-theater program, Jan. 22 and on the Cincinnati Edison local N.Y. show Feb. 6. Details set by Paul Louis, of Columbia Concerts Corp.

## Kitchen Show for McBride

Rothsaul & Ryan is working on a daytime program for Mary McBride in the kitchen. The program and other articles in the Grocery Products, Inc. list. It will be a half-hour show, starting on the NBC-blue line with Miss McBride taking a special monitor for the program.

It may take a couple weeks for the proposition to be thoroughly worked out, since the producers plan to handle by other agencies for the same packer.

**Ted Koonman's Burn-up**  
Portland, Ore., Jan. 9. Ted Koonman, manager of KOA, is suffering from influenza despite the fact that the sun seldom shines in Oregon from Nov. to March. Fell asleep under a tree.

## N. CONVENTION STAGING FORM

National Dry Goods Association Fosters Open Session (With Broadcasters Welcome) To Go Over Whole Question Jan. 17

### RADIO PLEASED

Coming conclusion of the National Retail Dry Goods Assn. in New York next week will mark the first of these sessions in which radio has been made for extensively discussing the use of radio by department stores. Broadcasters in New York who have been dry-dreaming for years in hope of cracking the department store wall, will be in for a move as highly significant. At least, they figure, the department store people are interested in radio to give it a verbal going over.

Session to be given over to radio will be held next Wednesday (17) morning at the Manhattan Hotel. Radio people will be admitted to the proceedings.

Procedure at this meeting will be a "Information Panel." During the panel weeks the NRDA has sent mailings to department stores, asking them what topics should be discussed in the radio program.

While the list of topics to be discussed is not yet in final shape, the following samples are representative of what will be brought up:

1. What items have proved successful in retail radio promotion?
2. How do buyers (i.e., department stores) react to changes in their selection of their merchandise by radio?
3. Has any store reported that as much business has been done in radio as in radio produced better results?
4. Has any store reported that customers use radio?
5. What is a quick, sure, economical way for a department store to test the pulling power of radio?
6. What is the best time for radio to be aired?
7. Is radio useful for building independent departments?
8. Has any store reported that cost of sales for retail radio advertising?
9. What is an approved form of radio for advertising?
10. What type of radio program has been found most effective for a retailer?

**WCCO KIDDIE KWIZ IN DEAL WITH THEATRE**

Minneapolis, Jan. 9. WCCO and the suburban St. Louis Park Film theatres are colluding on a new kids' quiz station, labeled "Kiddie Kwiz" and launched with enough fanfare so that 1,023 questions were submitted prior to the opening call, and 126 per cent since then. Publicity blasts by both station and theatre included a film trailer, 500 billboard radio, feature break announcements. Local fans picked up the to-do and gave their columns.

Eddie Gallagher, WCCO sportscaster, enforces the proceedings which take place Saturday afternoon, selling jokes up from the audience to answer submitted queries. Prize range from two bits to a buck, plus free theatre tickets for the moppets' parents. Listeners submitting questions get two bucks for each question that is queried, and one buck if they're right.

Toby Pink, comedian, also takes part in the show, and the audience additionally selects an amateur radio performer. Station will revive old Twin Cities Kiddie Revue with talent thus uncovered.

**Parker Buys Out Ferris**  
Irving Parker has bought out Earle Ferris' Radio Feature Service, a California corporation, and changed the name of the company to Radio Feature Service, Inc. His co-stockholders are Dick Mooney and Gordon Gray.

Mooney will be in charge of the New York office, which will be operated under the name of Mooney & Parker. Ferris continues on own.

## Elliott Roosevelt, Back in Fort Worth, Reduces Texas Regional Hookup; Echoes of Transcontinental

### Eye-Rubber

From the waning list of anti-radiation diatribes can be subtracted "Dave Boone," columnist of the N. Y. Sun, noted in the trade for constant pin-shoving into the ether medium. Columnist's stunt day after Xmas made an abundant feast with a routine cheer for broadcasters.

Sample: "The radio has become to the green-up what Santa Claus is to the kids, and it eventually spreads the glory of Christmas over the world like a starry mantle."

## NBC Denies Deadhead General Motors After Cash Bids Were Made

NBC blue has brushed in a special event from General Motors in Detroit tonight (Wednesday) 8 to 10:30 to 11 p.m. The broadcast, staged "March of Men and Motors," features the assembly of the car company's 25,000,000th car, and includes speeches by several of the G. M. executives.

NBC denied yesterday (Tuesday) the report that this time was given over to General Motors. The network CBS had tried to sell a hookup for the event. The network official said that it had been offered to NBC strictly as a news event and that it had been immediately accepted as such, in line with the idea of giving an occasional boost to American mercantile activity.

## BANKROLLS FOR FOUR NEW COAST PROGRAMS

Hollywood, Jan. 9. Four new commercial programs take off from here this month. George Fisher, Mutual's film letters guy, gets cosmic bankrolling by GLO cosmetics over the Dan Lee network; John Neshall returns to the air as commentator for Bank of America on three NBC Coast stations in the state, and "Adventure of Dr. Hunt" goes on a serial spree for Friskies dog food over Columbia's Pacific network.

Another chapter play in wax, Hollywood 1894 is sponsored by California Prune Growers' Assn. on national spots. William Farnum is used.

## Hasenbalg Dies at 36

Pittsburgh, Jan. 9. A. LeRoy Hasenbalg, 34 national sales rep for NBC from Pittsburgh, died Jan. 9 at his home in Cranford, N. J. He had been ill several months.

Hasenbalg started his career in 1925 as sales rep for WMAQ, Chicago, his native town. He later joined NBC's Chicago division, and in 1934 was transferred to Pittsburgh.

Survivors are his wife, two children, Russell, 12, and Patricia, 10, and a sister, Mrs. William H. Hodges, whose husband is NBC's p. in charge of managed and owned stations.

## Mary Small May Get Permanent Ethyl Spot

Mary Small, who was on the Ethyl 30 amina with Andrew Knodelman Monday (13) night over CBS, may get the singing spot permanently. Account has been trying out Sunday female warblers, with Mrs. Small believed to have the edge.

Fort Worth, Jan. 9. Having relieved the week before as president of the projected Transcontinental Broadcasting System, Elliott Roosevelt is now trying to reorganize the Texas State Network on a sounder financial and operating basis. Effective tomorrow (Wednesday) the hookup of TSN outlets will be reduced from 24 to 18 stations. Official reason given by Roosevelt for this move is that "the network is being reduced to streamline the operations and make it more compact." The outlets dropped are all in the upper rate brackets.

Small stated that there will be no personnel changes or cuts immediate. The network has 30 employees in Fort Worth, including its staff hillbillies. Despite Roosevelt's move, many of the employees have started scouting for jobs. They had one steady salary cut last August, but there have been cuts recently. The network is reported to have dropped \$400,000 to date but Roosevelt has been clear-headed flatly refused to comment on the topic.

The markets remaining in the TSN setup are Fort Worth, Dallas, Big Spring (Continued on page 35)

## BETTER KNOWN NAMES NOW WRITING

Whether or not it's a "trend," there have been an unusual number of names writers from the legit and films recently active in the radio. They include Helen Jerome (working on the script for "The Great Gatsby" by John Ryer), Joseph (working with Orson Welles), Hal (working on an adaptation of her "Abel's Irish Run"), Arthur Schwartz (writing music for "The Great Gatsby" by John Ryer), Beatrice Kaufman (auditioning a serial with Sam Pitts) and also Jane Cowl (continuing to write a series starring herself).

Radio has for some years been a source of more or less steady income for lesser-known legit and picture writers.

## RADIO MANUSCRIPTS AS COLLECTOR'S ITEMS

Original radio script, donated by the Alfred Knodelman, is a collector's item in a benefit auction for waried writers. Will be held at the Waldorf-Astoria, New York, on day night (14), under the sponsorship of the League of American Writers and the Broadcasters Guild of America.

Other scripts to be auctioned include the Alfred Knodelman, "The Planets" and Marc Blittstein's "The God and the Other."

## Deute's Choir Starts

Baltimore, Jan. 9. The National Colored Vocal "Symphony" of 75 male and female voices will make its radio debut over WBAI tonight (Tuesday). Directed by Lewis Deute, the choir which has been planned as a permanent group for national concert stage as well as radio work, has been organized and rehearsed by Arthur H. Deute, president of the National Negro Academy (Princeton, N.J.). Commercial work will be closed.

Charley Fickard, of the Fickard Family, will be of the DIAL, San Antonio staff orchestra.



# Bingo, Wheels by Any Name Ain't Roses

By Martin Conway  
(Ex-Carnival Man)

The recent history of bingo is gamblers' game with chances of almost any variations should have some value in the present but is bothered state of radio advertisers with which they discovered something new. Speaking for the eastern section of the United States with which they discovered something new. Speaking for the eastern section of the United States with which they discovered something new. Speaking for the eastern section of the United States with which they discovered something new.

By this time there was a sharp distinction between church bingo and promoter's bingo. The churches, having learned the game, ran without promoters. The promoters had their own bingo and kept a fair hold on their crowds. The promoters and those underworld who had no scruples in running, found that to attract the crowds, they had to make their game more and more attractive, offering bigger and bigger prizes. They soon found, however, that the more prizes and cupboards they were playing upon carried the people far beyond reasonable bounds. The money started changing from one game to another, going where the big prizes were.

The people wanted more and more for their money. The operators had to give more and more. Eventually it got to the point where honest operators found they were competing with games where the prize payout far exceeded the entire gross receipts.

Then began the ugly rumors about big prizes being thrown to an assemblage in the audience, etc., etc. This hurt all bingo. People became suspicious of all organized gambling. Complete prohibition laws and offices of District Attorneys and Prosecutors, District Attorney Foley, in New Brunswick, N. J., closed down all bingo games in New Jersey. Judges in many sections of the east held that bingo was a criminal game and that churches or when all the proceeds went to charity. The Prosecutor of Miami County, N. J., closed down all bingo games whether run for charity or not. On December 1, 1939, Prosecutor F. A. McCall closed down all bingo games in Essex County, New Jersey.

By this time, the rumors about crooked games and the fact that the average bingo man (about 85% women, which tallies with the large percentage of women listeners in the radio) started to win up to what a sucker she had been, combined to cause a drop in attendance at bingo games that was remarkable in that it was even more rapid than the gains when the game was on the up-bent.

It took some of these women a long time to get wise when they did, they would have absolutely no more to do with the innocent-seeming diversion that had seemed them out of so much money, but worse still, had given them so many terrific emotional let-downs.

## Fugitives Arrested

In the fall of 1939 I remember reading in *Variety* about a promoter and a radio announcer (I forget the name) who had been picked in Florida on a rap from the

home burg. This was a case of "throwing \$600 to a stooge in a bingo game" and a public condemnation of a lot of reports.

And then I tuned in the radio one night and I heard a familiar sound—a carnival blower. The radio was giving away \$1,000. It was all dreamed up to look like something and they didn't call it bingo.

## THE BUNDLE OF BILLS PROGRAM

Las Vegas—Mexico has rattled the international radio treaty and ordered Dr. Twinkle to stop practicing medicine over the air.

Later—Dr. Twinkle, when interviewed at Wabwah, said he wasn't worried being kicked out of that country. He was returning to the United States to stage the greatest radio bingo game and super-giveaway program ever presented. He was quoted as saying "my door prizes are much too good for the average Mexican."

Miami—Dr. Twinkle arrived here on his yacht and immediately went into conference with Mr. Sluggo, the sales manager of Denta-squirt, the sensational new toothpaste that is the prospective sponsor of Dr. Twinkle's new radio bingo game.

Overheard in the bar at the Honney-Pines—Mr. Sluggo likes Dr. Twinkle fine. It looks like a deal. Sluggo from rival agency—I got it right from the keyhole. They're either going to call it "The Bundle of Bills Program" or "The Mountain of Change Program." Mr. Sluggo likes the latter better. He thinks the idea of having a pile of millions or billions of dollars in bills will appeal to the country's imagination. The agency says it's too much clerical detail.

San Francisco—A long distance call to New York—But that isn't all. Wait until you hear the payoff. If the winner is the father or mother of twins within 24 hours by Western Union the program promises to pay the income taxes of both children for the next 30 years, providing they're red necks.

Network official—But is it within the law?

Dr. Twinkle—It's mine my professional reputation on it.

Mr. Sluggo—We wouldn't want to be sure.

Dr. Twinkle—Positively, you haven't a thing to worry about. If there's one subject I specialized on in medical school it was law.

Vancouver—The American Association of Advertising Agencies will hold a closed meeting next week to discuss whether the prize money bingo programs should be eliminable.

Man from Chicago Island—The public are earning less than \$2,000 a year, have the minds of 13-year-old children. They're sure to respond to the lure of cash giveaways.

Man from Coney Island—This bingo gimmick sounds like the mummy for trimming the mooches.

WBT at Danmoores—What I could do with this idea if I could take a him out of it.

Psychologist—How long can you tease an animal without gratifying the expectations aroused? How many say?

Dr. Twinkle—I'll give you my tomorrow's answer day.

Mr. Sluggo—That's my philosophy, too.

Network official—Yes, I suppose after all we must be practical because.

And they talked like they had never

heard about carnival wheels, or the

church basement, or the payoff.

It struck me then because here was

my smart, big-time, radio picking

by radio. I hear they really do give

up something I thought was pretty

good on the side. Not that radio

isn't what I thought.

I still don't get the pitching. Why

does big-league radio go for any-

thing as stale and questionable

bingo? They keep saying "well, it's

within the law." You don't expect

that kind of lingo from the big-

time. It sounds like the lack of in-

away the money. But it sure sounds

wrong.

Mr. Sluggo—Well me a lot of people

don't know the come-on.

## The Washington Stand

Washington, Jan. 9. Little chance is seen that the FCC will ever review attempts to the latest squawk about the Pot of Gold (Turn) program and the legal questions whether transmitters carrying this NBC show are violating the anti-licensing clauses of the Communications Act.

In view of the study being the give-away before it debated and the subsequent Post Office Department ruling that it does not infringe on the mail statutes, there is little else for the FCC to do but pigeon-hole the complaint registered last week by Thomas McGuire, officer of Co-operative Theatre of Michigan. Unofficially, the Commission lawyers indicate the individuals who conceived the stunt were smart enough to check every possibility of law violation.

Despite the discomfort of other writers, agencies and sponsors and the unhappiness of theatre-owners and others who suffer from public interest in the program, there never has been much concern about the FCC. Privately, some persons at regulatory headquarters think the program may prove to be an unwise type of entertainment for radio in coming but the under-surface opinion is that it will wear itself out before it becomes a problem.

Four bids have been received and most of them are put in the category of being selfishly inspired. What little correspondence has resulted from the stunt has been mostly in the nature of inquiries whether such broadcasting conforms to the "public interest" obligation.

## NOW IT'S A SANDWICH

Program That Called World's Worst Gossamer A Sponsor

Philadelphia, Jan. 9.

For the past six months WIBC has been broadcasting what it advertised as the "World's Worst Program" and they weren't foolin'—it could be.

But, as many people have turned down in out of curiosity to see how bad a program could be—that last week it got a sponsor. The Fisher baking Co. will bankroll a week of cheese for the next 26 weeks.

# Special Bergen Check-Up By Hooper On First Time Out As Half-Hour

So far for the first Sunday (1) under the new half-hour policy was excellent. The Chase & Sanborn program increased rather than lost audience according to a preliminary tabulation of C. E. Hooper interview. One Man's Family made its debut as a congenious program simultaneously.

The Hooper count for that evening showed that McCarthy's audience went up 43% as compared to the program's rating of 35.9 for December, while "One Man's Family" took a jump of 9.3%. The latter increased in December rating in its former Thursday evening spot on the NBC-red was 25.7%.

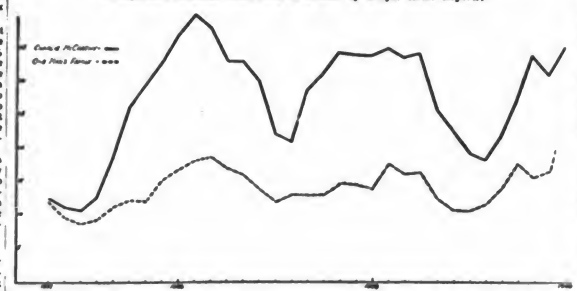
Increase represented in the latest McCarthy rating is regarded as merely reflecting the usual seasonal upward trend in listening plus a recovery from the abnormal dip which this show took in December. This being raised is slightly over the McCarthy rating was in November.

It is quite possible that a true index of the listener reaction to the half-hour McCarthy setup won't be available for another two months or so, since listening runs to peak points during January, February and most of March.

The chart herewith gives the comparative ratings of McCarthy (12-13) and "One Man's Family" (12-13) as they first appeared in the Hooper Radio Reports on Jan. 18, 1937, and discloses the course taken by each show's ratings since then. In the two years and a half One Man's Family has been three different spots, going from the Wednesday 6-8:30 p.m. spot on the red to the Thursday 8-8:30 p.m. period in October, '38.

## Bergen and Family Since May, 1937

(Comparative Audience Trend Lines as charted by Hooper Radio Reports)



(Note—The first dot is May, 1937. Each following dot marks off a month's span up to the start of 1940)

# AFRA CODE IS READY FOR E. T. FIRMS

After several months of deliberation, the American Federation of Radio Artists is about ready to begin negotiations for a code to govern the behavior of radio artists. The code is being drafted by a committee headed by the New York local and is expected to be ready for presentation to the national body next week (Thursday). Other locals will consider it within the next few days. National board charged it last week.

Question of transcription is covered in the existing commercial contract the union has with the networks. When that part was signed last winter the matter of recordings had not been studied, so it was left open, to be negotiated in good faith by the union and the networks when the time came. Although the agencies and sponsors have been working on this clause, it's figured they'll probably act in the best interests of the artists, or at least be represented.

In general, the AFRA transcription code is expected to call for fees about equal to the regular commercial network scale. That is, for example, a 15-minute spot would be for a 30-minute, and \$35 for 40-minute, with rebroadcast at \$60 an hour for a 15-minute spot. The code would also be based on the number of artists in the group. There will also be fees for 1-minute and limited spot ads.

## Local Deals Set

Hollywood, Jan. 9. New scale of local rates for freelance actors, singers and announcers, which was drafted around Jan. 15 has been agreed upon by American Federation of Radio Artists and Comedian, National and Mutual representatives.

One of the provisions is the breaking down of a contract into local, into A, B and C classifications, with the lowest as network outside rates. The A brand and top scale is to be paid.

## DOUBLE CHECK TEST

Winners Get Bonus for Continuing To Pay Attention

Pl. Worth, Jan. 9.

The Red Hawks, hillbilly troupe on W. B. Mason's "The Big Show," of Fort Worth, have a new version of "Are You Listening?" They give away a grand prize, a motor car, each week telling what a fellow expects from Hawk Band work clothes. Winning letter is read over the air and two lucky letter men of winner is announced.

In mentioning, winner has a chance to double his prize if he recognizes his letter and claims it in writing. His recognition letter must be postmarked day the winning letter is read over the air.

The Red Hawks' (eight hillbillies with four female announcers) are heard over WCAP at 6:30 a.m. Monday through Friday and over The Quality Theatre at 12:30 p.m. on Saturday.

## McCann-Erickson Takes Local Ford Program

Schenectady, Jan. 9.

Ford Detroit has selected McCann-Erickson to handle the local Ford program in Schenectady. The program will be a Saturday night half-hour over WCNY, changed to a weekly hour last week from N. W. Ayer to McCann-Erickson.

Agency was in due to the fact Ayer handles Ford national advertising, while McCann-Erickson does spot stuff for same company. N. W. Ayer, director of Ford regional advertising, including that of the Green Island plant, from an Albany office.

## Serial for Irene Rich

Hollywood, Jan. 9.

Irene Rich has written a dramatic sketch to a serial, "Glorious One," for Welch's grapejuice.

Character play will be in quarter hour stage.

## Edmund Abbott's Death Trip

St. Paul, Jan. 9.

Edmund Abbott, WCCO's celebrated announcer in point of it, died at his home in St. Paul, N. J., at 71.

**Hatfield on CBS Jan. 28**  
Lansing Hatfield will guest on the Chase & Sanborn program Jan. 28, substiting for Donald Dickson. It'll be his third appearance on the show.

*On Broadway this month!...  
 Heading for your theatre!...  
 Spotlighted for the nation!...  
All from 20th Century-Fox!*

## THE GREATEST CONCENTRATION OF SMASH ATTRACTIONS WITHIN MEMORY!

### "SWANEE RIVER"

*The Story of Stephen C. Foster—The Great American Troubadour*  
 in **TECHNICOLOR** with

**BON AMECHE • ANDREA LEEDS • AL JOLSON**  
 and Felix Bressart • Chick Chandler • Russell  
 Hicks • George Reed and Hall Johnson Choir

Directed by **SIDNEY LANFIELD**

Associate Producer Kenneth Macpherson • Screen Play by John Tooten Fouts and  
 Felix Fouts • Stories Adapted by Nicholas Costello and Geneva Brown

**DARRYL F. ZANUCK**  
 in Charge of Production

Second record-breaking Roxy week, after  
 opening week-end set new all-time high!  
 Smash holdover business high-lighting  
 key-city grosses everywhere!

### Maurice MAETERLINCK'S "THE BLUE BIRD"

in **TECHNICOLOR**

with Shirley Temple • Spring Byington • Nigel  
 Bruce • Gale Sondergaard • Eddie Collins • Sybil  
 Jason • Jessie Ralph • Helen Ericson • Johnny  
 Russell • Laura Hope Crews • Russell Hicks  
 Cecilia Loftus • Al Shean • Gene Reynolds

Directed by **WALTER LANG**

Associate Producer Sam Minsky  
 Screen Play by Ernest Pascal • Additional Dialogues by Walter Bullock

**DARRYL F. ZANUCK**  
 in Charge of Production

The most beautiful picture ever made...the most  
 human story ever told. Because of the entertainment  
 quality and industry importance of this production,  
 20th Century-Fox announces special road-show  
 presentation, properly to introduce it to the public  
 previous to its national release. World premiere at  
 the Hollywood Theatre, New York, on January 19.

DARRYL F. ZANUCK'S  
Production of

# "THE GRAPES OF WRATH"

by JOHN STEINBECK

TOM JOAD . . . . .	HENRY FONDA
MA JOAD . . . . .	JANE DARWELL
CASY . . . . .	JOHN CARRADINE
GRAMPA . . . . .	CHARLEY GRAPEWIN
ROSASHARN . . . . .	DORRIS BOWDON
PA JOAD . . . . .	RUSSELL SIMPSON
AL . . . . .	O. Z. WHITEHEAD
MULEY . . . . .	JOHN QUALLAN
CONNIE . . . . .	EDDIE TILBURY
GRANMA . . . . .	ZETTIE TILBURY

Directed by JOHN FORD

Associate Producer and Screen Play by Nunnally Johnson

DARRYL F. ZANUCK'S  
Production of

# "LITTLE OLD NEW YORK"

with  
ALICE FAYE • FRED MACMURRAY • RICHARD GREENE

and  
BRENDA JOYCE • ANDY DEVINE  
Henry Stephenson • Fritz Feld

Directed by HENRY KING

Associate Producer Raymond Griffith • Screen Play by Henry Tagwood • Story by John Biddiscombe • Based upon play by Rida Johnson Young

From the producer and the director of "In Old Chicago", "Alexander's Ragtime Band", "Jesse James", "Stanley and Livingstone"!



- the company with the most First Ten stars . . .
- the company with 1939's most successful production record
- the company with the product for 1940!

## Radio Writers Guild (Coast) Asks Air Credit, Votes Out Spec Work

Hollywood, Jan. 8.

Demand for air credit and discontinuance of speculative writing were voted unanimously by Radio Writers' Guild at full membership meeting last week. Scribes also will ask additional payment for any use made of their scripts other than broadcasting. Measures will be submitted to New York and Chicago chapters for a vote to make their enforcement national in scope.

Another resolution adopted by RWG calls for not less than two station staff writers on the national council. Under another proposal members would be forbidden to write material gratis for a program on which other talent is paid. Clause on spec writing reads: "no member shall write ordered or solicited synopses, scripts or any other written material gratis. He shall be paid upon delivery on less than one half of the broadcast fee set prior to the writing and mutually agreed to by the writer and purchaser, and when any part or all of the script is broadcast, full fee shall be paid."

Could claim 90% of the 300 local air credits in its membership.

### Harold Hough's Lone Star Chain Acquiring Bix

FL Worth, Jan. 8.

Universal Mills has signed for 156 1/2-weekly morning quarter-hours via the Lone Star Chain (10-10-15 a.m.) beginning Jan. 15. Station will be the disc series, "Dearest Mother" and will be fed from KOGO's Dallas studios to LSC outlets, KXYZ, Houston; KTRA, San Antonio; and KRGV, Weston. Bryan & LeMay is the local agency with Sam Bennett, LSC director, acting as web salesman for the deal.

Brings total of LSC commercials to nine weekly quarter-hours in addition to special events and sports. Regional web, based by Harold Hough, KOGO general manager, bowed into the Texas scene Sept. 25.

### BEER TALENT VARIED

Partly Transcription, Partly From Adman's Dinner Club

San Antonio, Jan. 8.

KABC has sold six and a half hours a week for 13 weeks to the Grand Prize Beer Co. Programs will range from transcriptions to live dance music picked up from the Oltus Dinner Club, whose owner Eugene Nolte is also head of the beer's local agency.

It's the biggest block of weekly time ever sold in San Antonio.

### BULL HERMAN TO KATZ

Chicago, Jan. 8.

Bull Herman has joined the Chicago office of the (K) Katz agency.

He was formerly with the spot sales department of NBC.

### Trying Again—On Cuff

Seattle, Jan. 8.

Eddie Leonard, 23, singer who was there for two years without getting a hearing in Hollywood, is the winner of Capt. Dobbin's "Golden Opportunity" radio program over KOMO.

He goes to Hollywood as prize with all expenses paid.

### N. Y. Fair Major Hype To NBC Tourist Biz

Index of New York World's Fair visitors headed the National Broadcasting Co. radio and television tour attendance by approximately 200,000, as compared with 1935. Estimate made this week showed that approximately 700,000 took these tours in 1939, as against 500,000 in 1938. Total in 1937 was 635,000.

Figures show that NBC studio tours boomed in July, August and September, but slipped badly later in the fall of last year.

WHO, Des Moines, readying third annual Golden Gloves broadcast tournament.

## Lessen, But Won't End, Wax 'Stigma'

Washington, Jan. 8.

What transcription-makers regard as a stigma on canned entertainment was partially removed Thursday (4) by a FCC order reducing the required frequency of announcements explaining the type of program being broadcast, but the desired repeal of the rule requiring stations to distinguish between waxed and live talent was not forthcoming.

Under the latest policy, announcements that "this is a transcription" are required only every 20 minutes instead of every 15 minutes as heretofore. This will eliminate interruption of the longer playing discs now being widely used and also enables stations to run a series of shorter players without specifying before and after each playing. In cases where continuity would be interrupted and the recorded program extends beyond 20 minutes, the required identification must be made at the start and finish.

### SOLO GAS USES NEWCASTLES

Cleveland, Jan. 8.

Solo Gasoline has bought four 10-10-minute newscasts six days a week on WTAM.

Al Orrick is doing the continuity and editing while the announcing is split between Bob Daley, WTAM news ed., and John Murphy, who formerly handled the account on WOAR.

### GAS STATIONS SPONSOR LOCAL ORCHESTRA

San Antonio, Jan. 8.

Midway Service stations, some distributors of Signer Gas, to sponsor daily quarter hour program plus a half hour show on Sunday afternoon through KABC.

A six piece string ensemble will furnish music garbed in service station uniforms.

### Jocelyn at WBT Jan. 15

Charlotte, N. C., Jan. 8.

The change in managers will take place at WBT on Jan. 15 when Lucille Deller leaves for KSPQ, San Francisco, to become manager there, and A. E. Jocelyn who is already here, assumes general management. Deller here since April, 1938.

### Dave Brown Under Blade

Kansas City, Jan. 8.

Dave Brown, continuity chief at KCMO, was taken to Trinity hospital Dec. 27 for a sudden appendectomy. While he's recuperating Fred Pitt and Jimmy Cuy of the production department are doubling on the continuity.

Jack Stewart, station head, will be away from his desk Jan. 15 to on a bus trip to Old and New York, but will fly back between conferences to supervise opening of station's new \$3,000 watt transmitter on evening shift.

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

### DECISIONS

Washington, Jan. 9.

Arkansas: KFTW, Southwestern Hotel Co., Fort Worth, granted frequency change from 1510 to 1570 kc, power limit from 100 to 125 watts.

Illinois: South Radio Corp., Chicago, granted new experimental frequency broadcast station to be operated on 41.500 kc with 1 kw. special restriction for frequency modulation.

Indiana: WICG, Harrisonburg Broadcasting Co., Harrisonburg, granted change in time of operation from Sunday hours to Monday hours.

Massachusetts: WJH, Haverstown, granted power increase from 100 to 125 watts.

Minnesota: WJH, Standard Life Insurance Co. of the South, Jackson, granted voluntary assignment of license to Standard Life Broadcasting Co.

Michigan: WWSB, Marquette, granted change in time of operation from specified hours to unlimited.

Minnesota: KPTV, Cape Girardeau, granted change in frequency from 1510 to 1570 kc and hours of operation from specified to unlimited.

Missouri: WLOM, Lima, granted change in hours of operation from days to unlimited.

Pennsylvania: Lancasteriana Broadcasting Co., Inc., Lancaster, application for new station to be operated on 1270 kc with 150 watts dials, 100 watts aches, dismissed with prejudice (applicant failed to appear at hearing to offer testimony in support of application).

### NEW APPLICATIONS

Market of Columbia Capital Broadcasting Co., Washington, new station to be operated on 1510 kc with 150 watts.

Florida: WFTL, Tom H. Bryan, Fort Lauderdale, license right power from 100 to 200 watts.

Georgia: Loudon Houstain Co., of Georgia, Loudon Houstain, new station to be operated on 1570 kc with 150 watts.

Maryland: The Palmera Broadcast Co., Baltimore, new station to be operated on 1500 kc with 250 watts (frequency facilities of WJH, Baltimore, assigned on order of revocation, against WJH, being made illegal).

Minnesota: KJHL, Red Star Broadcasting Co., Inc., Duluth, license and power from 100 to 125 watts.

Minnesota: Thomas Patrick, Inc., St. Louis, change frequency from 1510 to 630 kc, power limit from 1 to 2 kw (contingent on granting of permits of WGSB, Brainerd, Ind., and KPTV, Columbia, Mo.).

New York: Herbert L. Wynn, Whitehouse, new station to be operated on 1500 kc with 150 watts.

Oklahoma: KJBL, Ardmore, license right power from 100 to 125 watts.

South Dakota: KSDQ, change frequency from 1110 to 1170 kc.

Texas: KEAB, Brownsville, voluntary assignment of license to San Antonio Broadcasting Corp. of Brownsville, Tex., Brown County Broadcasting Co., Brownwood, new station to be operated on 1500 kc with 200 watts.

### W-G-N, Inc.—Inter-Department Memo

From: Ed Hunt - Sales Manager

To: All WGN Salesmen

We have just been informed that the third most popular half hour radio program in the Chicago market is a WGN feature. In thirteen evening broadcasts since we made this program built in audience popularity to its present 22.4 Copley (CAS) rating, topped only by two programs of several years' broadcasting. This is further proof that advertisers cannot afford to overlook investigating WGN's ability to produce definite results in planning a radio campaign in the Middle West.

*E. J. G.*

WGN

THE MUTUAL BROADCASTING SYSTEM  
coast-to-coast

441 North Michigan Avenue  
Chicago, Illinois

Paul R. Ripper Co.  
San Francisco and Los Angeles

229 East 42nd Street  
New York City

WGN

# RED NETWORK SWEEPS

## 1940 WORLD-TELEGRAM POLL!

### NBC Blue Network runner-up ...All other networks trail!

Results of the 1940 World-Telegram radio popularity poll again proved why "most people listen most" to the NBC Red Network. And they indicate one reason why the low cost Blue Network offers "Sales through the air with the greatest of ease!"

Counting one "tie" as a half-win, 7½ of the 15 "firsts" went to the Red Network! 4 went to the Blue! And 3½ to all other networks! In the Open Classification (favorite programs regardless of type) the Red Network not only won first place, but four out of the first five—the Blue captured second place—and the two NBC Networks together accounted for 10 out of all 12 favorite programs!

Naturally NBC is proud of this sweeping victory, following so closely on the heels of equally great triumphs in the Cleveland Plain Dealer and Fame polls. We thank the advertisers and agencies who made these programs possible. And to Scripps-Howard and the 212 radio editors from coast to coast whose votes decided the winners—we make a deep bow. National Broadcasting Company. A Radio Corporation of America Service.

★ Favorite Program **JACK BENNY**  
(RED)

Outstanding New Star **ALEC TEMPLETON**  
(RED)

Popular Male Singer **BING CROSBY**  
(RED)

Favorite Studio Announcer **DON WILSON**  
(RED)

Popular Classical Singer **NELSON EDDY**  
(RED)

Popular Quarter Hour Program **FRED WARING**  
(RED)

Best Comedian **JACK BENNY**  
(RED)

Popular Orchestra **GUY LOMBARDO**  
(RED & CBS)

Favorite Sports Announcer **BILL STERN**  
(BLUE)

Favorite Quiz Program **INFORMATION PLEASE**  
(BLUE)

Favorite Commentator **LOWELL THOMAS**  
(BLUE)

Favorite Symphonic Conductor **TOSCANINI**  
(BLUE)

# NBC RED NETWORK

The Network Most People Listen to Most



## Stage Money Case More Involved

Salisbury Cause Celebre Opaque As a London Fog—Hearings Continue

Washington, Jan. 9. Mysterious origin of cash described as "treasures" of Frank M. Stearns, automobile owner of WSAL, Salisbury, Md., still baffled the FCC last week after two more days of testimony in the threat to revoke the license for violation of Communications Act provisions regarding ownership. Inquiry continues this week in the matter which is expected to have further repercussions.

Most of last week's testimony related to financial transactions of James W. Gum, the barrister who was said to have supplied the \$10,000 cited to the Commission as proof of financial responsibility. The case was detoured into a study of how Gum happened to pay cash for a house at about the same time the WSAL application was up for hearing.

With almost no testimony bearing directly on circumstances surrounding the application for a construction permit, Commissioner Thad H. Brown, presiding, heard several spokesmen from the Eastern Shore

town describe the station as a valuable community enterprise and told how much the service has been appreciated in the two years WSAL has been on the air. The only information throwing much light on the station was recital of the figures on the WSAL books, showing that Glenn D. Gillett, consulting engineer accused of being the secret proprietor, has negotiated a new mortgage after being reimbursed for a large part of his investment.

Testimony about the Gum's financial affairs was heard from a parade of bank tellers, cashiers, and vice-presidents called to bolster the lawyer's story that he did not use the \$10,000 involved in the WSAL case—and, according to Gillett, given the engineer for deposit only while the original hearing was on—to pay for the house he bought in suburban Maryland at the same time. Backing up Mrs. Gum, an official of the General Accounting Office identified checks given her for Treasury Department bonds which she and her husband said were sold to finance the house. Officers and employees of

## The Male Animal

St. Louis, Jan. 9.

A bulletin posted in the gabbers' room at WEW reads: "Effective immediately. He staff member shall wear formal dress prior to sundown unless he is engaged in cutting a transcription to be used at night." Barbecue note from the boss brought about when Al S. Foster caught Bill Durkin, gabber, in white tie and tails at 8 a.m.

Durkin had left a deb party too late to return home to change clothes and got to work on time.

Three local banks also testified about the Gum's transactions, tending to substantiate the yarn which the lawyer told on the stand two weeks ago.

### Kept Cash In Vault

While telling of family banking Mrs. Gum insisted it was impossible for her husband to have used their money to give Gillett for the purpose of opening a special bank account which was called to the Commission's attention back in 1937. After getting the cash together, she kept it in a trunk until they sold the real estate agency, she insisted, she contradicted a bank teller who said that Gum tried to cash a \$4,000 check made out to her without her endorsement.

More information about the actual

financing of the station was obtained from Gillett, while the engineer's wife also took the stand to back up his story about loaning Gum \$1,000 and then getting \$10,000 from the lawyer. Gillett, who still insisted that Gum—not Stearns—was the principal promoter of the station at the outset, explained that he borrowed money from Hayler Rogers, formerly manager of KNX, a brother, and other associates to meet the cost of construction.

While Gillett was being quizzed, the Commission learned that Stearns had been advised in September 1939 not to furnish the Commission with copies of the contract and mortgage that showed Gillett was the real proprietor of the Salisbury outlet. A copy of a letter from Gum explained that the FCC did not need such information in support of the questionnaire about ownership which was sent out in connection with last year's chain-monopoly investigation.

The engineer linked Gum more closely to the enterprise, while associates in Gillett's office told stories that involved the same line. One said Gillett and William Edwin Plummer, his draftsman, the Commission learned that the lawyer tried to stop the purchase of equipment.

and inspection of possible sites after he had a falling out with Stearns. Gillett said that not until after his construction papers had been issued was he aware that Stearns was not putting up a penny for the plant.

A complicated review of station finances by Hyman Task, the auditor, disclosed that Gillett sunk \$10,000 of his own and borrowed money in the venture, valued his services at \$10,000, was paid back \$4,500 of the amount advanced, and still holds a mortgage for \$25,000. The original mortgage, which had no time limit, was extended by a 10-year arrangement, the Commission learned, still has no provision under which it can be paid off and which brings him 6% interest.

The second week of hearings brought the former Senator Clarence D. Kilgus as one of the fathers of Federal radio legislation, to the stand. He said the Commission had implied was used as an exhibit in the WSAL case. Kilgus knew nothing about the circumstances surrounding the WSAL application, although he has been associated with Gum, a former capital policeman, for more than four years.

## • Radio Daffodils •

Oklahoma City—Paul Bunning, KYOK's announcer on wheels, who handles the Shaking Risk Review from the Municipal Auditorium, interviews and questions the skaters in motion. Each skater who answers all questions correctly receives free tickets to the rink.

Seattle—Jerry Morris, KJR newscaster, started a 15-minute broadcast with a throat tickle. Half way through the show it was impossible to continue. Morris explained his plight and bowed out, leaving the news with the announcer to continue.

Immediately the station switchboard exploded with lights conveying condolences for the announcer's "heart attack."

San Diego—Rumba Wine is conducting a search for the "oldest Californian." San Diego's 89-year-old citizen was disqualified last week by San Jose youngster six months older.

Nashford—Jack Lacey of WHBC airing a courteous program for a local bedding concern noticed a beautiful line of about 18 years ending some candy bism. Lacey brought his mike over to the girl and asked her for the definition of a kiss. Cal. after some fast thinking, said she couldn't define but could demonstrate. Crowd of about 100 cheered girl's reply but Lacey again asked for definition.

Madden again gave the same reply, egged on by the mob. Lacey said it was all right with him but it would have to be commercial script with the other. Lad answering Lacey said it was all right, but he would hold the mike.

Faced with no other alternative, Lacey allowed the gal to give him a resounding kiss to the cheers of the mob.

New Orleans—Walter Williams, WDSU Special Events man, closed for daily "man in street" interview for Rex hats. Only this man in the street takes his interviews into the sponsor's store before he talks to them.

St. Louis—Woman last week requested Roy Shaffer, WEW's libelity, to commemorate her 30th wedding anniversary and also mention her four children, Jack, Duke, Kenny and Betty. The song she requested was "Disappointed In Love."

San Diego—KGB is broadcasting a series by Belle Beuchler, wife's only woman who was.

**VARIETY**  
SHOWMANSHIP AWARDS

**W**  
A TOP STATION IN LISTENERS PER DOLLAR

**WAX**  
Yankton, S. D.

**FACTORS THAT MAKE WAX**

**1939 Award For FARM SERVICE STATION**

receives Variety's

## SHOWMANSHIP AWARD for Farm Service

WNAX service to the LARGEST daytime rural audience among all Columbia Stations wins Variety's award. And it can win sales for you. This type of showmanship is one of the "factors that make WMAX a top station in listeners per dollar."

A Cowles Station  
5000 Watts L. S.  
1000 Watts Night  
CBS

WNAX—only Columbia station between Minneapolis and Denver, between Omaha and Kansas—also has the 24th largest urban daytime audience and the SIXTH largest total daytime audience among all Columbia Stations.

WNAX, with 5,000 watts that do the work of 50,000 and at 5,000 watt rates, can help you sell your products profitably. Can't we tell you more about it?

Represented by  
THE KATZ AGENCY

RADIO STATION **WMAX** 570 ON THE DIAL  
Studios-WMAX Building, Yankton - Orpheum Building, Sioux City


**WMAX**  
AND COMPANY  
NEW YORK  
DETROIT  
CHICAGO  
SAN FRANCISCO  
★  
RADIO STATION  
REPRESENTATIVES





# COMING UP


A FOUR COURSE FEAST  
OF SALES

## THE BLUE SERVES UP SALES AT LOWEST NATIONAL COST!

 **Coverage Canope...** The NBC Blue Network gives you coverage where it counts! You reach the important sales areas of the nation, with concentration in the "Money Markets" — the places where most of the country's radio homes are located. Where 70% of all retail sales are made. Where 72% of the effective buying income is located. Where 73% of all food, 89% of all drugs, 68% of all new cars are sold.

 **Economy Entree...** The Blue Network not only gives you coverage that is focused on the markets with the spending money — but does it at lowest national cost. The Blue's low cost, which is unmatched by any other national medium reaching the home, is the result of the now famous Blue Discount Plan, designed to enable advertisers to "go national" on an exceedingly modest budget.

 **Facilities Supreme...** The Blue is up and coming! Facilities have been greatly improved. Coverage has been stepped up. The network has become a more and more attractive buy for advertisers — because the circulation increase of the Blue, resulting from these technical improvements, is offered to advertisers at no extra cost!

 **Satisfaction Seattle...** Advertiser after advertiser has found that the Blue Network packs a real sales punch. The successful job this network has done for many canny, experienced buyers of network time is eloquently expressed in the fact that 70% of 1939 Blue Network advertisers came back for more in 1939 — and 16 new ones signed up in the Fall of 1939.

It will be well worth your while to get all the facts about the Blue Network. It can do a big job for you at low cost. The details are yours for a phone call. National Broadcasting Company. A Radio Corporation of America Service.

# NBC BLUE NETWORK

*Sales through the air with the greatest of ease*

### Another Blue Bonus!

KFKE, Sacramento, KTWG, Sanction and KZMH, San Francisco, have become a part of the NBC Pacific Coast Blue on radio stations, and are eligible for regular Blue Network discounts. KFKE is one of the two highest powered stations on the Pacific Coast and winner of a 1939 Variety Showmanship Award.

## From the Production Centres

### IN NEW YORK CITY . . .

Adelaide Hawley's before-breakfast talk on WABC sponsored by Krug Baking. Dr. Harold Lasswell will do another "Human Nature in Action" series on NBC starting Jan. 13. . . John Gunther scans NBC for a Florida reel. . . George Ryland of Lehigh & Nelson, New York, immediately, reviewing last week. . . Script writer Stuart Ayers added to Sterling Fisher's educational dept. at CBS. . . Delphie Martin began Sunday as choirmaster with Bob Henry's "WGB Radio House".

Joe Wilford writing "Cavalade of America," although name authors are being credited. . . Gene Autry will broadcast his "Wrigley Double M Ranch" series in a dozen big cities.

William J. Bailey, George B. McCoy and Fred Cook have formed Voices, Inc. . . House Jameson plays Pat Aldrich and Anne Lincoln playing Mary on the Jello pudding show on NBC. . . Constance Stevens is Bob in place of Van Heflin on "Betty and Bob". . . George Sheekley invited Charles A. Baker as musical director of NBC's National Veterans. . . Alice Templeton into town with Pat O'Malley and Dan Seldinberg to continue "Alto-Soldiers". . . Irene Wicker's kid yarus back. . . Mill Bettendorf of the Ivesies. . . Laddie Freeman, Ken Dalpauze added to "Pepper Young's Family". . . Hank Saurvaine's coup on Mutual, "Ladies Answer," added and Fred Pearson-Bob Allen silenced.

### IN HOLLYWOOD . . .

Bobby Brown staying in Hollywood to represent the sponsor (P. K. Wrigley) on the new J. Walter Thompson-produced Gene Autry "Melody Ranch". Paul Rickman and Bob Brewster of the JWT staff producing. With W. Ray Wilson collaborating on the script with Carroll Carroll and Peter Dixon. . . Glen Olson now a full-fledged Angeleno, being named to directorate of L. A. Chamber of Commerce ("Price please please open"). . . Pat McClure here from Chicago on vacation from NBC sales duties. . . Ruth Hughes moving his Longford Hotel program to Fri. . . It's 19 years of matrimony for Jack Benny and Mary Livingston. . . Tom Hartington here for parleys with Young & Rubicam staff. . . Al Pearce took a bus load of friends to Mexico for a few hours. . . Dr. Llewellyn of WCAU and the mascot at Arrowhead Springs.

### IN CHICAGO . . .

Joe Shuman and Fred Jacky of "Hymns of All Churches" making some midweek concert dates. . . Doris Douglas added to cast of "Backstage Wife". . . Ruth Riala replacing Margery Maun on "Hymns of All Churches" due to latter's illness. . . Dick Todd off to New York for some Victor platter recording. . . Eastern agency here of Neil Wallace on WEEI in Boston for a Hollywood group program for Mello-Glo face powder. . . Arnold Boerslein and Johnny Joy have written a new book, "Midnight Cab". . . Elton Palmer into "Glad Alone" over NBC. . . Mark Mathews written out of "Oxley's Me Perkins". . . written in are Nan McFarland, Henry Saxe, Curtis Roberts, Frances Carlson, Ken Pagarin. . . The Story of Mary Martin's added Broadway Caribell. . . Frank Papp is directing, Harlan Ware authoring a new serial, "The Story of Bud Barton" wherein these themes portrayed: Dick Holland, Sam Persons, Benita Kay, Kathryn Carr, Billy Christie, Cleveland Towne, Charles Penman, Hope Summers, Donald Kraatz.

### Roy Bary on Own

With the Paul Winans orchestra for the past 13 years as pianist, arranger and assistant conductor, Roy Bary leaves that position this week. . . He will go into radio arranging and conducting. . . Takes a short vacation first, however.

### Wool, O'Brien Sponsored

Cleveland, Jan. 9. Brownie Chevrolet has tagged Wayne West and Dick O'Brien, song and patter team, for a WHC series of three quarter-hour programs a week. . . Les Stahl writing the act's chatter.

### RCA-NBC Television

Wednesday, Jan. 10  
 2:30-3:30—"America's Young Men" from LaGuardia Field.  
 8:30-9:30—"A Night in Old Vienna," musical with Beatrice Lind and Mario Bonnell.  
 Thursday, Jan. 11  
 8:30-10:30—"Wrangling at Ridgewood Grove Sporting Club."  
 Friday, Jan. 12  
 2:30—"Puppet Love," film.  
 3:30—"Burn 'Em Up Barnes," film serial.  
 2:15—"Thistle-down," film.  
 3:30-3:45—"Caval Gypsy," film.  
 3:30-3:45—"Meet the Wife," by Lynn Barling, with Phyllis Povah, J. W. Austin, Margaret Leitcher, Luella H. Fenton. Directed by Eddie Selzer.  
 Saturday, Jan. 13  
 2:30-3:30—"Blatant," film feature.  
 9:00-11:30—"Boxing at Ridgewood Grove Sporting Club."  
 Sunday, Jan. 14  
 2:30-3:45—"Boy of Napoleon," with Richard Boleslawski, Dolly Mass.  
 8:30-9:30—"Sunday Variations," with Television Easterners, Williamson and his undersea motion pictures.

### KFAB-KFOR DICKERS FOR SMALL THEATRE

Lincoln, Jan. 9. KFAB-KFOR is dealing for the 460-seat Kiva theatre, to use as an auditorium. Present accommodations in the Lincoln hotel are limited to 150 people. KFAB, which airs the farm show, has heavy audience draw from 12:30 to 3 p.m. daily. Kiva, a second run spot, has been chosen since Dec. 1, and Howard Feiler, gen. mgt. of the radio boys to make their best offer and soon, because he's planning a re-opening on subsequent run basis otherwise. Theatre now crowd has little competition in the free attraction booking and crowds, because the pull is largely farm, and people come in for the express purpose of seeing a studio and the air gun. Showman rather favor the idea as a means of reduced film house interest. Deal may be accomplished on a radio time trade for the house.

Arthur L. Perrot, sales promotion director for WCC, Charlotte, N. C. is in New York on a business trip.

## Inside Stuff—Radio

Borrowings (short term loans) made by Columbia Broadcasting System prior to June 30, last year, under an agreement made at the close of 1935, were revealed last week in information filed with the Securities & Exchange Commission. This showed that as of June 30, 1935, the broadcasting company had borrowed \$100,000 from the Bank of Manhattan Company and \$110,000 from Brown Bros. Harriman & Co.

By the agreement made in 1935, the officers, directors, and stockholders (committees) committed themselves to advance \$100,000 to Columbia at any time prior to June 30, 1936.

For these loans, CBS issued five unsecured notes to the Bank of Manhattan, each totaling \$20,000, while five unsecured notes of \$24,000 each were issued to Brown Bros. Harriman & Co.

Setup of Western Gateway Broadcasting Corporation, seeking loans for a station in Schenectady, is unique in that Windsor Lighthouse and George E. Nelson, two of the officers, stockholders, are agency partners who have done everything in radio except sing, and a third stockholder-director, James T. Healey, has been news commenting for Sun On WGY for the last few years. Another in Western Gateway is William G. Avery, president of Morris Plan Industrial Bank of Schenectady and sponsor of a WGY program.

Frank O'Connor is a radio director for J. Walter Thompson. Another Frank O'Connor is a legit actor and the husband of Arin Rand, playwright. Recently actor O'Connor has been in the cast of his wife's play, "The Unpleasant" during its Baltimore tryout and numbers of people congratulated director O'Connor, confusing him with his namesake.

Director O'Connor is unmarried and is not related to actor O'Connor. They're never met.

General Mills ("By Kathleen Mullen") has been offering an original heretofore unpublished (in book form) novel by that writer for 25¢ a sale (not a booklet) of Wheaties. Prolix writer reveals three novels a year, all published in magazines. But Dorothy Dorn holds down the \$100 million to two per cent. Here there are no royalties living around. Novel in question, "Mystery House," ran in Cosmopolitan magazine four years back.

C. E. Hooper, Inc., will put out a Pacific Coast edition of its program audience reporting starting this month. The co-incidental issue technique will be used in a checkup in four cities—Los Angeles, San Francisco, Portland and Seattle—with the ratings being based on findings in these areas for all periods of the day from 8 a.m. to 10 p.m. One daytime and one evening rating report will be delivered each month and there will be quarterly reports on sets in use.

Presentation of Vannoy's Plaque for Social Service to KOON, Portland, Me., was made into a special half-hour program over that station, 7 to 7:30 p.m., Thursday (Dec. 29). Mayor Joseph E. Caron of Portland, presented the plaque to the radio station in the name of Vannoy. KOON titled the program "Four Station" and kept the theme of the broadcast along the idea of social service.

Alto Scherzer, of NBC, points out, apropos of recent follow-up comment in Vannoy on John Gunther, that it is in lack of appreciation of his worth on NBC part that has kept the commentator limited two periods weekly. Gunther himself has no more time to give radio due to the enormous pressure on his energies, which with the war spotlighting him as never before.

WAB, Detroit, and WGAR, Cleveland, operated by the same interests, have adapted a group insurance plan covering the 150 full-time employees of the two stations. Full cost of the plan, which provides for \$5,000 life insurance, hospitalization and doctors' fees up to \$150, has been assumed by the stations.

Employees in other case got a 10% bonus at Christmas time.

Bull of Beth Brown against NBC, Bristol Myers Co., Crosley Radio Corp. and Peck & Ryan has been discontinued and settled out of the N. Y. Supreme court. She sought an injunction against the program "For the Only," and an accounting of profits, claiming ownership of the title because of her published novel of the same name.

Mutual will take more Coast programs this year under an arrangement with Don Lee chain, consummated at recent Chicago meeting of Mutual directors. Lew Waine was assured that the old big boss of clearing time on the bigger stations will be taken care of so that Hollywood originated shows will get full network play.

Marshall & Pratt has been retained by the new products division of Visk Chemical as advertising consultants on problems of new product development. Arranged efforts only possible new items and not already established Visk products.

Hugh Aspinwall, who presents "Down the Country Roads," over KMOX, St. Louis, four times weekly, is a distant relative of President Roosevelt.

Robney Lahn, recently named superintendent of banks for the state of Ohio, is former treasurer of the Iowa Broadcasting Corp., Des Moines.

**GEORGE BURNS**  
 AND  
**GRACIE ALLEN**  
 HIND'S HONEY AND ALMOND CREAM  
**WEDNESDAYS**  
 7:30 p.m., EST. -- CBS

WILLIAM ESTY AGENCY  
 Exclusive Management  
 LESTER HAMMEL  
 WILLIAM MORRIS AGENCY



Have you ever looked 50,000 FACTS in the face?

● An all-time record attendance of 50,000, proving the WKY's influence is something more than an intangible statistic, jammed Oklahoma City's largest municipal auditorium the week of November 13 last to view and roundly applaud the Southwest's first public demonstration of television.

Here was a flash-and-blend demonstration of the WKY's new action from its audience. . . statistics you never find in a column of figures. . . Here was dramatic evidence of what happens when WKY speaks to its listeners. . . For those who like to look facts in the face this

partial pictorial record of some 50,000 "facts" is still but a segment of the great mass which listens to WKY every day. . . the joys and makes things happen quickly and surely in Oklahoma's retail stores.

**WKY Oklahoma City**

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









# VARIETY Said in its 34th Anniversary Number (Jan. 3rd, 1940)

"It's been a good music year, and continues to look good. There was verve, vigor and personality, both in music styles and in manpower. New firms and new blood revitalized Tin Pan Alley. Despite the war, England gave America (notably via

## Shapiro-Bernstein, easily the No. 1 firm

of the year) its foremost hits, namely, "Penny Serenade," "South of the Border," "My Prayer," "Beer Barrel Polka," "Cinderella Stay in My Arms," etc."

but . . .

Shapiro, Bernstein should have been  
**Both No. 1 and No. 2**  
as per the following from the New York Enquirer of  
December 31st, 1939:—

## "LEADING SONGS VIA RADIO CHAINS FROM SEPT. 29 TO DEC. 29

In the last quarter for 1939 Josie Tapes established a record by landing the first and second song, "South of the Border" and "My Prayer," making his first two more remarkable by doing the trick with very little.

The table below, which ends with the last Sunday in each quarter, gives broadcast totals of the first 25 songs compiled from THE ENQUIRER's Sunday list from the first week in October to week ending and including week of Dec. 29.

1-1-25 South of the Border (Shapiro, Bernstein).....	284
2-1-25 My Prayer (Shapiro, Bernstein).....	283
3-1-25 Beer Barrel Polka (Shapiro, Bernstein).....	282
4-1-25 Cinderella Stay in My Arms (Shapiro, Bernstein).....	281
5-1-25 Penny Serenade (Shapiro, Bernstein).....	280

\* Indicates song has finished one, two, three times since Sept. 29. † Indicates how many times title had finished in first three.

We propose to maintain our enviable standing and duplicate our unusual record in 1940 starting with—

## LITTLE STREET IN SINGAPORE

Billy Hill and Peter DeRose's Grand Ballad

## IN THE MOOD

Glee Miller's Dynamic Instrumental

## PINCH ME

Orvin Tucker's Great Rhythm Song

## WHAT'S THE MATTER WITH ME?

Sam Lewis and Terry Shand's Delightful Rhythm Ballad

## CHEROKEE

Ray Noble's Sweet Instrumental

## SO LONG

Russ Morgan's Ballad Hit

## LOVE SONG OF RENALDO

A Terrific Novelty by Fain and Kahal

Featured by Abe Lyman in Royal Palm Revue

JONIE TAPS, Gen. Mgr.

**Shapiro, Bernstein & Co., Inc.**

LOUIS BERNSTEIN, President

RKO Building, Radio City, New York

## ::: On the Upbeat :::

Eddy Kueby leaving the Hal Kemp band.

Sam Pines, sax tooter with Al Donahue, gave up his own band at Music Box, White Plains, N. Y., to join Donahue now at Meadowbrook, Cedar Grove, N. J. He replaced Les Cooper.

Woody Strunge dined at the Sheraton hotel, Chicago, moved up from March 1 to Feb. 9 for four weeks. Now at Famous Door, N. Y.

Tony Pastor's theme tune will be "Pastoral," an original written by Leonard Feather of Mills Music. Robbins to fit it with lyrics and publish. Pastor's new outfit now in New England.

Teddy Powell returns to the operation Southland, Boston, for two weeks Feb. 5 after a fortnight at the Raymont.

Paul Whitehouse cutting an album of "Manhattan" tunes for Decca written by Louis Alter. Includes "Manhattan Serenade," "Moonlight," "Macquerie" and a new "Side Street in Gotham."

Del Courtney plays a one-night date at a party at the Balmain hotel, Canton, Ohio, Jan. 11 for Del Courtney. Later's the host's manager and no relation.

Lemuel Mayton has written a new theme song for his band tagged "Polar Face." Ted Pettit has added brass and Robbins will publish.

Elmer Goldstein has been added to the sax section of Gray Gordon's band.

Will Osborne takes a Florida vacation after his current theatre date at the Standard, Pittsburgh. Band goes into the Plaza theatre, Miami, Jan. 25-26, Osborne picking up there.

Duke Bailey replaces the Woody Herman band at the Famous Door, N. Y., for three weeks Feb. 14 until Ella Fitzgerald's band comes in. She was forced to defer the opening because of Broadway dates. The band of Young Man With a Horn, legit show she's to double to from the Door.

Leland Skaggs, who has been reported as stepping out of the Benny Goodman band for an outfit of his own, will go to the Coast with Goodman and will not have his own outfit for at least another year.

Bobby Starke has replaced Randolph in the trumpet section of the Ella Fitzgerald band.

Don Redman has replaced almost half his band for a forthcoming road tour.

Elmer Cooper now vocalizing with Tony Pastor's new outfit in New England. Linda Kenne was scheduled for the spot, but stayed with Lemuel Mayton.

Johnny Green's is the "Band of the Week" at the Hotel New Yorker, N. Y., Sunday (14).

One of the first numbers recorded by the recently enlarged Raymond Scott band is "Business Men's Boogie."

Dick Stabile replaces the Frankie Masters outfit at the Knott House, N. Y., Friday (13).

Gene Krupa capped 1939, going over a guarantee at the Ardenia B., Providence, Saturday (6) night.

Marian Good's "Foster Gallery," a symphonic work based on various works of Stephen Foster and lasting 25 min. to play, will be world premiered by the Pittsburgh Symphony orchestra in two stanzas Jan. 12-14.

Sunny Kazda held over at Detroit Athletic Club. He replaces Reggie Childs at Rustic Cabana, Fort Lee, N. J., Jan. 15.

Count Basie does four weeks at Southland, Boston, opening Feb. 15.

Johnny Anderson, of San Antonio, joined Gus Richman band as pianist in St. Louis.

Early Ray Ingram of New York has been awarded an uncontested interlocutory divorce against John

Ingram, Buffalo musician and former conductor of She's Buffalo orchestra.

Joe Sady has replaced Lawrence Welk at the Century Room, Hotel Adolphus, Dallas.

Both Johnson picked by Gus Arnheim as girl warbler. Now playing Olmos Dinner Club, San Antonio.

Pedro Gomez and Eddie Durante alternating on the dance circuit at the Treadwell in Hollywood.

Bernard Jackson signed to conduct series of concerts, based on folk songs of all nations, during World

Festival of Music in Hollywood in May.

Jackie Cooper makes his debut as a band leader Jan. 8 at the Palm Springs Racket club.

Shirley Bashe moved his crew into the new Casa Manana ballroom in Culver City.

Leonard Koffler orchestra into the new Century Room, Hotel Adolphus, Dallas, Jan. 24, succeeding Joe Sady.

Bernie Baker's orchestra to move into Century Room, Hotel Adolphus, Dallas, Jan. 24, succeeding Joe Sady.

# Follow Feist

PARADE OF HITS

The Hit Of The Week!

## AT THE BALALAIKA

from M-G-M's "Balalaika," starring Nelson Eddy & Gene Lockery

The Two Top Tunes—  
from Ray Kyser's RKO-Radio Film  
"That's Right—You're Wrong!"

The 1940 Novelty Hit!

## THE LITTLE RED FOX

(NY's NY's You Can't Catch Me)

Walter Donaldson's Greatest Ballad

## I'M FIT TO BE TIED

Nick Kenny's New Song (4)

## LEANIN' ON THE OLD TOP RAIL

by the writers of "Goldmine in the Sky"

Packed With Heart Appeal

## GOTTA GET HOME

An Unusually Attractive Ballad

## CRAZY LITTLE DREAM

See Broadway in New York

## FROM THE TOP OF THE WORLD

# EDDIE LEBARON

and his AUGMENTED  
Orchestra of 14

featuring


## MORRIS KING

and his Violin

the values of

## DOLORES ANDERSON

## UNA WYTT



Eddie LeBaron, after three consecutive years of alternating with the nation's foremost orchestras, presents his augmented organization of 14 as solo featured orchestral attraction at

**THE RAINBOW ROOM, Radio City, New York**

DECCA RECORDS      BERTINCO M.C.A.      NBC NETWORKS











# Big Mpls. Indie Likely to Fold; Vaudepix in Red

Minneapolis, Jan. 9.

Value owners in meantime accept to offer by Ross Bros., multi-millionaire St. Paul realty and insurance men, to take over house and grounds is a belatedly on a non-viable basis, the \$200,000, 400-acre Minnesota theatre will shutter again Thursday (11). This time, if proposed deal falls, as now indicated, the largest and most beautiful showplace here probably will remain closed forever, belief being current that it is only question of time before it will be necessary to tear down grounds for parking lot to save land.

Ross Bros., who have been operating Minnesota for multiple owners, are willing to take it over. Their plan is to pay taxes, but no rent. As long as they keep it open they have no option for a long-term lease, but the moment they permitted it to go dark the option would expire. Owners would be permitted against loss. One member of the owners' committee has been holding out against acceptance. He says that no rent or managing director's salary was charged against operations. Gordon Green, managing director, has been unable to get over the vaudepix policy, with big stage shows, including an 18-piece concert orchestra, an organist, and a permanent 12-girl line augmented by four vaudeville acts working in front of the band each at a \$50-50-50 scale.

Greene attributes the failure to make a go of the venture to inability to obtain any major screen picture, which is owed up for by the Paramount-Singer pool. A committee of big stage shows, including the foremost band names available, plus better-than-average film, issued in by the Croyden (Pro-Singer) against the Minnesota in recent months, undoubtedly helped to put the finishing touches on the venture.

Built in 1928 for Public, the house at 4th street ground as high as \$45-50 a week, but profitable operations continued only for the first several years and thereafter it was kept dark at various intervals, grossing less than \$2,500 some weeks.

## Tully Needs Aid

Philadelphia, Jan. 9.

Harry R. Tully has been elected president and general manager of the Amica-International Broomstick Club, which will include Ruthie Kugler. Letter committed outside last November.

# Nitery Op Delays Trial Of Assault On Scribe

Troy, N. Y., Jan. 9. Peter Simonian, 32, native of Bulgaria, proprietor of the Club Monte Carlo, former operator of the Standard Theatre and perhaps Troy's best-known night spot manager, charged with assaulting Edward McDonald, Jr., veteran political writer for The Record Free Press last week, was granted an adjournment by Police Judge James P. Ryan to Jan. 15, in order to permit application for certification of the case to County Court. Judge Ryan denied a Police Court writ, on the grounds it had not been requested at the time of arraignment.

The judge also refused to permit the petitioner, who, with a sergeant, was present at the time of the alleged assault, to withdraw his additional charge of disorderly conduct against Simonian. According to the information furnished, who weighs about 250 pounds, allegedly crossed a downtown street, approached McDonald from the rear and hit him several times. Taken to Troy hospital, the newspaperman was treated for the loss of two teeth and a month injury requiring 11 stitches.

# BRANDT VAUDERS DROP INDIE PIX FOR SHORTS

The Brandts, operating the Flitcomb, Brooklyn, and Windsor, Bronx, vaudepianos, have dropped the C and D feature film product at the two stage show spots, substituting instead a program of six shorts and two newscasts.

Four film product was behind the indie operators, playing weeks originally. When it was discovered that the patrons came chiefly for the stage shows and either walked out or didn't pay attention to the indie celluloid, the shorts line was dropped.

New policy went into effect Thursday (4) at the vaude house, but the other Brandt spots are still dealing the C's and D's.

# TA Distribute \$10,000 To Trade Charties

Theatre Authority this week made its first payment of the season to the various participating show business charties. Total amount was \$10,000, drawn from between 80 and 90 checks. Largest single sums were obtained from the recent Night of Stars, at Madison Square Garden, N. Y.; the Chicago Mayor's Night of Stars; and the Finnish relief concert at Carnegie Hall, N. Y.

TA last season distributed about \$14,000 of benefit money.

# Sever With Lights

New York's Greenwich Village, with its belt of seamy-nightclubs, at last has a filling companion to Philly's Benny the Bunch and Chicago's El Dapno. New York is located "The City Dump."

Entertainment at the spot isn't billed beyond "The City Dump."

Orch is labeled "City Dump Tramps."

# 'Special Delivery' Rose, Shanghai's Ex-Nitery Queen, Dies of Opium

Shanghai, Dec. 14.

"Special Delivery" Rose is dead. She died on a hard bunk in a sordid opium den in Japanese-controlled Hongkong, an opium pipe in her hand.

Her real name was Rosalind Amber and for upwards of five years she was queen of Shanghai's night life. An American-born woman, she came to Shanghai in the spring of 1933 as a singer at the famed Del Monte cafe, which was and yet is the only American cabaret in this city. Young, blonde and beautiful, she soon had the young blades—and the old ones, too—at her feet. Furs, jewels, money came her way and she reigned at Del Monte. In 1935 the still beautiful girl met with a motor car accident and spent nearly five months in the General Hospital. She was discharged a more debilitated of her former self, her beauty marred forever.

Opium Her Connection Her former suitors turned away and Rose found herself alone. Opium became her consolation and it was not long before she was without funds.

It was then that she earned the sobriquet of "Special Delivery" Rose. Hundreds of times she appeared to former friends for assistance, always relating a story of a mythical special delivery letter which would bring her a large sum.

Credulous persons at first advanced substantial sums of money but it was not long before her story became a standard joke. On the strength of the story Rose is credited with having "borrowed" thousands of dollars.

In 1934, desperate, she appeared on a French Concession street pulling a rickshaw. The incident created a furore and the American authorities took her into custody. However, a fund for her was raised by sympathetic foreigners, including Thurman R. Hyde, owner of Del Monte Cafe, and she was released.

In 1937 Rose was featured in the Shanghai lightshow when she slugged a Japanese soldier who is said to have pushed her when she attempted to cross the Garden Bridge from Hongkong. British soldiers on duty at the bridge rescued her from the Japanese.

# It's Still A Mystery Why Connecticut Banned Femme Performers In Niteries

Hartford, Jan. 9.

The mystery of why Connecticut statutes have been directed against femme entertainers in public restaurants and cafes has now been solved in the state in an aura of publicity. Exempt from the provisions of the 1936 law for hotels and theatres, the state's statute of specification—made to be the work of a powerful hotel lobby—and theatre because of omission. Letter are also under control of state police, which is governing itself in the matter.

As the law specifically refers to public dining places, bookers within the state are now spotting their acts at private clubs, banquets and parties, not touching, as a rule, the women places.

Only two roads are open to femme acts, says the State Labor Department. One is an appeal to the Supreme Court—claiming the law is unconstitutional—and the other is a petition to the state legislature. Recently Judge Kenneth Wyrne of Superior Court denied an injunction suit by a Fairfield County group of entertainers, against the Labor Commissioner.

Exaggerated Figure

Labor department says that the figure of 1,800 femme acts in the state is exaggerated. About one-fifth that number are regularly employed as entertainers, remainder are part time. Department says it knows who was responsible and why the bill was passed, but won't talk. Blamed for the predicament are the hotel people, film houses and a disgruntled legislature, who was clipped in a Hartford hotel in 1937. He said to have taken this means of striking back. Also mentioned are the women's and church groups.

Since 1918 the Connecticut laws have included one prohibiting the employment of women from the hours of 10 p.m. to six a.m. It was never enforced, however. Sometimes during the 1937 legislature the law was amended so that teachers, pharmacists, lawyers, nurses, physicians, surgeons and those engaged in social service work were made exempt. The amended law, signed by Governor Clegg, was made retroactive to take effect as of May in that year.

A study of legislative and other records shows that the amendment to the long-standing act was introduced in the legislature long after it was in session, also that it was pushed through. There was no public hearing, there are no records on who wanted it passed, or even to indicate any phase of discussion at R. There were 20 members on the committee on labor—10 of them from the state—and it is them might have been responsible for the bill.

It wasn't until February, 1938, that the State labor department was made aware of the ban on femme entertainment. At that time the Attorney-General delivered an opinion which stated that performances by femme musicians, entertainers and singers constituted "work" and as such was prohibited in certain places after 10 p.m. The A.G. also said that the prohibition extends "whether the musicians, singers and entertainers receive remuneration, or not; or whether they are employed by the owner of the establishment, or by a third person."

# MUSICIAN OPENS FIGHT VS. PHILLY WAGE TAX

Philadelphia, Jan. 9.

Michael Gurra, a member of the Furber theatre orchestra, opened the fight of out-of-town entertainers against the city's new 1½% income tax by filing a petition for an injunction against the levy Friday (3) in Federal Court. Gurra, represented by H. Herbert Byrne, prominent labor attorney, contended that the city's tax was unconstitutional, since he was a resident of Oaklyn, N. J., and had no voice in the city's elections. The levy is a case of "taxation without representation," he said.

Argument on Gurra's petition is scheduled to be heard today (Tuesday). Vaude, nitery and opera performers, and others connected with show business here who make their homes elsewhere, are watching the outcome of this last case.

Officials of the American Federation of Musicians, Local 77, last week sent notice to employers of their members warning them not to deduct the tax from musicians' salaries, claiming that it was a violation of existing contracts. Other unions have followed Local 77's lead. Employers are thus caught in the middle. If they refuse to deduct the tax they face prosecution by the city. They face 40-day jail or the 1½% their employees threaten to strike.

# Big Florida Show

Pittsburgh, Jan. 9.

Shoe and Raymond, comedy dancers who closed here Thursday (4) with Bob Crosby's band at Stanley, pulled out next week for Miami for a run at Royal Palm club. They open Jan. 16 in first big show of new season there on a three-week deal with option.

Getaway bill, in addition to team, will include Alva Lyman's band, Michael Loring, Walter Long, Stuart Morgan dancers, and line of 10 girls.

# Hello—Happy New Year—Cheerio JACK JACKS AND HIS BAND

JUST OPENED RECTOR'S, LONDON'S NEWEST AND SMARTEST NIGHT CLUB  
DOUBLING LEADING THEATRES FULLY BOOKED  
RECORDING H.M.V. BROADCASTING B.B.C.

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## Inside Stuff—Legi

Grosses recorded here by six previous 'Road' companies were shattered, and at lowest top yet, \$130,000.

**Estimate for Last Week**

**'Tobacco Road,'** Hartman (1,681 seats). Sensational week, taking better than \$11,000 for nine performances.











# OBITUARIES

## HARRY DAVIS

Harry Davis, 78, founder of the nickelodeon in America, died in New York, Jan. 8.

Further details on page 20.

## SIR FRANK BRIDGE

Sir Frank Bridge, 65, leading Shakespearean actor in Great Britain for more than 50 years and founder of the theatrical company bearing his name, died in London Dec. 31.

Much of his early training was from Sir Henry Irving, who called him "the little man with the big head." Elton Terry, with whom he made his debut in "Romeo and Juliet" at the Lyric theatre, London, in the 90s, he founded the Benson School of Dramatic Art, London, in 1920 and three years later became an active participant in the Shakespearean Festivals at Stratford-on-Avon. A constant source of aid to him in his varied undertakings was his wife, Constance, who died in 1938. She was married in 1900. She occupied leading roles in his companies and also assisted in managing his enterprises.

He produced all of the Bard's plays with the company, "The Merry Andronicus" and "Troilus and Cressida." While associated with the Lyric Festival, he produced no less than 30 of the annual collections.

His contemporary actors who absorbed his teachings at one time or another are included Robert Donat,

slayer and Miss Macpherson in one year for concealing facts in connection with the slaying. After their release in 1937, Miss Macpherson retired from the stage while Kelly made a comeback on stage and received a curfew by her husband and daughter, Valerie Raymond, 14.

## ERNEST W. MORRISON

Ernest W. Morrison, 60, Paramount comedian and former Broadway theatre in the south, died last week in Atlanta after long illness.

Morrison had been closely identified with the amusement business the greater part of his life, beginning at Bijou theatre, Savannah, where he became manager, following with the 8-year Park connection, serving that organization in Dallas, Houston, Memphis and New Orleans. Illinois found him to retire from post as district manager for Paramount in the south.

Inactive recently because of ill health, Morrison returned to Atlanta last month after a long stay in hospital. He had been in charge of operations for Paramount. Widow and daughter survive.

## JULIUS FERRY

Julius Ferry, 78, long associated with the Shubert brothers and their enterprises, and manager of the United Booking Office since 1910, died in 1937, after a month's illness, in Yonkers, N. Y., Dec. 31.

One of the U. S. for a half century, he was born in Munich, Germany, and began his career in 1900, before joining the Shubert organization. He conducted its booking affairs for years until 1935, when he had been replaced by the Shubert and Estranger booking departments. He had been a member of the Jewish Theatrical Guild.

Surviving are a daughter, Mrs. Josephine Ferry, and a son, who lived in Yonkers, and a brother, Lazarus, in Germany.

## KIT KARMON

R. G. Miller, 65, trick marshall and latent expert in his circus and vaudeville, died in New York, Jan. 8.

Surviving are a daughter, Mrs. Josephine Ferry, and a son, who lived in Yonkers, and a brother, Lazarus, in Germany.

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Berry, the turn was one of the topers in vaudeville 30 and more years ago. They retired in the class of Eddie Leonard, Pat Rooney and Max Baer, and Mrs. Jack Horowitz and others of his popularity.

Their routine remained unchanged for years. Berry's partner, who had his partner with an actress (Mrs. Berry) in a skill titled "The Rub." They were the few who were in vaudeville and the salary, \$500, 30 years ago, was then considered very high.

## MARIE S. GATLEY

Mrs. Marie Standart Gately, concert music teacher and pianist, died of a heart attack in her husband's studio in the Metropolitan Opera House, New York, Jan. 8.

She sang with many oratorio societies in the U. S. and Canada and as Marie Standart toured with the Russian Symphony for five years. For four years she was a soloist with the Boston Symphony and also sang at the Bach Festivals in Bethlehem, Pa. In later years most of her efforts had been confined to churches.

Surviving is her husband.

## FRANK C. CASEY

Frank C. Casey, 61, former stage manager and producer, died of a heart attack in his home in Los Angeles, Calif., Jan. 8.

Casey founded the Oakland IATSE and held many offices in the union. He was active in the IATSE and the IATSE, and was active in the IATSE and the IATSE.

## CAPT. JOHN G. SPACEY

Capt. John Graham Spacey, 65, died suddenly in Hollywood Jan. 8, the day following a party he attended there. A captain in the British army, he was killed in action in the World War.

Spacey was a light jockey, but before he was killed in action, he appeared in road companies of "The Rat" and "The Post." A military funeral was arranged by the British-Benevolent Society.

## GEORGE RILEY

George Riley, 62, former theatre operator and recently employed at the Shubert theatre, died in New York, Jan. 8.

Surviving are a daughter, Mrs. Josephine Ferry, and a son, who lived in Yonkers, and a brother, Lazarus, in Germany.

## HARRY BEDFORD

Harry Bedford, 60, old time musical comedian and writer of comic songs, died in a Surrey, England, hospital, Dec. 18 after three months' illness.

One of his best known ditties was "A Little Birdie in the Tree."

## A. LEROY HASENBALG

A. Leroy Hasenbalg, 26, known 15 years national sales rep for NBC out of Pittsburgh, died at his home in Cranford, N. J., Jan. 8.

Further details will be found in the radio section.

## LOCO WAMBRA

Loco Wambra, 38, known 15 years national sales rep for NBC out of Pittsburgh, died at his home in Cranford, N. J., Jan. 8.

Further details will be found in the radio section.

## W. C. CARPENTER

W. C. Carpenter, 72, for 40 years a pop dance leader in Midwest territory, died at his home in New Haven, Conn., Dec. 18.

## FRANK NEIL

Frank Neil, 54, managing director of the Shubert theatre, died in New York, Jan. 8.

Further details will be found in the radio section.

## EFFIE E. C. CARLTON

Mrs. Effie E. Carlton, 65, retired actress and composer of songs, died in New York, Jan. 8.

Further details will be found in the radio section.

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died 19 years ago. Surviving also are a son and a daughter, Ambrose and a concert pianist.

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# APOSTOLI WIN RILES BETTINA FOLLOWERS

## BY JACK PULASKI

There was no title at stake when Fred Apostoli, mixer of the movie "Mad Men" at Madison Square Garden, Jan. 8, but it was a 12-round fight for the title of the best boxer by the old-timers in a tumult, Bettina, who led the light-heavyweight crowd for a 12-round fight, defeated, though favored as high as 15 to 1 over the battle.

Apostoli, who had his appearance in the 175-pound division. He had been smothered around a middleweight, after being raised by the man in that class. Consequently, the wise money was against him. Apostoli, who led the crowd in the second, the boys who want action then quoting him a 6-1 shot. He was quoted as the son of the game and the prize raised further.

Blatant and courage carried the crowd. He was the son of the game and the prize raised further. He was the son of the game and the prize raised further. He was the son of the game and the prize raised further.

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## IN MEMORIAM SHELLEY HULL

DIED JAN. 15, 1946

WILLIAM KERRY HALLIGAN

Sir Cedric Hardwicke and Robert Altman. In recognition of his contribution to the production of the Shakespearean drama, he was knighted by King George V on the 10th anniversary of the "Druce Lane theatre, London, in 1914.

The World War brought a temporary cessation in his career, but he volunteered in the ambulance corps, later being awarded the Croix de Guerre. He made his last tour of South Africa after the war, his career ending in 1923 when he was married by the British, in view of his support to the English drama.

## FLORENCE FINCH

Florence Finch, 71, pianist since childhood, died Jan. 4 in Hollywood from a stroke. She had been in pictures more than 30 years after an early career as a Shakespearean actress and later in vaudeville.

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# WHAT THE

Foreign Distributors  
Delaware, Pa.

**Editor, VARIETY:**  
An article which proved rather interesting to the writer appeared under the title "What They Think of the Foreign Situation in the World Playhouse, Chicago, has gone into the French film situation in a rather superficial way. The writer brought forward several very good points. His plea for wider distribution of excellent foreign films is a very well taken, but he has overlooked an important stumbling block which, as you see, it presents the greatest threat to the foreign film's success throughout the country.

The stumbling block is the abnormal lack of cooperation, and I don't know of any other reason, for the attitude and improper advertising of their products by the distributors of this imported film. The distributors of this class of merchandise become better acquainted with what can be and what cannot be done out in the sticks (delt prices will be raised to grace the prices of *Lloyds* until the stock dies out and the sprocket holes disappear).

The writer has had quite a bit of experience in the foreign film field, having opened the Avenue Cinema in Philadelphia in December, 1931. I successfully managed and publicized that house for several years. It was a success, but that is another story. As my present connection, I should carry over a certain amount of experience in the choice for imported pictures.

However, I have found in my efforts to resist to the temptation of taking a foreign film of any merit whatever in a town the size of Philadelphia, that the distributors of these films have a number of reasons, in some conditions which cannot be overcome and seem to have attained to the point where they should never leave the shelves unless the banking happens to be in a class of its own.

All this applies after the exhibitor has gone to the trouble to locate the distributor of any particular film. The exhibitor must know the distributor's name, address, and the distributor's name and address of the distributor.

Now, providing the small-town exhibitor can find the proper address of the foreign film distributor he has just set out to find, he has found in a number of instances that an exhibitor from a town the size of Philadelphia writes to the distributor of this type he is automatically classified as a "nigger," and a form letter back quoting a name or condition that could never be met in a small town. As a result the picture is left to rot in the film is still on Day's shelf.

The sort of run-around has been known a number of times in fact, but my time is here tried to get a foreign picture of merit. To go way back to the Goldenberg, who controlled "Two Hours in Walla," I found that the distributor also had to take the picture to five mediocre German producers. My good friend Charley Newman, who had a prior for "Moonlight and Smiles" which I could not get to see in two days. "Moonlight" was a problem, but to go to see it I have not been able to find who really has a plot for rent.

I am citing these specific instances for the reason that they are very worthy thought cannot be carried out at least under present conditions until such time as the foreign picture distributor can realize that when a little town like mine is asked to carry a picture of merit, the exhibitor himself is represented in the unusual and has the 'guts' to go to the distributor to merchandise it to the point possible the picture will come to get runs only in the large cities.

It is the exhibitor from the small town who inquires that should be given more means made to the distributor that otherwise he would be a distributor, as I have said, but the distributor would not be able to swell up on an inch or an eye he does not get on inquiry, and every-

most automatically quotes a price or conditions of an importation, and so they realize that, in a situation like mine, for every picture of the kind, the distributor is to be a regular program picture under contract must be paid for to open up the picture. They can then use ordinary advertising appropriation must be doubled so that their production office can be kept in the line. And finally, do they realize that, unless the exhibitor works his head off on the picture, he will be left with a design masterpiece the 'works,' it will almost always die brutally and leave the small-town exhibitor only with his pride in having presented something worthwhile.

If these foreign-film distributors are interested in getting every dollar possible from their pictures I would suggest that they take a small ad in the trade journals once in a while to acquaint the larger exhibitors with their offerings and make these offerings may be obtained. Also, when they get replies from these small exhibitors, they should be given the same patronage, etc., into consideration when quoting prices, and not simply give a flat rate to the exhibitor.

When they do, I feel reasonably sure they will start picking up a picture or two from the small-town country, but I'll be damned if I would pay as much for one of their pictures as I pay for *Joan's* *Joan's*.

Ken Woodward,  
Crested Theatre  
Stapleton, S. L.

**Variety Called Boss**  
Did your radio reviewer Hubs put on his rose-colored eye make before taking in the Screen Guild show on the radio? I think of his review of explanation I can think of for his review. Especially when I think of the picture which resulted from the show. When they do, I feel reasonably sure they will start picking up a picture or two from the small-town country, but I'll be damned if I would pay as much for one of their pictures as I pay for *Joan's* *Joan's*.

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Crested Theatre  
Stapleton, S. L.

**Giving Public a Break**  
New York.  
Editor, VARIETY:  
I can't possibly understand how you could write a picture like "The National Parade" in the anniversary issue, and omit a spot like the *Funk* cartoon, undoubtedly the most and most novel idea in his Broadway in a year.

It is the national parade, the jibbering joints such as the Hickory House and the Famous Door, which is the only thing that has been in the Street is already an old story. It is the first time in the entire history of Broadway that anyone has given the public a break—and what a break!

Spencer Hays  
Pasta Doneretta.

**Will Explain Later**  
New York.  
Editor, VARIETY:  
VARIETY on Dec. 27th has the Chicago Telegrams Theatre sign up as a result of the "Don't" of a year ago. I was then and tell you how they were.

Prosperous New Year to you and all the members of your staff who have been so kind to us during the past year.

W. French Githens  
The New York Theatre.

**Cash Show Properly Described**  
San Francisco.  
Editor, VARIETY:  
The recent personal appearance of five Universal players in common with the "Cash Show" of London at the Warfield theatre here stands as a glaring example of poor showmanship. Described as the opening by the m.c., Mische Auer, "just a little something we knuckered together for the show," it was, as you have—confidentially, it stinks. The show lived up in every way to Auer's statement.

With poor material and in one case with none at all, it would seem that the picture makers without their efforts. Auer offered two or three Hollywood jokes that the audience

applauded out of politeness and then introduced John Huston, a personable young man who stooped a minute and then walked off home. His belly was one understand that. Next, Ben Karloff came on. Got a lot of "up the year" from the master to the Warfield, and said he'd "rehearsed that better than the best of the Fair." Then, the Beto Lugosi tried hard for a while and then presented Ben Gray, a great disappointment. In the end of the band-himself angling I love you—up the public variety.

It is all this kind of thing, and the fact that the show was packed from noon 'til midnight by the poorest audience after almost monthly days.

R. J. Smith.  
Phone Movie Show  
New York.  
Editor, VARIETY:  
The Public Interest, Convenience and Necessity.

This mandate hangs in the office and the mind of the most of every broadcaster in the business, but they are they asked to live up to the great discommodities of the producers of the "Musical Memory" which shortly before their efforts and which they could not Saturday night on WQXR, they were handed a request for tickets with the following policy:

P.S.—A ticket is a ten-year-old child with us, please make it at 8:00 p.m. Thank you.

Martin Hinde  
Production Manager, WQXR

**A New Far With Vae**  
New York.  
Editor, VARIETY:  
In your last VARIETY I noticed a misunderstanding in the review of the Music Hall production. The comment for La Coma have been at-tributed to myself. I would like to rectify this error by telling you that the designer of these costumes is

Thanking you for your attention.  
Marco Mendicino.

**Bob Do Not Charles**  
Woodside, L. I.  
Editor, VARIETY:  
In last week's VARIETY my name was mentioned as being one of the acts that were being paid and not played at the French Casino. I never opened my mouth and received no payment and expected none. Will appreciate if you mention this fact.

Bob Do Not Charles.  
Woodside, L. I.

**Survey Pix B.O.**  
Continued from page 1  
writing at the root of the problem. Best thing so far evolved, it is felt, is the formation of the American Producers and Distributors of America, a professional organization for the purpose of the film-going public for no fee, but for the majors and circuits to make a quiet financial contribution for the project, and for the querying to be at, or far as such a major survey permit.

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# Boom In Pop Music

Continued from page 1

popular sheet music amounted to 15,000,000 copies, or 4,000,000 copies more than in 1936 for the pre-war period.

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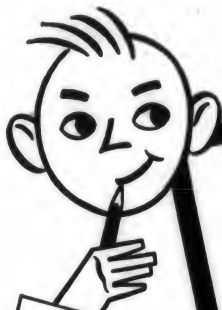
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# LET'S TAKE STOCK!

## SPOTS

✓ Last winter, new **ATTENDANCE** records at Frank Dalley's Meadowbrook; last month, new **GROSS RECEIPTS** records for night and week — excluding New Year's Eve, which hit another high!

## RADIO

✓ Twenty-six weeks for Quaker Oats (Ruthrauff & Ryan), twenty-six weeks for Sensation Cigarettes (Lennon & Mitchell)!

## THEATRES

✓ 1939 Record at New York Paramount Theatre — biggest gross of the year!

## SONGS

✓ Two Hit Parade leaders, "My Reverie" and "Our Love", and now "My Silent Mood", by Larry Clinton, Stanley Adams and Frederic Francois Chopin!

## HOTELS

✓ Twelve terrific weeks at Hotel Park Central, New York; opening January 18 at Hotel Roosevelt, New Orleans!

## RECORDS

✓ A host of best-sellers for Victor, including "My Reverie", "Our Love", "My Heart Belongs to Daddy", "Over the Rainbow", "Deep Purple", "Persian Market" — and now "Johnson Rag" and "Toselli's Serenade". Highest paid recording orchestra in the U. S.!

✓ Without exaggeration or, we hope, ostentation, we have humbly attempted a brief summary of our activities during the last year. Many have been associated with us in these performances, and as we begin 1940, which we hope will be an even bigger and better year, we want to pause to thank Frank Dalley, Harry Kalchheim, Bob Weitman, Arthur Lynn, Mann Hollner, Blayne Butcher, Lawton Campbell, Nate Tula, Frank Walker, Leonard Joy, Harry A. Lanzner, Bill Robbins and Col. Seymour Weiss, and the many others who have been so friendly and helpful.

# LARRY CLINTON



MILTON E. PICKMAN  
Personal Representative

**GENERAL AMUSEMENT CORPORATION**

THOMAS G. ROCKWELL, President

NEW YORK • CHICAGO • HOLLYWOOD • LONDON

**56 PAGES**

## N. Y. Fair Hasn't the Coin for Fancy Come-Ons, Gibson Tells Showmen

Maximilian J. Klinger, counsel for the Embassy, offered the unique argument to the board that the club should be allowed to sell after hours 'because it was the only one which society matrons allow their delicate daughters to visit.'

Herb Smiler, operator of the spot, has been packing the place with the Main Line and Chestnut Hill set by featuring debbies with singing and dancing talent in his floor shows.

## RKO Reorg. Will Wash Up Tomorrow 'Thurs.' at Transfer of Assets Hearing

After seven years, less one week, the Radio Keith Orpheum Corp. has finally arrived at the court room of the U. S. Federal Court, Saturday (13) federal judge William Bradley signed an order, pending the hearing on Thursday, as to the date for the turning over of all assets now in the hands of Irving Trust, trustee of the RKO reorganization. No disposition is expected at that hearing, and a closing order, five business days after the final stages of RKO's reorganization. Transfer of the assets will consist of transfer of all properties, tangible and intangible, except certain cash, which will be retained by the trustee for payment of reorganization expenses. The order will provide for turning over of all assets in the hands of Irving Trust, Chemical Bank and Trust Co., Central Bank and Trust Co., and the City Bank Farmers Trust Co. At closing time (five days after order is signed), the trustee, Irving Trust, will have relieved of all duties and responsibilities of administering the property. Reorganization of the new company shall be free and clear from control by the court, except in matters relevant to the assets and the injunction dating back to June, 1934, restraining the new company from selling or conveying any assets which shall be withdrawn. The injunction will stand against creditors or stockholders who might attempt to bring any suits against the company, or at such any of its assets.

The new company shall pay in full all claims previously allowed by the court. At closing time the new company shall pay the final installment of \$50,000 of full paid and nonconvertible shares. The new company will retain Irving Trust harmless in all actions in which it is trustee, and it shall be started again at which Irving Trust receiving \$50,000 to be used for expenses.

Irving Trust and its counsel shall continue to have access to the books and records of RKO and its subsidiaries prior to the estate for the payment of all allowances and expenses of administration. The trustee shall wipe out \$250,000 of gold notes due July 1, 1935, and 16,437 shares of common of RKO.

All applications for allowances must be filed with the court not later than 60 days from the entry of the order. The court will reserve jurisdiction in the case and direct payment of administration expenses and allowances, adjudication of claims, entry of final decree of adjudication in the case of claims, discharge of the debtor, and, in general, any matters relevant to the plan.

As decided at a board of directors meeting last December, 128,170 shares of full paid and nonconvertible shares of 6% preferred stock will be issued and 2,553,200 shares of full paid and nonconvertible shares of common. Option warrants will entitle holders in purchase 3,558,573 shares of common. The Bankers Trust Co. is designated as the agent to carry out the issuing of the securities. Holders of \$100,000 of 6% preferred stock will be issued 100,000 of 10% 6% gold notes shall receive 128,170 shares of 6% preferred stock and 600 shares of common, on a basis of one share of preferred and five of common, for each \$100 of notes and five shares now held.

With respect to \$337,774 principal of notes and debentures, holders have elected to receive 43 1/2 shares of preferred in lieu of the sum of common. Rockefeller-Crozier will receive 600,000 shares of common, and holders of general unsecured allowed claims totaling \$2,223,000 will receive 822,270 shares of common. Holders of 1,571,550 shares of common stock of the Motion Picture Corp. will receive 426,500 shares of common. The total number of shares to be issued is 1,588,000. Each share \$100 a share of 6% preferred stock, and 6,000,000 81 common. The 6% preferred will receive dividends payable quarterly at the rate of 36 a share per annum. When all the preferred is paid at this rate, the common may receive a dividend. The preferred stock is redeemable at \$100 for each share, plus accrued dividends. The rate of conversion of common to preferred will be 1:1. The new company shall not acquire a funded debt of more than \$500,000 so long as any shares of common remain outstanding. The board of directors of the corporation shall have the right, before April 11, (Continued on page 11)

## RKO B'd Creates V.P.

### Post for Wm. Merrill

Following reorganization of RKO, in which he had an important hand as executive assistant to George J. Schaefer, a vice-presidency has been created for William Merrill. The board took that action at a meeting held last week. Merrill came into the company from other fields, including financial interests, and at one time was a high executive of the Royal Baking Powder Co. Board also appointed William H. Clark, O. C. McMahon and G. Van Wagner as assistant treasurers, together with J. Miller, Harlan and Gordon Youngman as past secretaries.

## RKO MAY GO TO 10 PICTURES

Hollywood, Jan. 16.

RKO is mulling the idea of reducing its 1940-41 output to 10 features, following the lead of Paramount, Metro and Warner Bros. The plan will be based upon new work following the arrival of prey George Schaefer and Ned Depina for studio head.

Meanwhile Harry Edington, new executive producer, is pruning the studio's list of story properties.

## WB EXECS CONVERGING FOR HUDDLES IN N. Y.

Making heads in the south to huddle on sales matters, Glad Stone reached New York from the Coast Monday (15). He will be followed next Monday by Walter L. Warner, Pat O'Brien and probably Sam Schneider, WB n.e. executive, for discussions in the next relating to production for the balance of this season as well as for 1940-41.

Charles Knell came on by train Friday (12) to set campaign on forthcoming releases. Joe Bernhard, WB's chief conference, arrived in the week after Coast conferences, flying.

Harry Kalmanowicz, h.e. division manager over the west and south, now in San Francisco on the Sears and Roebuck conference, and other matters, is expected back in a week or so.

## Bischoff Walks on WS

### Contract 8 Mos. Early

Hollywood, Jan. 16.

Sam Bischoff called off his petters for a Florida vacation. Fact had eight months to go.

## Freeman Delayed

Unable to leave the Coast Friday (15) for his U. S. Federal Court hearing, he has been delayed by a court order. He is due east Monday (23) for his court appearance. He will be accompanied by Cliff Lewis, who's coming on to discuss advertising-exploitation plans with Bob Gilliam.

Freeman is planning to go down to Florida for a brief vacation.

## TALK N. Y. RELEASE COLUMBIA

Hollywood, Jan. 16.

Dred is being talked with Columbia by Martin Gering for release of two films which he will produce in New York, in line with Mayor LaGuardia's drive to bring picture-making east. Christopher J. Dunphy, formerly active in Paramount and United Artists, is planning to form it. He had formed a company to finance the two pictures at a total cost of about \$600,000. Gering is a former Paramount and Columbia director.

Stories purchased by Gering are "Bricks Without Straw" from the novel by Lewis Mumford and "Song on Your Bugles" by Eric Knight. Negotiations are now underway on a studio for filming with Warner Bros. in the Bronx and Eastern Service in Astoria, being mentioned. Gering said he hoped to start shooting about the end of March.

Despite efforts of Mayor LaGuardia to bring production east, at least two films which were stated last fall to be made in New York appear certain to have been eliminated for the season. They are "Angels in 52," which was headed by Jack Sherrill and John Wildberg for filming at the Eastern Service Studios, Acacia and "Antonia" planned by Harold Orlin for shooting at the Fox-Marcovitch plant in Manhattan.

It is not clear whether it is possible to satisfactorily cast their film for eastern production, although they were guaranteed by Columbia for a series of New York-made. As a result, Sherrill has joined the staff of United Artists, planning on "Tree of Liberty" at Columbia on the Coast and has inked an agreement to continue to make five more to be made by Lloyd Orlin, who made "Third of a Nation" in New York last March, but was unable to get a release deal.

## PAR WANTS LLOYD FOR 'MALE ANIMAL'

Hollywood, Jan. 16.

Paramount is underbid to be propositioning Harold Lloyd to resume his acting career as star in "Male Animal," currently on Broadway stage. Studio is planning to have Lloyd for the screen after previous Lloyd takes the top role.

Currently Lloyd is under contract to Columbia, a picture producer on one picture of RKO.

## Norma Shearer's Quickie

Norma Shearer is not one to waste time. She arrived in New York from the Coast Saturday (13) morning to see the legit film "We Make," in which she will star on the screen. She attempted to get tickets for Saturday (13) matinee performance, but couldn't and was chagrined at being forced to postpone to see the legit film. She'll return to the Coast tomorrow (Thursday).

## Rubin Cites 'GW' to Justify Steep Film Costs; Loew's Re-Elects Directors

### Gene Zukor, Walker Rate Full Prod. Status at Par

Hollywood, Jan. 16.

Gene Zukor and Stuart Walker, associate producers in the Harold Hurley unit at Paramount, were expected to full producers, directly responsible to William LeBaron, general director of production. Zukor's first assignment on his own is "Mystery Ship," Walker's is "Louis Shepherd of the Hills."

## SEES NO HARM TO MDS IN PIX

The undue stress placed on the alleged influence of motion pictures upon children and civil censorship was being criticized by Dr. A. A. Brill, psychiatrist, soon after he was elected new chairman of the National Board of Review last week. Brill succeeds Dr. George W. Kitcher, who continues as chairman emeritus of the board.

Dr. Brill mentioned the majority of statements concerning the effect of motion pictures on children as "baseless and false belief based upon unscientific research." As to censorship, he said the new National Board of Review chairman said it was not necessary because the average person knows right from wrong and consequently has the capacity to be his own censor.

He pointed the National Board of Review's opposition to censorship, and said he was especially interested in having his support in attempting to teaching film appreciation to children.

## FLEISCHER-PAR HUNT 2D CARTOON SUBJECT

While Paramount and Max Fleischer have settled on plans for the production by Fleischer of a second cartoon feature, the subject matter is still up in the air. A half dozen subjects and ideas are being considered, including Mother Goose material and a cartoon about the Manhattan subway system, with suggestions for originals.

Fleischer, who was in New York last week to discuss plans with Paramount, has returned to Miami, where his studio was as rushed on getting "Gulliver's Travels" out of time for Christmas release that shorts production felt behind, though backing of briefs made it possible for Par not to skip release. Budgeted at \$200,000, cost of "Gulliver" ran over \$100,000 largely because of the speedup.

## Winnie Sheehan Stays At M-G After 'Florian'

Hollywood, Jan. 16.

Winifred Sheehan is continuing on the Metro lot as a producer, although her contract called for her to leave Metro, "Florian," now in the final editing stage.

Producer has four more years in preparation.

## E. Riskin Leaves Col.

Hollywood, Jan. 16.

Everett Riskin checks off the Columbia last text month when his producer contract expires.

Underfoot, he contemplates producing as an indie.

## SAILINGS

Jan. 15 (Gotten to New York) Frances Fox (Manhattan) Jan. 12 (West Indies Cruise) Mr. and Mrs. Abel Green (New Amsterdam) Jan. 12 (New York to Santiago, Chile) Adolph Zukor (Santa Elena)

## ARRIVALS

(At the Port of New York) Ingrid Bergman, Mike Todd, Fernand, L. Goldsmith, Andre De Toth, Jan. 16

Loew's, Inc. board of directors was re-elected with hardly an opposition, with the annual shareholders meeting held yesterday (Tuesday) in New York. Answering a line protest over the amount of money put into screen production, J. Robert Rubin, v.p., pointed to the picture as a consequence of the money and experience means to the benefit. He indicated that this picture is a consequence of the money to return an enormous amount of revenue.

Directors re-elected were Nicholas M. Schenck, David Bernstein, J. Robert Rubin, Joseph R. Vogel, Daniel J. Warner, J. Edgar Wintering, John R. Hassel, Louis Friedman, Charles C. Moskowitz, William A. Arnold, William A. Parker and Al Lightman.

Rubin explained that common dividend payments were less last year, even though the report for the 1938-39 fiscal year showed earnings as virtually the same as in the preceding year because of the European war disaster to revenue. He said a conservative policy of dividend distribution was maintained in view of the foreign situation.

Earnings for the first quarter of the new fiscal year, covering September, October and November, 1939, will be considerably less than the comparable quarter of 1938, it was stated.

## SAX WINDS UP WITH WB AFTER 12 YEARS

Hollywood, Jan. 16.

Sam Sax, until recently general production chief for Warners in England, ended his association with the company after 12 years. He had spent the winter when the war broke out and expected to go back to London to resume production, but his company's plans over there are indefinite.

Before going abroad, Sax was in charge of the Vitaphone studio in Brooklyn. He has been making pictures for 25 years.

## L. A. TO N. Y.

Marion Borden, Pandora Bernson, Sam Buchanan, William Boyd, Harry Brand, Lillian Hellman, Sam Brownstein, Lon Chaney, Jr., Lon Cromwell, June Darwell, Ralph Dietrich, Howard Dietz, Tommy Dowling, Clifford Goldsmith, Not Goldstone, Sam Goldwyn, Talbot Jennings, Ben Kalmanowicz, Helen Langford, Sidney Lanford, Arthur Lake, Don Langford, Gene Markey, Al Melnick, Sam Minton, One Minute, Guy Penner, Frances Fox, Edward G. Robinson, William H. Robson, Don Rosen, Art Sharn, Harry Stradling, Don Taylor, Allen Thompson, Put Van Cleave, Van Williams, Crane Wilbur, Andrew Weisberger.

## N. Y. TO L. A.

Lucille Ball, Earl Carroll, Dave Chasen, C. Howard, Mr. and Mrs. Jack Karp, Anita Louise, Don Langford, Lee Patrick, Cliff Reid, George Raft, M. J. Sigel.

## Other News Pertaining to Pictures

Features of New Year's Eve  
Dick Foy's "The Great Dictator" ..... Page 29  
Leading Radio Spenders for "AFRA's" Case for Transcription ..... Page 29  
George Trendle Signs AFRA Pact ..... Page 29  
Radio Reviews—Fred Keating, Hugh Herbert ..... Page 34  
New Art Review—Anita Louise, Dead End Kids, And ..... Page 47  
Devine, Frankie Darro ..... Page 47



# THE CASE OF WILLIS BLOFF

## U. S. Wants First Crack at Bioff On \$85,000 Tax Rap; IA Ouster Demanded

Hollywood, Jan. 16. Government officials here want to try Willis Bioff on an \$85,000 income tax rap before he is extradited to Chicago to complete a six-month jail sentence on a pandering conviction. They indicated it would be possible to readjust the United States District Court calendar and speed up trial.

Officials pointed out that it was customary where a defendant is charged with more than one crime to first try him on the most serious one. They stated that if convicted on the tax evasion charge, Bioff would face a much longer sentence than the one for which he is now wanted in Chicago. Definite decision on procedure, however, will be made by the Department of Justice in Washington.

In the meantime, Bioff is at liberty on \$5,000 surety bond. The indictment covers two counts, one of which is punishable by a maximum sentence of five years and \$10,000 fine. Bioff also furnished \$1,500 bond on the charge that he is a fugitive from Chicago. A requisition for return to Chicago has already been signed by Governor Henry Horner and is now before Governor Culbert Olson.

The latter is certain to hold a hearing on the request before announcing his decision.

The first count of the federal indictment alleges that Bioff evaded income in 1935 was only \$6,750 and that he paid a tax of \$1,750, while his actual income was \$35,375.25, and that he defrauded the Government of \$28,625.25 in taxes.

In his return, Bioff stated his only income was salary received from the IATSE.

Charge \$95,997 fraud in '37. The second count covers Bioff's income in 1937. The indictment alleges that Bioff reported his income as only \$7,200 and that he paid a tax of \$1,750. The Government charged that Bioff's take for the year was \$114,618.30 and that he defrauded the Government of \$80,007.41 in taxes. In 1937 Bioff listed his income as \$3,500 received in salary from the IATSE.

(Continued on page 3)

## HORNER RAPS BIOFF DELAY

Chicago, Jan. 16. Extradition of Willis Bioff from California was formally requested by Gov. Henry Horner, of Illinois. The requisitioned for the return of Bioff to serve the remainder of a six-month sentence for pandering for which he was convicted 17 years ago.

Gov. Horner, in signaturing the requisition, stated that the delay in bringing back Bioff was without excuse or explanation, and also that the Illinois jury should seek to find out why it had been so long delayed.

In a statement, the governor also stated that the Illinois interest of justice required that he should be returned to this state for the purpose of satisfying the judgment of conviction against him in the Federal Court of Chicago. Gov. Horner also stated that the delay in extradition could not hold in view of the fact that the defendant in this case was convicted in Illinois of a crime, has not served his sentence, and that the defendant himself has made no request for extradition as to why this sentence served.

However, there is the likelihood that the federal authorities may get out all on Bioff on an income tax indictment, returned to him in Los Angeles last week. Authorities in Chicago were of the opinion that the Government will not to extradite a prior claim against Bioff under the circumstances.

## Pressure on Bioff

Reports are making the labor rounds that Willis Bioff is planning to drop out of the picture, but to pull strings behind the curtain with a frontman to make retirement look genuine.

Move is said to be a maneuver to head off the clamor of the rank and file for his ouster until he can clear himself of the Government and Illinois raps.

Chicago mob is said to feel that Bioff is a heavy liability to evade in present predicament and they are all for him dropping into the shadows until it blows over. There have been no public for his removal locally, due to fear of reprisals, but a quiet move is afoot to force his retirement. Understand that if heavy pressure is successful, Bioff will pass to Meyer Lewis, American Federation of Labor international rep.

Budget of \$1,500,000 has been set up for filming "The American Way," Harry M. Goetz, who will produce it in association with Max Gordon, declared Monday (15).

He said production cost will be in line with the \$250,000 price—one of the highest in industry history—paid for the film rights to the legist of last season. Fredrick March and Florence Reed, who had leads in the play, will very possibly have the same parts in the film, Goetz said.

Goetz and Gordon are currently working on the screen-play with Jean Tjelt, who is doing the story. Fredrick March, writer for RKO, which will release the film, came to New York last week for the first time. First writing is expected to take about six weeks, after which Goetz, Gordon and Tjelt will likely adjourn to the Coast for polishing preliminary to spring production. Anti-Nazi angle in the play will be written out, or at least out, Goetz said, in favor of emphasis on the American success story and emancipation of womanhood.

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Neely Lull, outlawing book-banking of films, and the U. S. Government civil action under anti-trust laws against the major motion picture companies and independent theatre circuits, are serious threats against the film industry, as presently organized. Upon the outcome of these two issues, the whole future course of the business will depend.

One is an attempt to regulate business practices, which have evolved through a quarter of a century of development, by the force of legislation. The other is legal prosecution for alleged violations of anti-trust and restraint of trade statutes. Both are weapons of government which, if successful in their purpose, will change completely the structure of the film in industry.

As for the anti-trust suit, avowed intention of which is to divorce ownership and operation of theatres from producer-distributors, the legal phases to be thrashed out are complex and beyond the layman's capacity to understand. If theatres are going to have new landlords and

## FINANCING NOT THE PROBLEM

### Most Companies Already Clogged With Outside Producer Deals — Indie Productions Finding It Tough to Get Major Release

## FEWER '40-41 FILMS

Financing for film production in this country has become as easy as shooting fish in a rain-barrel, instead of the problem of the past. The picture of the future for outside production is now tougher than ever before, with major companies turning up so many offers for any deals to lead producers beyond what they themselves make, or, in financing a season's output, have arranged for with various producers in advance.

Since most financing by independent film-makers seeking major outlet is conditional upon obtaining release rights, the problem of the picture of the future is not that of not one-tenth of the films which are being produced for the coming season. These include the Mayer F. M. McCord's campaign in developing studio activity in the east, will be made in the coming season on the fact that financing is easily available, but almost always only if a major producer is distributor of the finished product, and partly on the fact that virtually every company has more money than it needs.

The distributors ordinarily won't make deals for release of outside-made films until the product has been completed and may be seen. This is almost always the case even where the major distributor is in the financing when release becomes a matter basically of protecting the producer's own investment. For the current (1939-40) season very little financing is being obtained from the majors on pictures that are being made as a so-called independent basis.

Fewer Pic. Higher Costs

Another angle seeking to discourage majors from making release deals with outsiders traces to the fact that in a company's schedule a program of 60 features, but only makes 40 of these itself, getting the balance from the outside, the proportion of permanent studio overhead is higher per picture, since the whole season has to be covered over 40 instead of 60 films. Moreover, the distributor is always taking a gamble on marketing made outside.

(Continued on page 5)

## UA Adds Gabriel Pascal as Producer; Talks Deals With Stahl, Capra-Riskin

## Only Us McCoys

Hollywood, Jan. 16. Apache Indians are the only actors in Apache Productions, recently organized by Del Frasier, who formerly produced shorts for Warner release.

New company will make two full-length features, "E-Wa-Tu" and "Hawatha," both in Arizona.

## M-G LOOKS HOT FOR PHILLY STORY

Warner Brothers as well as Metro have been active in attempts to obtain film rights to "The Philadelphia Story," by Thornton Wilder. It is understood that WB had actually made a tentative agreement of purchase several weeks ago, but have since backed out.

Deal for buy by Metro now appears imminent, with contract reportedly being drawn up. Price is \$175,000 and will include the services of Katharine Hepburn as top-line. Miss Hepburn, star of the 1937 version, won the film rights, having sold earlier Philip Barrie \$30,000 plus royalties shortly after the purchase. Length of work before filming the start—one of principle hurdles in path of agreement—it is understood has been finally set at one year. Story will tear for at least part of that time.

## SELZNICK SHUTS OFF PROD. UNTIL APRIL

Hollywood, Jan. 16. Selznick - International, finished with its 1939-40 program, has closed down until April 1, with only a sketchy crew remaining on the lot. During the shutdown, David O. Selznick will prepare a story for Ingmar Bergman, Swedish star.

## H'wood Press Grows

Hollywood, Jan. 16. List of studio press correspondents, accredited by the Will Hays office, increased more than 20% in the last three months.

Correspondence is 300, as against 321 in October.

Gabriel Pascal, British producer-director, became United Artists' 19th active producer under a three-year exclusive term inked with the company last Friday (12). Signed followed lengthy trans-Atlantic negotiations, marked the second addition to UA's roster in two weeks. Contract having been recently concluded with James Roosevelt.

Further UA additions are still in the wind, with John Stahl due in New York Thursday (13) for confab on a deal with Murray Silverstein, UA chief. Negotiations are virtually completed, too, with the Capra-Riskin unit.

Addition of Pascal ties up with the estate of Alexander Korda to work in Hollywood. Korda, a producer-owner of UA, has been making the industry's quota pay in England. He has long been anxious to produce in the U. S. but the wish has been frustrated by quota demands. Last week a top UA official indicated it is 90% certain that Korda will transfer his base from London to Hollywood. It is understood that Korda was active in arranging the industry's quota pay in England. He has long been anxious to produce in the U. S. but the wish has been frustrated by quota demands. Last week a top UA official indicated it is 90% certain that Korda will transfer his base from London to Hollywood. It is understood that Korda was active in arranging the industry's quota pay in England. He has long been anxious to produce in the U. S. but the wish has been frustrated by quota demands. Last week a top UA official indicated it is 90% certain that Korda will transfer his base from London to Hollywood. 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# FACTS TO OFFER IN EMOTIONAL REACT TO WHAT RESEARCH IMPLIES

Radio Sponsors, Agencies Find It a Necessity—  
Film Showmen State the Only Thing Necessary  
Is Good Product

By BOB LANDRY

Last week's story in VARIETY upon the possibility of the picture industry doing some "research" immediately evoked various reactions, chief among them:

a. A general flutter of excitement and interrogation among the promotional organizations equipped to burnish wares. There was a great, burning wish to know who was, or might be, the key men in any such activities.

b. The Will Hays organization was not pleased at being, inevitably, the telephone point of gravity.

c. Sundry personalities and organizations immediately doubted the whole idea as a grandiose waste of money, a red herring to divert attention from evils far deemed too obvious to need proof.

Meanwhile the Vauxs vary brings to the fore the whole idea of "research" as a method of finding out things that might, or might not, be of use in providing information to the many viewing industry problems now, and for some time past, besetting the film men. The idea, in fact, as the closest paralleling popular amusement, has played a part in inspiring a variety of notions.

How many of these notions are of how people think, what they like, why they act or why they fail to act, is another radio matter. These are known to have had several interviews with film men in New York during the past year in which they, the researchers, were peddling a bit of goods, namely, their own ideas as experts in determining the ring and the sound of the market. On the whole, in fact, they found the proposal that the tabulated opinions of a few thousands of persons would necessarily provide valuable answers. Good film, said the film men, still have to be written, art directed and advertised and no survey can provide a fool-proof system of these functions. They would like a survey to know a picture is bad. "You see know," he said the skeptical film men.

Barberis vs. Crystals  
Doorbell-ringing for the purpose of eliciting the public's opinion more congenial to radio because of the advertising agency influence prominent in that field, and the program sponsor is not, like the usual head of a film producing organization, a showman by training or instinct. On the contrary, the sponsor is usually an expert in merchandising, an amateur in an outdoor interest in entertainment, as such. In entering that he wanted to be reassured by surveys, whereas the typical showman scans surveys as silly little exercises for showboats.

This matter of "research" distinguishes the two chief post-entertainment of the public industry. In general, the film business values and prizes judgment, inspiration, the creative, the "discovered" graces react automatically. The crystal-gazer, complete with turban surrounded by a group of devotees of electric signs showing former successes cleaning up on Broadway, is an impossible and unappealing concept of showmanship in operation to the film man. Whereas it makes the radio sponsor, the advertising agency, the network tabulator shudder. The radio story is told in percentages, the film story in box-office receipts.

Of course, neither industry is unhampered by the public directly, quickly admits and in fact actually seeks out the confirmation of the film business. The industry is indeed for stars, plays and ideas. (Advertising agencies constantly check "radio" has grown up with the industry.) In reverse, however, the present day film studio executives are quick to appreciate anything that might bear the stamp of success as established in the popularity measurements of the Commercial Appeal and Broadcasting (the much-discussed C.A.B. or Crowsley Survey).

Typical of the reactions of showmen to a survey of the public by the film industry is this letter, sent to Will Hays personally, from J.

Wood, secretary of the Independent Theatre Owners of Ohio. It reads: Columbus, Ohio.

My dear General:  
I have not finished reading the article on page three of the January 10th VARIETY in which it is stated that your association is contemplating a survey to ascertain why people are not attending the movies in larger numbers.

"I cannot conceive that there is any truth to the rumor because the reasons are so apparent that it would be a waste of money to make such a survey, for surely you must be convinced of the fact that the real reasons for people staying away from our box-offices can be traced to two sources—monitors and radio and other competition.

Let us first dwell on the second reason. Practically all the top of the week motion picture stars are broadcasting and the fact in heavily advertising in the newspapers. This is especially true of the Gail program on Sunday night, regarding (Continued on page 39)

## St. Louis IATSE Local

U. Cuts Costs and Dues

St. Louis, Jan. 16.  
John P. Nick, ousted head of International Alliance of Theatrical Stage Employees, Local 143, drew a salary of \$125 per week from the local treasurer, while his wife, Mrs. Agent, Clyde A. Weston, paid himself \$225 a week from union's funds. The IATSE local, which had announced that dues of members would be reduced because of a reported loss of \$50,000 in the year of receivership. Members who have been paying \$20 a year, plus 5% of their gross, will now pay \$10 a year plus 3%.

The dues slicing was voted by union members at a recent meeting presided over by Circuit Judge Francis A. Oakley, who ousted Nick and Weston last April.

## 'Nother 'Lynton' Appeal

Federal Judge Murray Hubert in N. Y. City (11) granted a writ of certiorari to the Circuit Judge of Edward Sheldon and Margaret Ayer Barnes to appeal to the circuit court of appeals from a decision of the federal court last October, granting them \$15,000 as their share of the profits of the exhibition of 'Letty Lynton' (Metro) at the Capitol theatre. The decision was based on evidence that the net profit of the exhibition, but the federal court ruling was made in conformity with a provision of the circuit court. Low's, Inc., and its subsidiaries had been found guilty of plagiarizing their play, 'The Dishonored Lady' in 'Letty Lynton'.

Sheldon and Miss Barnes claim they are entitled to the net profit of the exhibition, but the federal court ruling was made in conformity with a provision of the circuit court. Low's, Inc., and its subsidiaries had been found guilty of plagiarizing their play, 'The Dishonored Lady' in 'Letty Lynton'.

## Quiz Harold Lloyd

Harold Lloyd was examined before trial Monday (15) in California, pursuant to an order of New York Federal Judge Murray Hubert. Examination was in connection with an application by Louis B. Mayer and William Jordan Rapp and Lowell Benjamin to the court to be required to pay reasonable expenses of the plaintiff's attorney in connection with the case. The court to conduct the examination.

## Suit Vs. Henie Upheld

New York supreme court justice Louis A. Valente Thursday (11) denied an application by Slima Henie to dismiss an action against her for \$25,000 by Dennis R. Egan. Henie, who is a professional skater, is claimed on basis of a contract whereby Egan claims he was employed as Henie's personal representative at 15% of her earnings. An accounting is also sought on Fox-Figure. George Brent did a box office

## Keeping Up With Joneses

New Orleans, Jan. 16.  
Alton Jones got a nice rough and also a nice bonus of five press space in connection with his new Orleans concert Sunday (14). Jones arrived in New Orleans to be greeted with the usual fanfare. The first item that Jones Appeals to U.S. and right smack underneath the drummer head of a two-column picture of the singer. Next morning Tribune caught up the accidental snaking of the item and printed a 300-word story on it.

Headline actually referred to Sam Jones, gubernatorial candidate, who had appealed to U.S. Justice Day, for supervision of state democratic primary.

## CRAWFORD, MARCH AS TOPPERS IN 'SUSAN'

Hollywood, Jan. 16.  
Shifting of casting gears at Metro brings Joan Crawford up as co-replacer of Fredric March in 'Susan', previously indicated for Norma Shearer.

The Beverly is slated to star in the recently purchased Sidney Kinyard play, 'The World We Make'.

## LaVerre's 50G Suit Vs. WB Back on Calendar

Charles McLoughlin Friday (13) reduced a \$50,000 action of Warner Bros. Pictures, Inc., to the calendar. Action had been dismissed in July, 1939, in the supreme court, but the court of appeals reversed the dismissal and ordered a new trial.

La Verre claims that he was employed in September, 1932, to write original stories for Warner William and Barbara Stowley. The latter he claims he wrote 'The minor' which produced much title by the company, and for which he was paid \$25,000. He was not paid for either, which he claims to be worth \$25,000 each.

## Zanuck Research Head

Hollywood, Jan. 16.  
Darryl F. Zanuck was named chairman of the Research Council of Academy of Motion Picture Arts and Sciences to direct the co-operative technical program of the Council for the year.

Other members are John Ashberg, RKO; Bernard Brown, Universal; Robert Adams, Paramount; Robert H. Brown, Fox; Nathan Levinson, Warner; John Livinsky, Columbia; and Louis B. Mayer, MGM.

## Circulating Stars Found Pix More To Their Liking on Transient Call

Hollywood, Jan. 16.  
Stardom in Hollywood has been introduced into a sort of circulating library, to the benefit of players and studios. The new system, utilizing life stars at other studios, was highly preferred last year and is now being more freely this season.

Chief examples are Clark Gable and Vivien Leigh. Gable, who had an Oscar candidate through his loan-out to David Selznick for 'Gone With the Wind', and Bernard Brown, who when Columbia borrowed him for 'Smith Goes to Washington'. Gable, who advanced his career through his outside assignment in 'Stanley and Livingstone' at 20th-Fox. George Brent did a box office

## Loose Ranger, Inc., Injunction Versus Republic

Federal Judge Alfred C. Coss in New York Monday (13) handed down an opinion, in which he granted the application of The Lone Ranger, Inc., for a temporary injunction against Republic Productions, Inc. Suit seeks \$100,000 damages and a permanent injunction.

The Republic application sought injunctions on three counts, two of which were granted. The first will restrain Republic from dealing with Lone Ranger's negotiations with other producers for the film production of the serial, and declare that Republic has no right in the third serial. It was disclosed in the second application, which was denied, sought an injunction against the release of the serial made by Republic, on the grounds that it was not finished in time.

The third, which was granted, prevents Republic, which is making 'The Lone Ranger' serial, from exploiting that film in any way which might deceive exhibitors or the public. The action is deemed to be a continuation of the Lone Ranger series.

## RKO, U Ask Dismissal Of Leontore's 150G Suit

The first answers in the triple damage action of the Leontore Amuse, Corp., against the Motion Picture Producers and Distributors of America, Inc., major film companies, was filed in the N. Y. federal court Monday (13). The suit seeks \$150,000 in damages, and Universal Pictures Corp. The answers contain a general denial of all charges and requests for dismissal of the action. The suit seeks triple damages of \$150,000, claiming that Leontore, operator of a Newark independent theatre, was put out of business by the destruction of stock by fire.

Yesterday (Tuesday) Lew's, Inc., Warner Bros. Pictures, Inc., Vitaphon, Inc., and United Artists Corp., added their denials to the charges. The action is deemed to be a continuation of the Lone Ranger series, through the filing of a stipulation of discontinuance.

## Merge Columbia Suits

New York supreme court justice Samuel Hofstadter Thursday (11) granted an application of Columbia Pictures Corp. and consolidated the two companies' actions against the company, its officers and directors. The minority stockholders are Betty Davis, Benedicta Lu Previt, Samuel Shapin, Sadie and Jennie Britton. The suit seeks \$100,000 in damages and the defendants 30 days thereafter to answer.

## Vivien Leigh, Taylor Duo Star in MG's 'Waterloo'

Hollywood, Jan. 16.  
Robert Taylor and Vivien Leigh with Vivien Leigh in 'Waterloo Bridge', which runs this week at Metro with Mary Astor, will be made spot had been considered for Laurence Olivier.

## Studio Contracts

Hollywood, Jan. 16.  
Warner's insisted De Wae's player option. Hal Roach renewed Noel's Bredin's ticket at cinematograph. The studio is now on deal at Metro.

Warner's picked up Neil's player option. Metro renewed Reger's player option.

Samuel's handed new player contract to John Ridgely.

Don Dwyer, Jr., asked player's part at Metro.

## DELAY IN THILLY METI-TRIST APPEAL

Philadelphia, Jan. 16.  
Appeal of the major distributors against Judge William H. Kibben's decision last November, which found them guilty of violating anti-trust acts, scheduled to be heard in U. S. District Court of Appeals yesterday (Monday), was postponed because of illness of Marie Wolf, counsel for the defendants.

Arguing on the appeal will be heard instead on Friday (19), if Wolf's condition improves. Judge Kibben's ruling was made in an action brought by owners of the Lands theatre, Vineland, N. J., last July. The Lands charged the major distributors and the Warner Bros. circuit with alleged monopolistic practices in the sale of films to the theatre. The action was brought by the heads of all the local major exchanges to give preference to the sale of their own product for the weekend to insure their appearance at the anti-trust suit brought by Harry Fied, operator of three Miss Lane theatres, scheduled to be heard in U. S. District Court.

The suit was filed more than a year ago by Fied, who charged the major distributors with monopolistic practices in the matter of clearance to the theatre. The action was filed in his petition that he could not obtain films for his suburban theatres, which he had owned since 1930. He also charged rival WB Admore either refused to reject them. He also charged that the major distributors, the seven, in Bryn Mawr, and the American Theatre, in Philadelphia, had refused to give him films for the past year.

Fied claimed he uses 350 feature films a year at his three houses to the 100 shows annually by the Admore.

## ROACH CUTS TO FOUR PIX FOR '40-41 SEATE

Hollywood, Jan. 16.  
Mal Roach is recognizing his production slump, with a reduced output of four pictures, two to be produced and directed personally by Roach, and two by other producers. The four pictures, his 1939-40 schedule called 'The Sign of the Cross', 'The Sign of the Cross', 'The Sign of the Cross', and 'The Sign of the Cross'.

Five of these are completed. 'The Sign of the Cross' and 'The Sign of the Cross' are completed. 'The Sign of the Cross' and 'The Sign of the Cross' are completed. 'The Sign of the Cross' and 'The Sign of the Cross' are completed.

## Nives's Enlistment

Burns Sam Goldwyn

Cable reported by Sam Goldwyn in New York last week that his representative in London, informing him that David Niven had joined the British army, was a surprise. Niven, 36, had been in the army for 10 years. He had been in the army for 10 years. He had been in the army for 10 years.

## Studio Contracts

Hollywood, Jan. 16.  
Warner's insisted De Wae's player option. Hal Roach renewed Noel's Bredin's ticket at cinematograph. The studio is now on deal at Metro.

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# Herbert \$17,000, 'Chi' 12G, Phay; 'Mice' Squeaky, Rest in Doldrums

Philadelphia, Jan. 16. Still comest from the 'rev' floor of 1936, which closed at the close of Sunday (14), and heavy rains over the week-end, serving to slow down grossing this week.

Despite heavy billboard and newspaper advertising, the picture, "Mice," starring Phay, is failing to click at the Aldine. "Balalaika" struck a snag after a heavy first week, and "Victor Herbert," having a healthy run at the Rialto. Undisturbed by the slump is "The Earl of Chicago" at the Erie.

**Estimates for This Week**  
Aldine (WB) (1,200; 25-47-68)—"Mice" and "Men" (UA). Jay Wilcox, estimates with a pull of \$11,000. Grossed \$1,000 last week, but began with a poor \$1,100 for its second week (18).

Arnold (Schubert) (800; 25-47-37)—"Hardy" (M-G) (3d run) (2d wk). Also indicated with a pull of \$2,000 in the office. May be pulled before the week's end by "Bakers of the Sea" (Par). Last week, Rooney started did a net, \$2,400.

Beyd (WB) (1,200; 25-47-37)—"Only a Man" (G). Kind treatment from Patrons. Indicated with a pull of \$15,000 for eight days. Will be pulled Thursday (19). "Your Wives" (M-G) did a net \$11,700 last week.

Earle (WB) (1,700; 25-47-68)—"The Winner" (M-G) (3d run) (2d wk). Looks like a bright \$12,000. Last week, "Destiny" (U) kept up with a pull of \$1,000 for its second week (18). "Your Wives" (M-G) (3d wk) (2d wk). Taking in \$1,000 for its second week (18) and \$1,000 after a smash \$11,000 for its second week (18).

Harlan (WB) (1,000; 25-47-68)—"Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

Smith (WB) (1,700; 25-47-68)—"Destiny" (U) (1st run). Betting a pack of \$10,000 movement. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

Stanley (WB) (1,910; 25-47-68)—"Victor Herbert" (Par). Indicated with a pull of \$11,000. Grossed up by heavy exploitation. Last week, "RECO" dropped to a net of \$2,000 for its second week (18).

Thompson (WB) (1,400; 25-47-37)—"Mr. Deeds" (M-G). Grossing a fair \$5,000. Last week, "Chi" (WB) (1,200; 25-47-68) did a net of \$1,000 for its second week (18).

**'Swanee' Lash \$7,500, Seattle; Bowes Unit 'Ups 'Money' to 6G**  
Seattle, Jan. 16. Hammer-Evergreen press staff returned to an interesting "Gone With Wind," booked into Fifth Avenue (14) for a top grossing picture at matinees and \$11.50 coverings. "The Winner" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

This week "Wanee," coupled with "Mickey Evenden," (WB) (1,200; 25-47-68) is tapping into the Fifth Ave. with a pull of \$1,000. "Money to Burn" at the Palomar is benefiting by the "Mickey Evenden" (WB) (1,200; 25-47-68) at the Paramount is forte.

Hammer-Evergreen press staff returns to a Seattle problem is to get the subversive to sell for the film has been somewhat of a flop.

**Estimates for This Week**  
Rise Movie (Hammer-Evergreen) (1,500; 25-47-68)—"Balalaika" (M-G) and "Mice" (WB) (1,200; 25-47-68). Both cash here after two weeks at the Paramount theatre. Good \$2,500. Last week, "Chi" (WB) (1,200; 25-47-68) did a net of \$1,000 for its second week (18).

(1,500; 25-47-68)—"Hunchback" (RKO) (1,500; 25-47-68). For third week. "Hardy" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

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## 'DESTROY' 11 1/2G, DENVER

Victor Herbert's Film 10,000—Balalaika and Child Strong  
Denver, Jan. 16. All first runs, excepting two, are running on above-average gross.

"Victor Herbert," turning in \$9,000 at the Denham, rates a h.a. on this week.

"Destry" at the Denver, "Balalaika" dual at the Orpheum, and "A Child is Born" (turning at the Paramount) are generating good grosses.

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# Happens—Wells—Minnervitch \$13,000, Mpls.; Herbert 9G, Adult Films Big

and Sunday performances. Met plans to fill the Auditorium at his home for 75 cents weekday matinees and \$1.10 for nights and Sunday matinees. "Minnervitch" (WB) (1,200; 25-47-68) is entirely exactly as it is being shown.

**Estimates for This Week**  
Aldine (WB) (1,200; 25-47-68)—"Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

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Another stage show, headed by Lawrence, is being shown at the North Minneapolis "Harmless" Bascas. "Everything Happens" is the film. The "Harmless" Bascas is the only other participation. After 22 days of independent vaudeville operation, the "Harmless" Bascas is being rolled in a day last Thursday, and its future now is clouded in doubt.

Among the film newcomers, "Great Victor Herbert," at the State, a capital production, is being shown. It was given a heavy newspaper advertising campaign.

Has less than two of the current screen offerings, "Harmless" and "A Child is Born," are being shown. "Harmless" and "A Child is Born," are being shown. "Harmless" and "A Child is Born," are being shown.

Created recent bonafide performer among the films, "Hunchback of Notre Dame," has moved over to the "Harmless" Bascas. "Hunchback of Notre Dame" is being shown. "Hunchback of Notre Dame" is being shown.

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## L'ville De-Ices; 'Swanee' Hot 9G, 'Mice' Nice \$8,000

Letup in winter temperatures and the weather driving conditions on the streets bringing patrons out in hefty numbers for the current pic. Product well on its way.

"Swanee" (WB) (1,500; 25-47-68)—"Destiny" (U) (1st run). Betting a pack of \$10,000 movement. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

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## Shop Okay \$8,000, 'Money-Yande' 11G, Indianapolis Too icy

With the town still in the grip of cold, one in the downtown area is grateful for only one show. Low's is taking top coin of pic houses with "Shop Around Corner" and "Mice".

"Mice" and "Mice" dual at the Rialto. "Mice" and "Mice" dual at the Rialto. "Mice" and "Mice" dual at the Rialto. "Mice" and "Mice" dual at the Rialto.

(1,500; 25-47-68)—"Mice" (WB) (1,500; 25-47-68). For third week. "Hardy" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto. "Your Wives" (M-G) (3d run) (2d wk). Grossed \$1,000 last week at the Rialto.

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## Remember—Flesh Fancy 24G Pitt; 'Housekeeper' Oke

Pittsburgh, Jan. 16. Big this week among the exclusive properties of the Stanley and Penn. Theatres, "Remember—Flesh" (WB) (1,200; 25-47-68) is everything there is, leaving only a few crumbs lying around for the rest.

"Flesh" (WB) (1,200; 25-47-68) is everything there is, leaving only a few crumbs lying around for the rest. "Flesh" (WB) (1,200; 25-47-68) is everything there is, leaving only a few crumbs lying around for the rest.

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## 'Hardy' 4G, 'Raffles' \$3,200, Lincoln Okay

Lincoln, Jan. 16. "Judge Hardy" and "Raffles" are the two steppers this week, with "Raffles" (WB) (1,200; 25-47-68) showing signs of being a comer in the Lincoln.

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## GULLIVER 18G, KLYN

Brooklyn, Jan. 16. Three major houses in the downtown area this stanza are showing a rampant "Gulliver" (WB) (1,200; 25-47-68) in second week.

"Gulliver" (WB) (1,200; 25-47-68) is showing a rampant "Gulliver" (WB) (1,200; 25-47-68) in second week. "Gulliver" (WB) (1,200; 25-47-68) is showing a rampant "Gulliver" (WB) (1,200; 25-47-68) in second week.

Danger lies, however, in Argentina upping the import duty as more U. S. product pours in. And such an increase is not without possibility, the Argentinians being irked at the pressure by cattlemen and farmers in the U. S. to keep out beef and grain from the Pampas.





## INTERSTATE CIRCUIT, Inc.

MAJESTIC THEATRE BUILDING  
DALLAS, TEXAS

### HAVE YOU READ THE NEELY BILL ?

#### DEAR FELLOW-EXHIBITOR:

Do you know that you are about to be saddled with the most destructive and oppressive legislation with which this industry has ever been threatened, which will surely ruin every exhibitor in the business, whether large or small, independent or chain? It will eventually lead to the extension of Federal supervision over this industry with its red tape, its checks, barriers to conduct of free business, and excessive supervisory costs. If this bill passes, there won't be a man in this business who won't be sorry for the day that he shrugged this problem aside as no concern of his or with the feeling that it was the other fellow's fight. Time is short! This bill has already passed the Senate of the United States and if it passes the House, with the President's signature, then it is law.

It is high time that every exhibitor in this business take just five minutes to read this bill. Study Sections 3 and 4 for yourself and arrive at your own conclusions. Don't be guided by rumors and hearsay and conversation about all the wonderful things that the Neely bill will do for the independent operators and the whole industry for that matter. When stripped of excess language the Neely bill is very simple and only provides for two things. (1) It makes it a criminal offense for a distributor to lease or offer to lease two or more features at a time, and (2) it makes it a criminal offense to lease or offer to lease a feature picture without submitting to the exhibitor an "accurate synopsis of the contents of such film." Since it is impossible to accurately describe a film that is not completed, this means that features cannot be leased or offered for lease until they have been completed. How will these two clauses do all the things promised by the proponents of this bill? It is clear that they won't.

Figure out for yourself how this bill is going to increase the cost of making pictures, distributing pictures and buying pictures. Figure out for yourself who is going to pay for these increased costs. Consider that under its provisions there will never be a time when you will have any assurance of a sufficient flow of product to properly serve your theatre. Consider that as regards film rentals you will be wholly helpless before the demands of the distributor as he releases each picture separately in the manner of his choosing and at his own terms.

Make it your business to find out what the Neely bill is all about and when you do—acquaint your friends, your employees, your local organizations and clubs, and everyone with an interest in the motion picture business with this danger, so that we may all go on record protesting this measure to Washington.

Sincerely,

*Karl Hoblitzelle*  
*Robert J. Donnell*

### Man Who Wouldn't Talk

'Angels' was released in 1930 by  
(Continued on page 24)

[illegible]









# ELECTED AGAIN!

The Annual Polls of the trade papers are in! First in Stars! First in Hits! First in the hearts of the ticket-buyers! Leo thanks the exhibitors and newspaper critics who elected him Champ again! Year in and year out it's the same story! It's reflected not only in a sound product but in friendly dealing with the trade. Already within the first days of 1940 M-G-M has revealed new triumphs. "THE SHOP AROUND THE CORNER" (Margaret Sullavan, James Stewart) has been picked by columnists as certain to be among the Ten Best of the new year. "STRANGE CARGO" (Clark Gable, Joan Crawford) is next to win national acclaim. "BROADWAY MELODY OF 1940" (Fred Astaire, Eleanor Powell) is positively the best of this famed series. "NORTHWEST PASSAGE" in Technicolor (Spencer Tracy) is destined to be one of the year's Biggest. Just a few of the early year, keeping up the electric pace that's the Talk of the Industry.

**THE FRIENDLY COMPANY**





Miami Beach, Fla.  
Miami, Fla.  
Atlanta, Ga.  
Birmingham, Ala.  
Nashville, Tenn.  
Augusta, Ga.  
Macon, Ga.  
Savannah, Ga.  
Memphis, Tenn.  
Ft. Smith, Ark.  
Owensboro, Ky.  
Jackson, Miss.  
Charlotte, N. C.  
Ashville, N. C.  
Hendersonville, N. C.  
Hickory, N. C.  
Greensboro, N. C.  
New Orleans, La.  
Oklahoma City, Okla.  
Tulsa, Okla.  
Houston, Tex.  
San Antonio, Tex.  
Austin, Tex.  
Port Arthur, Tex.  
Corsicana, Tex.  
Springfield, Ill.  
Chicago, Ill.  
Peoria, Ill.  
Quincy, Ill.  
LaPorte, Ind.  
Detroit, Mich.  
Kalamazoo, Mich.  
Saginaw, Mich.  
Grand Rapids, Mich.  
Lansing, Mich.  
Bay City, Mich.  
Battle Creek, Mich.  
Jackson, Mich.  
Flint, Mich.  
Milwaukee, Wisc.  
Racine, Wisc.  
LaCrosse, Wisc.  
Kenosha, Wisc.  
Manitowoc, Wisc.  
Hancock, Mich.  
Iron Mountain, Mich.  
Indianapolis, Ind.  
Ft. Wayne, Ind.  
Richmond, Ind.  
Louisville, Ky.

Evansville, Ind.  
Seymour, Ind.  
Bloomington, Ind.  
Rensselaer, Ind.  
Terre Haute, Ind.  
Salem, Ind.  
Kansas City, Mo.  
St. Joseph, Mo.  
Wichita, Kan.  
Topeka, Kan.  
Lawrence, Kan.  
Hickman, Kan.  
Jefferson City, Mo.  
Omaha, Nebr.  
Sioux City, Ia.  
Lincoln, Nebr.  
Hartland, Wis.  
Dodge, Mo.  
Ottumwa, Ia.  
Cedar Rapids, Ia.  
Waterloo, Ia.  
Davenport, Ia.  
Rock Rapids, Ia.  
Oskaloosa, Ia.  
Clinton, Ia.  
Minneapolis, Minn.  
Duluth, Minn.  
St. Paul, Minn.  
Rochester, Minn.  
Fargo, N. D.  
Sioux Falls, S. D.  
Austin, Minn.  
Ninot, N. D.  
Sioux Falls, S. D.  
Sioux Falls, S. D.  
Sioux Falls, S. D.  
Stockton, Cal.  
San Jose, Cal.  
Sacramento, Cal.  
Los Angeles, Cal.  
San Diego, Cal.  
Phoenix, Ariz.  
Phoenix, Ariz.  
Tucson, Ariz.  
San Luis Obispo, Cal.  
Santa Barbara, Cal.  
Las Vegas, N. M.  
Santa Ana, Cal.  
Ventura, Cal.  
Bakersfield, Cal.

Pomona, Cal.  
San Bernardino, Cal.  
Riverside, Cal.  
Seattle, Wash.  
Tacoma, Wash.  
Spokane, Wash.  
Sumner, W. Va.  
Harrisburg, Pa.  
Pottsville, Pa.  
Denver, Colo.  
Salt Lake City, Utah  
Pocatello, Idaho  
Boston, Mass.  
Springfield, Mass.  
Worcester, Mass.  
Providence, R. I.  
Portland, Me.  
Pittsfield, Mass.  
Lawrence, Mass.  
Lowell, Mass.  
Beverly, Mass.  
New Bedford, Mass.  
Bridgeton, Me.  
Barre, Vt.  
Brattleboro, Vt.  
Randolph, Vt.  
Wilmington, Vt.  
Dover, N. H.  
Richford, Vt.  
Groveton, N. H.  
Roxbury, N. H.  
Concord, N. H.  
Manchester, N. H.  
Syracuse, N. Y.  
Binghamton, N. Y.  
Niagara Falls, N. Y.  
Albany, N. Y.  
Scranton, Pa.  
Wilkes Barre, Pa.  
Bethlehem, Pa.  
Harrisburg, Pa.  
Reading, Pa.  
Easton, Pa.  
Lebanon, Pa.  
Allentown, Pa.  
Atlantic City, N. J.  
Baltimore, Md.  
Washington, D. C.

...monthly from RKO, which  
res toward the payment of admini-  
stration expenses. Irving Tra-  
ns the money by order of the cou-  
try time it pays a large bill.

**6 MEN WAITING**, while death sits off in the distance, like a vulture in a tree—and every man's thoughts on the woman who has blundered into their hearts!



NATIONAL RELEASE—JAN. 26

FAMOUS PRODUCTIONS  
*presents*

DOUGLAS FAIRBANKS, JR. • JOAN BENNETT *in*

# "GREEN HELL"

with JOHN HOWARD • ALAN HALE • GEORGE BANCROFT • VINCENT PRICE  
and GEORGE SANDERS

*Original story and screenplay by* FRANCES MARION

*Directed by* JAMES WHALE      *Produced by* HARRY EDINGTON

A JAMES WHALE PRODUCTION      A NEW UNIVERSAL PICTURE

## BRANDTS MAKE PEACE WITH WARNERS

Feuding with Warner Bros. and severely attacking its sales policies for several months, the Brandt Bros. chain has succumbed to the lure of the Warner product for 1938-39. Under the terms of the contract, negotiated for the circuit by Harry Brandt, the Warner product will be played in a total of 24 houses in New York and Brooklyn.

Deal is 100%, calling for all features, shorts and trailers. Eddie Schnitzer, eastern district manager for WB, handled the negotiations for the distributor.

Following Brandt's trade against WB, carried out principally in the house organ of the Independent Theatre Owners Assn. of N. Y., of which Harry Brandt is head, two circuits in the ITOA setup broke away to sign up for Warner product. These were the Noble & Keith chain of 12 houses in New York and Westchester; and the Ronheimer circuit of Brooklyn, operating a total of 600.

On the eve of closing with Brandt, it is understood Warners were ready to make deals elsewhere in opposition to the Brandt circuit.

RKO has sold its product for the current (39-40) season to the Goldberg chain, operating seven houses in Omaha; the Black Hills Amusement Co., which has theatres in Nebraska and South Dakota; and the Delft Theatres, covering first-runs in

## REP MATCHING LAST YEAR'S PIC SCHEDULE

War or no war, Republic is going ahead with its program of 52 features, including 34 westerns and four serials, for 1940-41, numerically the same as last year's schedule.

Moe J. Siegel returned from New York yesterday (Mon.) to line up the new production shed.

## Marg. Sullivan, Stewart Will Top Anti-Nazi Pi

Metro has cast James Stewart, Margaret Sullivan, Frank Morgan and Robert Young in leads in Phyllis Bottope's 'The Mortal Storm.' Story deals with average German family's reaction to Nazi regime.

**'HAWK' FLUTTERING**  
Hollywood, Jan. 16.

Sailing of "The Sea Hawk" was postponed again, the result of cast difficulties. Picture is still without a femme lead.

Launching of the Errol Flynn starrer has been deferred twice. Originally slated to roll Jan. 2, the latest starting date is some time

### TITLE CHANGES

Hollywood, Jan. 16.  
'Married, Pretty and Poor,' at Wagners, went back to its old title. 'Saturday's Children.'

'War Along the Stage Trail' is fine handle on 'Hold Your Horses' Paramount.

'It's a Date' reclaimed as release title for Universal's 'It Happened One Summer'.

Universal's 'Rigadoon' reverted to its original name, 'River of No Name.'

Release title on 'The Man Without a Face' at Columbia is 'Men Without Souls.'

'Castle On the Hudson' is final take on 'Years Without Days' at Warner

Monogram's 'Front Page Lady' became 'Hidden Enemy.'

## 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 premiere as given to VARIETY and the running time of prints are included.)

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See, in Var.—Reviewed in Variety      Key to Type Abbreviations      R. T.—Running Time

M—Melodrama; C—Comedy; CD—Comedy-Drama; W—Western; D—Drama; RD—Romantic Drama; NL—Not Listed

[illegible]











# Jack Adams Believes Coin Needs Of Transcontinental Forthcoming; Hummert Stays With Agency

Jack Adams, chairman of the proposed new network, the Transcontinental Broadcasting System, stated yesterday (Tuesday) that he has completed the financing of the project and that TBS will be ready to begin an agreement before the Black-Sample-Hummert conference with counsel for Black-Sample-Hummert seeking to work out an agreement before the two camps covering the placement of American Home and Sterling Products business. He added that the contract ought to be signed within 34 hours, and if so the network would go on the air Feb. 5. A B-S-H official declared yesterday afternoon that if such a conference was held it was entirely possible that the agency had been approached by several money sources offering to set up the proper financing of a new network in the American Home and Sterling Products business was still available. Mention also George Hummert's name was mentioned as actually or prospectively 'in' in Transcontinental.

Adams had early last week sent out announcements that he had decided on whether to go ahead with Transcontinental as of Feb. 1 or drop it altogether would be made by the middle of January. At the time this statement was issued it was reported that the agency had been approached by several money sources offering to set up the proper financing of a new network in the American Home and Sterling Products business was still available. Mention also George Hummert's name was mentioned as actually or prospectively 'in' in Transcontinental.

Partners Say That Way  
It is reported in agency circles that the three name partners in Black-Sample-Hummert may have some difference during a meeting in New York last week and that everything among them is now tense and uneasy. Hummert is reported to have offered to withdraw from the agency so that he could get out of one of his own to handle the American Home and Sterling Products business.

## MUTUAL-TSN SEVERE LINK

Mutual has cancelled its contract with the Texas State Network and is now looking for individual agents direct with the stations involved in Texas.

The only way that Elliott Roosevelt remains in the Mutual picture is through the direct contract of his KJFZ, Fort Worth. Fully month in charge or recognizing the TSN's presence in Texas. He is now in charge of the Reconstruction Finance Corp.

Mitchell with KABC  
Bert Mitchell is now chairman of KABC here. He opened KPJL, of Paris, in 1934, and subsequently became a manager of KJCL, San Angelo, and in the merchandising department of the Texas State Network. He has also been with KJFZ, Lubbock, KFDH, Beaumont, and KTCB, Austin. KABC is the TSN station here and is controlled by Elliott Roosevelt.

Chas. Tamm, former KABC manager, is now in charge of KCMC, the TSN affiliate in Texas.

## CANADA DRY'S CONTEST FOR STATION TIE-UPS

Canada Dry is organizing, through the J. M. Matheson agency, contest for the 'best promotion' in connection with the product and 'Information Please' program. It will run from Feb. 15 to March 15 and is open to all radio station engineers and producers who desire to participate. There will be cash prizes for the brighter pupils who pay attention.

The radio program of KKO shorts and Oscar Levant's new book, all provide opportunities for tie-ups. The publicity of the contest will be cash prizes for the brighter pupils who pay attention.

Contest is now being set up by Sam Wingfield of the agency.

## JAX BEER UP 10% Local Brewer Spent \$200,000 on Radio in 1935

New Orleans, Jan. 16. Jackson Brewing Co., one of Orleans' largest radio advertisers, spent approximately 10% higher in 1935 than its estimated \$200,000 in '34.

Was a big sponsor of radio, particularly through WNOE. At present firm has Sport Lights of the Day on WDSU with Billy Elliott at the mike, two spots weekly with Herbert Grant on WNOE and 'In the World of News'-general and sports news on WDSU.

First special campaign of 1936 will be of eight Louisiana stations for promotion of Louisiana State Fair. Program will tie-in with celebration 50th anniversary of sponsor. Program will be produced in station WNOE, which will serve as New Orleans outlet, and will be linked to additional stations in the state.

Schools Ban  
Local Radio  
Commercials

San Antonio, Jan. 16. Commercial programs will have to look for other sources of free entertainment in the future. A recent law issued by the San Antonio school board forbids the use of radio, orchestra, band or choral group to participate in any radio program or to advertise any article or product. Exception, possibly unattractive to sponsors, would be for the purpose of promoting the sale of advertiser merely identified name and product flow and all.

Hundreds men rallied for football games, as well as various quiz programs were participated in by the media. With this edit this will be a thing of the past.

## BUN DAWSON AT WCCO Minneapolis, Jan. 16.

Norbury 'Bun' Dawson has joined WCCO as assistant production manager. Dawson came to Minneapolis, spending three weeks in the Gethsemane office.

Before that Dawson handled script production for Boston & Bowles.

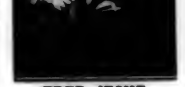
## Elliott Roosevelt Drops 54 KFRO, Longview, Grumbles at Loss of Web Link- Rooser, Richardson Say 'No Comment'

St. Fort Worth, Jan. 16.

Staff of Elliott Roosevelt's Texas State Network felt the axe it had been expecting since first of the year when 54 employees were lopped off payroll Thursday (11) following network shrinkage from 14 to 15 stations. Dismissed cut in KFRO, Longview, which had been working with staff of 36, including Roosevelt, four executive offices and editing crew which also handles business of Roosevelt's Fort Worth station, KJFZ. Station KJFZ, founded for past year in Hotel New York, moved to fill up space in KFRO building after staff reduction.

Also lopped off was the Network's ambitious news service (two day-and-night UP machines) which gave it as full wire coverage as many newspapers have. Network subscribers breathe to UP's regular radio service.

Roosevelt's decision to cut 10 cutting high-rate stations off of network last week was announced by the station itself. Some of the network officials learned the news through UP dispatches. Announcement was



FRED JESKE

"The Singing Timekeeper"  
Popular conductor of WTT's two-hour show, Jeske's program, recently voted most popular local program in Syracuse. From 7 to 9 A.M. daily, Jeske mixes war, news, time, weather, his own singing, and commercials in a thoroughly entertaining manner. He writes, too, as his sponsor's renewal will testify.

## DICK POWELL TO MAXWELL

Boston & Bowles admitted yesterday that Dick Powell, who was formerly with Dick Powell to head up the half-hour version of Maxwell's radio show, will be replaced in the NBC-red, effective March 7. The rest of the talent group would consist of Nancy Kelly, and the show would be Meredith Willson's orchestra.

Maxwell will take over the show in New York, and will be on the same date with a variety show emanating from Hollywood.

## WCAX, Burlington, Deal Echoes In N.Y.C. Court

Suit of Gordon H. Mills against Charles F. Macdonald was revealed in the N.Y. supreme court, when the defendant applied to dismiss the action for failure to state a cause of action. Bill seeks 60% of the stock, and 60% of the net profits of the Burlington Daily News and radio station WCAX located in Burlington, Vt.

Plaintiff charges breach of a contract entered into in October, 1932, whereby both plaintiff and defendant agreed to purchase the station and radio station. The plaintiff was to secure a 40% interest in both if defendant were to buy the station and radio station. The plaintiff was to secure a 40% interest in both if defendant were to buy the station and radio station. The plaintiff was to secure a 40% interest in both if defendant were to buy the station and radio station.

## Back Rogers' Platters One Back in April

'Back Rogers' franchised serial, which dropped off awhile ago, is set to return in the air sponsored by Populair. Franchisee plans to be in set for some time in April to air 15 Saturday mornings over WOR, New York, and 31 Mondays over Fox.

Jack Johnson, writer, director, producer, etc. of the serial, will start with the platters. Rogers' show runs in about three weeks.

The Songsters, W.H.O. De Moines, now paid off by Nutrene Mills of Kansas City, Kans. Quartet was led by Harris White, Kenneth Black, Keith Smith and Ed Smith. Stan. Bill Austin is accompanist-manager.

# NBC Gross Billings to Agencies (1935)

Rank	Agency	Gross Expenditures
1	Blackett-Sample-Hummert, Inc.	\$8,000,000
2	Walter Thompson Co.	4,750,000
3	Compton Advertising, Inc.	3,072,000
4	Lord & Thomas	2,600,000
5	Young & Rubicam, Inc.	2,350,000
6	Podlar & Ryan, Inc.	2,202,000
7	Russell H. Seale Co., Inc.	1,520,000
8	Samuel A. Roberts	1,500,000
9	Lenman & Mitchell, Inc.	1,534,000
10	Wade Advertising Agency	1,520,000
11	Arthur C. Burdette	1,500,000
12	H. W. Kasker & Sons Advertising Co., Inc.	1,140,000
13	Newell-Kenneth Co., Inc.	1,001,000
14	Rothbarth & Ryan, Inc.	1,000,000
15	Erwin Weiss & Co., Inc.	770,000
16	Buchanan & Cunningham, Inc.	650,000
17	Knox Reeves Advertising, Inc.	550,000
18	Sherman K. Ellis & Co., Inc.	500,000
19	Bow Co.	480,000
20	Frederic Louis & Burdette	460,000
21	Hutchinson Advertising Co.	561,700
22	Buchanan & James Co.	540,000
23	Arthur C. Burdette	517,000
24	Burton, Barton, Durlin & Osborn, Inc.	500,000
25	L. W. Ramsey Co.	480,000
26	Gardner Advertising Co.	477,000
27	Ward Wheeler Co.	451,500
28	McCormack, Schickel, Inc.	440,000
29	J. M. Macdonald, Inc.	400,000
30	Warwick & Legler, Inc.	397,000
31	McCormack, Schickel, Inc.	380,000
32	Galt Advertising Co.	360,000
33	Nevel Hurst & McDonald, Inc.	350,000
34	Hanson O'Donnell	317,000
35	McKee & Albright, Inc.	300,000
36	Frederic Louis & Burdette	300,000
37	C. W. Hoyt Co., Inc.	300,000
38	Glickman Advertising Co., Inc.	300,000
39	Frederic Louis & Burdette	300,000
40	Weston Advertising Agency	300,000
41	Hayes MacFarland & Co.	300,000
42	Frederic Louis & Burdette	300,000
43	Foster & Davies, Inc.	300,000
44	Foster & Davies, Inc.	300,000
45	Foster & Davies, Inc.	300,000
46	Foster & Davies, Inc.	300,000
47	Foster & Davies, Inc.	300,000
48	Foster & Davies, Inc.	300,000
49	Foster & Davies, Inc.	300,000
50	Foster & Davies, Inc.	300,000

Total NBC Gross \$93,943,934

## 'THE GOOD SAMARITAN' Set This One Is a Radio Writer He's Doing NBC

Michael Marvess Ansell, known as 'The Good Samaritan,' filed suit in the N.Y. supreme court Monday (16) against the National Broadcasting Co., and Franchiser & Gamble Co., seeking \$25,000 damages and an injunction. Suit was revealed by an application to shift the action to the federal court.

Action seeks to restrain the use of the name 'The Good Samaritan' by plaintiff, a radio writer, claims to have used the name for a long period of time and built up a reputation. When notified NBC intended to put on a show using the character, Ansell was made angry and he agreed to deny. However the broadcasting company put on a show using the character and he decided to sue.

## 'Back Rogers' Platters One Back in April

'Back Rogers' franchised serial, which dropped off awhile ago, is set to return in the air sponsored by Populair. Franchisee plans to be in set for some time in April to air 15 Saturday mornings over WOR, New York, and 31 Mondays over Fox.

Jack Johnson, writer, director, producer, etc. of the serial, will start with the platters. Rogers' show runs in about three weeks.

## \$ \$ \$ \$ \$ TOP 25 NBC \$ \$ \$ \$ \$ ACCOUNTS

Rank	Advertiser	Gross Expenditures
1	Procter & Gamble Co.	\$4,600,000
2	Shirley Products, Inc.	\$2,677,000
3	Cummins Engine Co.	\$2,300,000
4	General Mills, Inc.	\$2,180,000
5	General Foods Corp.	\$2,070,000
6	Armstrong & Whitcomb Co.	\$1,770,000
7	Brown & Williamson	\$1,700,000
8	Miles Laboratories, Inc.	\$1,230,000
9	American Tobacco Co.	\$1,200,000
10	Quaker Oats Co.	\$1,100,000
11	National Dairy Products	\$1,100,000
12	British-Meyers Co.	\$1,100,000
13	Liggett & Myers Tobacco Co.	\$900,000
14	Andrew Jergens Co.	\$800,000
15	Citrus Service Co.	\$780,000
16	Cummins Engine Co.	\$750,000
17	Sun Oil Co.	\$650,000
18	Radio Corp. of America	\$650,000
19	Lewis & Clark Co.	\$650,000
20	Pendleton Co.	\$650,000
21	Carnation Co.	\$600,000
22	Phillips Morris & Co.	\$500,000
23	S. C. Johnson & Son	\$500,000
24	Pillsbury Flour Mills	\$500,000
25	F. F. Fitch Co.	\$500,000

Virgil Evans, owner-operator of a weekly newspaper, the Spirit of News.

Publication to begin early in 1946











# CBS NETWORK SWEEPS ALL MAJOR "FIRSTS" IN 1940!

**CBS enters 1940 breaking all major radio records; leading all networks in audience and advertisers' acceptance.**

**These tangible records, today, reflect the "intangibles" that have so long been associated with Columbia...the intangibles of service, of performance, of action; the basic contributions which CBS has made to radio in twelve vigorous years.**

**By these things the leadership of a network is measured.**

**AUDIENCE:** CAB figures show that CBS dominates the audience in the "major battle-ground of network competition." They show CBS with a consistently stronger schedule than any other network from 6:00 to 11:00 in the evening—winning the largest audiences for CBS clients (against all competition) in 78 of the total evening quarter hours seven days a week; against 51 quarter-hour "firsts" for the second network; and 7 for the third; 34% more for CBS than for both others combined! This CBS leadership is just as definite between 8:00 to 10:00 P.M. alone—the most tensely competitive hours in radio—when again CBS wins more "firsts" than both other networks combined.

**FACILITIES:** CBS caps the swiftest technical rise in radio history with more high-powered U.S. stations, in 1940, than any other network—a total of sixteen CBS 50,000 watt stations. But that's not all. In the past twenty-four months 91 CBS stations made major technical improvements which increase their service-areas without increasing wattage; and a total of 45 CBS stations directly increased their wattage as well.

**ADVERTISING:** CBS now carries a larger volume of business than any other network; the largest volume ever carried by any network in the history of radio. And CBS, consistently from October through December, 1939, carried the largest volume of business ever carried by any network in any one month or in any quarter of any year.

## C O L U M B I A

PAGE SETTER FOR THE NETWORKS

# RUMORS FLY AS FCC CAN'T SEEM TO PIN DOWN SALISBURY 'STAGE MONEY' FACTS

Where the Finances Come From Is as Hard to Find as the Pea Under the Walnut Shell—Call Lawyers Into FCC's Private Chambers

Washington, Jan. 16.—Stern attitude of the Federal Communications Commission in the case of the missing money for construction of WBAL, Salisbury, Md., was revealed Friday (12) following word reports that some sort of serious action impends against principals in the matter in which the regulators have threatened a license revocation. With the hearing on show-cases order suddenly interrupted, the entire Commission huddled secretly to hear former Senator Clarence C. Dill and his law associate, James W. Gum, give a heart-to-heart explanation of their part in the tangled affair. At far as the official record in the open proceeding is concerned, however, the regulators still don't know in which walnut shell hides the elusive pea.

What happened behind the closed doors was not disclosed, although one version was that everything was sweet and pleasant. No ultimatums or threats were hurled. Industry lawyers heard, although there are repeated rumors that the whole incident will be turned over to the Federal District Attorney. Mutterings of prosecution for perjury and possibility of a disbarment trial kept the radio baristas excited throughout the week. Interest was heightened by the unusual move of calling Gum and Dill into the sanctum at a time when a semi-judicial proceeding is in progress and before any judgment has been rendered on the question of whether there was a violation of either the 1934 statute or the regulations.

The bushied-up quilt came under a brief heating Thursday (11) at which Senator Dill was questioned

intensely for the second time about some of his financial transactions. Suspicion has been hinted that he provided the money which Gum allegedly had deposited in a local bank by Glenn D. Gillett, consulting engineer, as evidence of financial responsibility and which Frank W. Stearns, automobile owner, said was his own savings. After the brief interlude, Commissioner Third H. Brown continued the proceeding for another week.

Repeating the story he told several days earlier, Dill was unable to explain exactly why he had large amounts of cash in his possession around the time when the hearing on the Stearns application for construction papers took place. He repeated his prior explanation of relations with Gum, who says he borrowed money from the senator to help pay for a house he purchased coincidentally.

Gum, who came into his office in 1933, often had cash of his own. Dill testified and was compensated for the business which he handled that was of a joint nature. Drawing account ran around \$125 monthly, the former legislator said, but Gum received fees from clients with whom Dill had no connection.

Maintaining he knew "very little" about the WBAL matter, Dill said he had seen Stearns around the office a "great deal" before and at the time of the attempt to obtain FCC money to erect the local transmitter in rural Maryland. He added that Stearns, former gasoline station proprietor, never seemed to lack ready cash.

Dill told the Commission that his only direct contact with the WBAL

venture came after the hearing when Stearns and Gum had a falling out. They laid their troubles before him and he told Gum the best thing was to get paid off and pull out of the matter, Dill said.

The ex-senator insisted he never shared the \$15,000 fee paid his office associate and could not recall ever consulting with Stearns except at the time of the row. He also denied being talked with Gillett, who claims that Gum was the driving spirit of the entire enterprise and who has sworn he not only received money from him, but also the lawyer. Most of the questioning was about two checks which Dill turned in at a local bank soon after the original hearing. One, dated May 19, 1937, was for \$4,000, and the other dated nine days later, was for \$2,500.

Repeatedly it was shown that Dill had loaned Gum \$3,500. Fact that these amounts add up to \$15,000—the sum which Gillett says Gum handed to him for deposit a couple of days before the hearing—did not signify significance in the eyes of the Commission. The former lawmaker thought some of the money was cash he had drawn to buy some bonds he never got around to acquiring and another part of it might have been a sum he was on the verge of investing in a business enterprise that failed. He also surmised that the two May checks—which he pointed out were dated after the hearing—were for bank drafts, since they were made out to the bank where he kept his funds and had a safe deposit box.

Only other witnesses last week was Lillian McClain, secretary to Gillett. She identified checks from a check engagement pad bearing reminders about "conference with Gum" back in April, 1937, at the time her boss says he received \$18,000 in big bills from the lawyer and also made a loan of \$1,500. The secretary testified that one of the notations was in her hand-writing, but was not quizzed about conversation Gillett claimed to have had with Gum or other circumstances which her boss has related.

With the WBAL case dragging out, the Commission postponed hearings on license renewal applications of WBAK, Wilkes-Barre, and WQDM, St. Albans, Vt., called following disclosure that Gillett also had a previously undisclosed interest in the management of those transmitters.

## Sensitive

Minneapolis, Jan. 16.—When Donald D. Davis, General Mills' prez, addressed the Advertising Club of Minneapolis Wednesday (16) noon, he answered, among other pointed questions: "What are your ideas and opinions on the very serious commission basis for advertising agencies?"

Midway in the reading, E. R. Champion, club prez, sitting next to Davis at the head of the table, did a prat fall off his chair.

Davis turned, looked down at Champion, who was reassembling himself and quipped: "You're not in the advertising agency business, are you?"

## Winner of WJR, Detroit, To Marry Ford's Niece

Detroit, Jan. 16.—Mary Elizabeth Ford, niece of Henry Ford, will wed Harry Warner, sportscaster at WJR here, early this spring. Engagement party held last week by Mrs. Henry Ford in Dearborn.

Warner, who's also secretary to G. A. (Dick) Richards, president of the Detroit Lions pro football team, does the "Inside of Sports" show over WJR six nights weekly and during the grid season did play-by-play of all U. of Michigan (Crossett) and Detroit Lions games (Wheatley). With Richards, who's also prez of WJR, in California during the past year, much of the direction of the Lions club fell on shoulders of Warner.

## Frassetto Gets WIP Baton

Philadelphia, Jan. 16.—Joe Frassetto is set to replace Clarence Fuhrman as house maestro at WIP. Frassetto's nine-man band leaves Benny-the-Bum's place on Friday (19) to begin its radio stint. Benjamin Fugelman, operator of The Bum's, released Frassetto from his contract in order that the band-leader could take the radio job, considered a plum here by musicians.

Fuhrman's band has been signed by KW and will specialize in sweet tunes. Frassetto's band will be disbanded out by the newly organized crew of Jerry Kerns which opens at WIP Saturday (20). Leo Zolla, currently at the Rainbow Terrace in Stratford, Pa., will move into Frassetto's spot at Fugelman's club.

George Wheeler, WRC-WBAL, Washington announcer, upped to the Production Department. Wheeler will be replaced by Roger Van Rugh, formerly of WDBJ, Roanoke, Va.

# NEW ORLEANS MOVE BY BEW PANELMEN

New Orleans, Jan. 16.

New Orleans local office of International Brotherhood of Electrical Workers this week requested working agreements from three New Orleans radio stations. Stations affected by the move are WDSB, controlled by Joseph Hall; WSMR, controlled by Samner Turvotte; Paramount-Richards combine; and WNOE, controlled by State Senator James J. Noon.

Station management was presented with a tentative working agreement which the union would like to have accepted. Included in the plan are provisions for a closed shop, 40-hour week, with minimum engineer salaries proposed at \$40.00 per week, with chief engineers check hovering around \$60. Plan also calls for engineers at studio control panel. Studio announcers at WDSB and WNOE have handled studio control in past.

Group at first was said to have practically 100% membership among all New Orleans stations. However, no agreement was presented to WFL, the Loyola University station. The station's 14 engineers suddenly withdrew from the picture.

New Orleans organizer representing national body affiliated with American Federation of Labor is A. Walker. New Orleans group chartered as Local 1130. Agreement, if accepted would mean substantial hike in station expenditures. At present, engineers are receiving from a low of \$20 a week to a high of \$35. Acceptance will also mean employment for at least seven additional engineers to take over studio control panels now handled by announcers.

## SALISBURY, MD., ASKS GO ON

Salisbury, Md., Jan. 16.—Philadelphia Daily Products (Daily Madison and Aristocrat) program has given its amateur show, "What Can You Do?" on WBAL, another renewal, which starts the program on its third year. J. Ray McLennan is the m.c. of the show, which originates from the stage of the Arcade theatre.

Schenck agency of Newark, has the account.

Power  
where it counts

50,000 WATTS

• 820

2 BILLION DOLLAR  
MARKET

"nation's most community minded station"

[Says VARIETY, in awarding showmanship plaque]

... and what a community!  
All this is KTSB's community  
27% of Texas' total population

Some quick facts:

- 500 factories with \$20,000,000 payroll, selling \$40,000,000 worth of merchandise in trade area.
- Agricultural income for area is \$150,000,000.
- \$2,781,423 barrels of oil annually.
- Bonus market of 11,000 U. S. Army men.

FT. WORTH, DALLAS

Says VARIETY: "Standard radio maps and rate cards cannot indicate the importance of the station's standing in its own community." And, in awarding KTSB's over-rated community service plaque VARIETY underlined the significant part this southwestern station is taking in the development of its community. To show the interest the community takes in KTSB, it carries 35%, more locally-sponsored programs than the next station. For four most sales spot KTSB, the only CBS outlet in 200 miles.

The station with the 5,000 watt rate doing a 50,000 watt job  
550 kilocycles

San Antonio, Texas

Howard H. Wilson, National Representative



## Phone Company Denies Making Error

**Pot o' Gold' Uproar Involves Station-to-Station Call With a Changed Number—Man Hires Lawyer**

Albany, Jan. 16. The controversial "Pot o' Gold" has developed one of its most involved complications in its latest move. Newspeople have carried extensive space on the claim of Cornelius C. Dunnett, of Albany, that he won the \$1,600 prize, but through contrary's misale, was homeworded out of it. The dispute is producing plenty of heat but whether it's good or bad publicity is as questionable as other lots of the program.

A story in *Albany Times Union* indicated that Robert Miller, NBC night manager; R. A. Porter, account executive; and Charles A. (Continued on page 38)

## NEW CONTRACTS

**WQXR, New York**  
Three commercial contracts were signed last week by WQXR, New York. Deals disposed of all the station's time signals and the nightly 15-minute news program from the New York Herald Tribune city room. News series was bought by J. E. Williams to plug electric razors and a new lotion. Contract, for 13 weeks, was set by J. Walter Thompson. S. B. Thomas purchased the hourly time signals to sponsor. Its music and lyrics, Charles W. Hoyt was the agency. Series of spot announcements were taken by 20th Century-Fox to belly its picture. Keynotes agency handled it.

**WFTS, Jamestown, N. Y.**  
WFTS, NBC-blue affiliate, has started off the new year with a batch of new business and renewal orders. The new ones include Bigelow's Department store, three quarter hours week, and Public Loan Corp., six quarter-hours weekly, the first using records of Billie's Ed McConnell and the other the "That Was the Year" series.

Renewals include such locals as Triangle Stores, Jamestown, Conn.; Ciba, Birminghams; Clark Hardware, Dairylea Milk and Whitehouse Cakes. For a town of Jamestown's size the business cut, hand rates are exceptionally big.

**KMOX, St. Louis**  
Swift & Co., Chicago. "Sunrise Chinner." Time signals, 3 per week. Through Radio Sales.  
Olson Rug Co., Chicago, 15 mins. Soap and philosophy with High Aspland. Through Radio Sales.  
Shell Oil Co. of St. Louis. Time signals. Direct.

Marta Mountain Products Co., Chicago, 15 mins. live and time signals. One weekly. Renewal. 13 weeks. Through Radio Sales.

Black Furniture Co., East St. Louis, 15 mins. "Ranger Riders and Sally Huger." 5 times weekly. Direct.

Dr. L. D. LeGear Medicine Co., Chicago. 100-word announcements on "Country Journal" program. 3 times weekly. Through Radio Sales.

Bethune Purina Co., St. Louis, 15 mins. "ET 'Checkerboard Time'." 3 times weekly. Direct.

King White Soap Co., Los Angeles. 100-word announcements on "Woman's Hour." 3 times weekly. Through Radio Sales.

Union Electric Co. of Missouri. "The Land We Live In." 30 mins. live drama with music. Renewal for next year. Direct.

Hampton Village M. ket of St. Louis. 50-word time signals. 4 times daily. Direct.

Columbia Recording Co., New York. "Master Works on the Air." 1 times weekly. Through Radio Sales.

## New 'Green Hornet' Time

Detrol, Jan. 16. WXYZ's "Green Hornet" drama, heard over NBC Blue network past five months, switches to 9 p. m. Mondays and Wednesdays. Formerly presented at 8 p. m. Thursdays and Saturdays. It's sunning.

## Chf Johnson Pro Tem at KFOP

Lincoln, Jan. 16. Cliff Johnson appointed acting program director of KFOP yesterday (15). Replaced Jack Hansen, who went to KYSM, Mankato, Minn., and with similar post.

## A.T.AT. RADIO SHOW PENDING

Don Voorhees, James Melton, Francis White Are Involved

N. W. Ayer is still waiting for an okay from American Telephone & Telegraph on the institutional program consisting of Don Voorhees, James Melton and Francis White plus guests.

It will likely be the Friday 9:30-10:30 spot on the NBC-red.

## KTSA SINGER WINS GUS ARNHEN SPOT

San Antonio, Jan. 16. KTSA is excited because its showman program "Merry Melrose" has graduated. Ruth Johnson, who was heard several times, to vocalist spot with Gus Arnheim's orchestra. She is singing under the name of Ruth Lloyd.

Station insists broadcasts are not "an amateur hour." Every person who appears on the programs must pass a strict audition.

## Political Campaign 'Starts' Feb. 1?

**Connecticut May Cuff Governor's Talks to April 15—Problem of 1940**

Hartford, Jan. 16. Owners and representatives of Connecticut's nine radio stations met Thursday (16) at the Hotel Taft. Take up: (1) deadline for free time for politicians, during the coming political open season; (2) setting up a state organization; (3) C.I.O. request for time on the air.

Station owners and representatives will be guests of Michael Goode of WELI at a dinner meeting. Goode, together with Erwin Frey, business manager of WBBY, Waterbury, and Cedric Foster, manager of WTHY, Hartford, is a member of a resolutions committee that will report and make recommendations as to what action Connecticut broadcasters shall take on politicians. Meeting will be the second in history of Nutmeg

broadcasters, first having been held Dec. 27.

Expected that the resolutions committee, headed by Foster, will ask that all politicians, speaking for themselves or in behalf of others, pay for time after Feb. 1. Any officers of the state government, participating in "revue talks," would be granted a grace until April 15. If adopted, latter ruling would apply only to Governor Baldwin as he is only state official being alive. He has a 15 minute talk session over WTHY and WECB, Bridgeport, on every Monday night.

Meeting was called at the request of Paul Moroney, g.m. of WTC.

Jim Kennedy, WBAL, Baltimore, salesman, met with broken arm as result of ice skating lesson to offspring.

# ALMOST FOUR TIMES around the world!

**—97,800 Man-Miles Traveled—39 Cities Visited by WLW Special Events Men in 1939**

97,800 miles in one year—over 200 out-of-town events from 39 cities—truly a record indicative of how avidly the Nation's Station capitalizes every opportunity to seek out events which reflect life as it is lived in WLW-land. This is in addition to the hundreds of miles covered and innumerable events broadcast from within the boundaries of Greater Cincinnati.

Bob Smith, WLW's famous "radio personality," visits cities, changes programs, and makes radio appearances.

The three radio stations which broadcast the program are WLW, WSAI, and WZZM.



REPRESENTATIVES—TRANSAMERICAN BROADCASTING & TELEVISION CORP.—NEW YORK—CHICAGO

**WLW THE NATION'S most "Merchandise-Able" STATION**





## Bulova Attacks Brushed Off By FCC

Connery Gets No Satisfaction—Paulist Fathers Claim Watch-Maker Owes 'Em

Washington, Jan. 16. Demands that the FCC revoke licenses of stations in which Arde Bulova has a financial interest have been rejected on the ground there was no deception or other violation of the Communications Act. Turn-down for Congressman Lawrence J. Connery of Massachusetts was discussed this week by the House Appropriations Committee.

Pointed inquiry about the way in which the watch maker acquired WPA, Atlantic City, and threat of a Congressional probe to uncover suspected favoritism has not upset the regulators, who admitted frankly in long letter to the Bay State that

Bulova has many radio connections, but denied he gave misleading testimony in support of his plea for permission to take over WPG. Connery's sharply-worded letter, published in connection with questions filed at Chairman James L. Fly by Rep. Richard B. Wigglesworth of Massachusetts during recent closed-door hearings, obviously was a new move for the Paulist Fathers, former owners of WLWL, New York, who caused trouble for the individual who bought their plant.

Connery described Bulova as a "much-favored holder of some nine or more franchises" and criticized the regulators for permitting him to "defile" WLWL by combining it with WPG and WOV. He asked the Commission if it intended to allow the watchmaker to give untrue testimony about his relations with the Paulists, noting that Bulova has not made full payment for WLWL, although he described himself as a 100% hearing as owner of the property.

The Commission said in effect it is not a collection agency for the clerics and invited the Bay State Democrat to furnish any proof he has of his insinuations and suggestions. If Bulova has watched, the Paulists should seek redress in the courts, not before the Commission. Connery was reminded "The reply to a long letter that the regulators are not supposed to adjudicate or enforce private claims between radio broadcast station licensees and other persons."

In answering the lay-man, the Commission admitted Bulova appears

in quite a few stations but cited facts refuting the contention that he controls nine outlets. He is the sole owner of WPG, New York, and stock of WOV, New York; WBLL, New York; WCOB, Boston, and WFLX, Philadelphia. The FCC revealed to have told Connery that:

"It is true that instead of applying as an individual for a license Mr. Bulova chose to have a corporation, which he was to own completely, organized and apply for a license. However, there was no attempt to conceal those facts from the Commission. On the contrary, a full and complete disclosure of the facts was made. The Commission has no authority under the Communications Act of 1934 as amended to require that stations be licensed to individuals rather than to corporations or partnerships. Therefore, there was no legal impropriety whatsoever in this phase of the application of the Greater New York Broadcasting Corp."

## MORE SAND IN THE TROY MACHINERY

Troy, N. Y., Jan. 16. On the heels of announcements that Harry Wilder's Troy Broadcasting Co. had purchased a site for a "radio station" and leased the space for the new WTRY here, came word from Washington that George O. Sullivan, attorney for WGOO and WABY, in Albany, would ask the Circuit Court of Appeals, District of Columbia, for a rehearing in its recent decision adverse to the Albany stations and favorable to WTRY.

Laurels and scholarships, attorneys for Wilder will try to defeat the new symphony move on the part of the Albany stations, but it is assumed the construction of WTRY will be further delayed. Station's backers originally hoped to begin operation more than two years ago.

## KWJJ's Oiled Basket

Portland, Ore., Jan. 16. KWJJ has obtained special permission from the FCC to adjust its operating schedule so that it can carry the Portland and of the Coast Con-Associated Oil.

Big sponsor's handing of the shed to the 500-watt market quite a feather in its cap. For KWJJ is a network, largely relies on discs, and normally is off the air from sunset to 9 p.m.

## MORE WLW MAIN STREET HIDE

Cincinnati, Jan. 16. WLW will broadcast a series of Sunday night programs dramatizing histories of cities in the station's territory. Starter will be Richmond, Ind. Ed Carder, of the Crusley company staff, who is to do the scripting, will visit the cities and collect data from old inhabitants, officials and newspapers.

For several years WLW has been nabbing cities and towns of the U. S. with musical program.

## Music Lovers

St. Paul, Jan. 16. Martin County (Minn.) Farm Bureau Women's Chorus is reportedly the country's only organized chorus of farm wives and mothers. Chorus was organized over WCCO Wednesday (17).

Members complete 30 weekends all farm wives. They find time to drive 20 and 30 miles to rehearsal.

Chorus includes two grandmothers.

## CBS Goes to England For Woman's Deposition In Idea Lift Charge

CBS got permission in the New York supreme court last week to take a deposition from a witness now living in England as part of the network's defense against a damage suit brought by Henry A. Paley, a science teacher. The witness involved is a former member of CBS' educational department, Helen Johnson. Letter quit in October, 1937, and has since lived with her husband in England.

Henry Paley, who is no relation to William S. Paley, charges that science series which he had submitted for purchase by CBS' educational department was later incorporated in the Columbia School of the Air program without credit or compensation to him. Miss Johnson was in the preparation of this series at the time that Paley submitted his presentation.

## Pittsburgh Quiz Show

Pittsburgh, Jan. 16. Bruce Rowwell, baseball broadcaster, has a winter commercial from Columbia Circuit Co. It's a quiz show labeled "Wise Crackers" from stage of Senator theatre, those houses having been tied in by Walker & Dornay agency for ticket giveaways to owners of accepted questions. Sponsor footing the cash prize, which will amount to \$75 each program. Show will be patterned after Dr. I. Q., only difference being that questions must all be of local interest. Hunt Adams, Roy Schneider and Walt Siskins slated to assist Rowwell from the audience with Russell (Doc) Pratt also lending a hand as chief assistant.

## 1,313 REMOTES HANDLED BY KGW-KEX IN 1939

Portland, Ore., Jan. 16. Curry Jennings reports that KGW, KEX, picked up 1,313 programs by remote control during the past year. He believes this is more than of any other station serving an area of this size. The average ran over 100 a month. There were 297 sport events picked up by remote wire, 79 dance broadcasts and 299 other musical events. Special events such as parades and conventions numbered 148. The biggest figure listed was 628 remote under the general title of Variety Shows. These included radio shows, breakfast Club shows, domestic cooking classes and other features of that nature.

Of these 1,313 remote broadcasts, 517 were sponsored on KGW or KEX and 251 were sent to the KEX networks.

## Honoree To Manhole

Lincoln, Neb., Jan. 16. Jack Hansen, KFOR program director for the past year and a half, goes (15) to KYMB, Manhole, Minn., to a similar post. Hansen came from WTAJ, Springfield, Ill., three years ago.

Better money deal.

## THE SMOOTHIES BABS-CHARLIE-LITTLE

Listen to Their Shusbid Recordings of "Starlit Hour" and "Buxom Barmaid."

## WBAL means business in Baltimore

## DON'T MISS PALMOLIVE'S

## "HILLTOP HOUSE"


STARRING KESS JOHNSON By Adelaide Munson

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. 79 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc. Management ED WOLF, RKO BUILDING, New York

**STANDS OUT**



**WBNS COLUMBUS**

All you need in Central Ohio

**5000 WATTS DAY**

**10000 WATTS NIGHT**

John Blair C.G. Reynolds

## Two Million "Plow Jockeys"

"A considerable number of stations . . . began (in 1939) cultivating the farmers as the PLOW-JOCKEYS loomed large as a circulation bonus in coverage."

—Variety, Dec. 6, 1939

Not a bonus, but circulation hike, are KMA's two million farm folks. Because they are A-1 circulation, loyal to the extreme, KMA is recognized among farm belt advertising agencies and advertisers as sure-fire testing ground for new accounts, new products. KMA's attractive rates, successful selling methods, merchandising cooperation, and showmanship make this station the choice of the Midwest, truly

"The Number One Farm Station In The Nation's Number One Farm Market"

5,000 Watts L. S.  
10,000 Watts Night  
900 Kilocycles

**KMA**

DESANDOR.  
HOWA

Represented by HOWARD H. WILSON CO.  
NEW YORK CHICAGO KANSAS CITY - SAN FRANCISCO

## THANKS--

SAY

# THE HILLTOPS

HARRY KALCHEM, BOB WEITMAN for making it possible for us to establish a NEW RECORD—Playing 8 WEEKS WITHIN 6 MONTHS AT THE PARAMOUNT. New York

FRED ALLEN — BRISTOL-MYERS — YOUNG & RUBICAM

For Your Cooperation

NATIONAL BROADCASTING COMPANY for selecting us as the outstanding singing group on CURTAIN CALLS OF 1939.

## From the Production Centres

### IN NEW YORK CITY . . .

Andy Kaufmann has written a new song, "Tale of May," based on a Tchaikovsky quartet for strings. It'll be air-pressed in several weeks. **Marry Me** drop off George Jessel show after Friday (19) broadcast. . . . "You Think You Know Music" scheduled to return to CBS Sunday (21) afternoon at 5:30 by listener demand. . . . Clark Dennis signed to WOR, N. Y. Artists Bureau and working on its Sunday "Late 'n' Swing Club" . . . Fulton Lewis, Jr.'s Detroit summer cancels end Jan. 30 on WOR-Mutual, N. Y. . . . Irvin's Yentl's "Good Will Hour" dropping all year State not outside except WBR, Dallas, and KFI, Fort Worth. . . . Charlie Stark, CBS announcer, added to "My Son and I" . . . Bob Hamilton joins WOR, N. Y.'s sales dept. today (Wednesday). . . . Rosalind Sherman of WNEB's guests handstands each Wednesday at her sponsor's Newark (18). . . . Ed Fitzgerald's WOR program picked up first sponsor Philadelphia (18). . . . It's F. G. Vogt & Sons, Philadelphia.

Doug Conifer, CBS Radio Manilla, gone off for a month to take it easy. . . . Eddie Bracken doing "Dixie on 'Aldrich Family' for Jella postcard. . . . Diana Barrymore, 18, in "Big Sister" on CBS. . . . Bea Flynn's new one, "Life Begins," begins Jan. 21 for Campbell soap. . . . Dian Bourdon on the step-by-step radio director Frederica Mittle of the President's Birthday Ball ladies 'em up for the final gallop. . . . Coast show over WABC comes in being with names. . . . Jack Bruns as "assistant" to Eddie Conner. . . . Bob Hope, Mickey Rooney, et al. . . . off the NBC reservation in "The Animal New Club" wherein Bradley Parker mimicked our furred friends and whatnot and Lou Rogers narrated.

### IN HOLLYWOOD . . .

Jimmy Shields quitting his vocal chores on "Fibber McGee and Molly" program and busting back out. Guest warblers will be related in the spot. . . . Joe Thompson joining NBC production staff in New York on transfer from here. Ned Tullinger moves down from Princeton to fill the vacancy. . . . Just to prove that she doesn't have to be "Vers Vague" to get a picture job, Barbara Jo Allen rides on her own identity in Paramount's "Destiny" and is giving full network play to Haven MacQuarrie's marriage quarrel. . . . Lou Forbes optioned for another quarter as music director on "I Want a Divorcé". . . . Edith Bremer back from N.Y. to catch up on her "Backlot Holmes" serials. . . . Danny Dauber recipient of 10-gallon hat, chips and other prairie habiliments for his fatherly interest in the Gene Autry series for Wrigley, which J. Walter Thompson is producing. . . . Darby Green making her radio debut in the Frances Marion serial, "Saturday's Child," NBC taking it as a Sunday afternoon red network feature. . . . Bob Brown, of the town's earliest radio agent, switched over to Frank Vincent from the Small Co. He was one-time head of Thomas Lee Artists Service. Moves into berth vacated by George Rosenberg, now with Columbia management. . . . Bill Barber doing his next "Movie Magic" Jan. 25 on Good News. Picture will be 20th-Fox "Little Old New York."

### IN CHICAGO . . .

Paul Briner joining the Ray Linton talent agency. . . . Frank Rand eating Chicago-WBBM publicity stuff to go to an independent public relations sale. . . . Paul McCher, NBC assistant network sales chief, in hospital with touch of flu. . . . Guilbert Gilmore quitting NBC production staff to join Carl Walter radio production organization and will likely direct "Guiding Light" and "Right to Happiness". . . . Lenox Lehr, NBC president, in for funeral of Rufus Dawns. . . . Rene Gekiere added to staff of "Road to Lima". . . . Shirley Worman and Rene Taylor to "Midstream", Bonnie Kay and Jerome Williams to "Houseboat Hannah".

Babe Brown, vocalist, and Sidney Hiernan, pianist, on WGN each Sunday. . . . J. Lamson, local Duques dealer, through Bulfinch & Ryan. . . . E. S. Mitterand, WIND manager, back from Florida, and program director Brooks Connally back from Texas. . . . Hal Yale has Bonnie Baker, Billy Baker and Bill Robinson as guests this week. . . . Glen Egan, WGN manager, will not take any winter vacation this season due to big WGN promotional drive now on. . . . Jack Fainstain, formerly with Al Trice, now doing special arrangements for the new Louis F. Mayer production. . . . Michael Romano and Hugh Rowlands additions to NBC's "Arnold S. Kohn's Daughter". . . . Doris Douglas into "Backstage Wife". . . . Screenwriting on Jan. 19 is the "Career of Em Street" program. . . . Bret Morrison written into "Story of Mary Martin".

### CBS SETS MRS. FDR TO SELL CHEWING GUM

CBS Artists Bureau is pointing with pride to the fact that its latest booking is Mrs. Franklin D. Roosevelt.

She'll appear on the Gene Autry show for Wrigley gum Jan. 24.

Jane Bartlett, WBT, Charlotte, N. C., vocalist, is the mother of a new girl baby, her third.

### WTAG'S NEW GINGER

Double Everything Policy Followed During 1939

Worcester, Jan. 16.

WTAG made greatest increase and expansion of service in 1939 since station was organized many years ago. Special events broadcasts were inaugurated during year, bringing a local character (one-third of daily time) for first time.

Augmented announcing staff added Del Camp, Gil Hodges, Ken Lester and Tom Russell. Clerical staff and number of offices were doubled. New audience room was added and station was reequipped with most modern equipment in master control rooms.

Station has received right to broadcast with 5,000 watts daytime power, and permission has been granted by Federal Communications for construction of a frequency modulation station.

### WOW's 1939 Vigil

Omaha, Jan. 16.

Station WOW was on the air 7,005 hours during 1939, according to Chief Engineer Koters, averaging slightly less than 19½ hours per day. Average was largest in station's history, due largely to special war broadcasts of all-night nature.

In 243 days WOW last one hour, two minutes and 20 seconds due to technical mishap.

With Gussendorfer, manager of KSRQ, Santa Rosa, Calif., has been named district manager of the Sales Managers' Division of the National Association of Broadcasters. Howard Lane, the NAB's 15th district director, did the appointing.



# WOW

*is delighted to report*

that two advertisers have used this station for 14 years.  
One has used it for 13 years.  
Eight others have used it for 12 years—one for 11 years—two for 10 years—two for 9 years—three for 8 years—seven for 7 years—six for 6 years, and twenty-five for 5 years.

One of the most genuine pleasures we have at WOW is this recognition of effectiveness from quickstep advertisers whose long-term association with this station has been both pleasant and profitable.

**WJW**  
*Leads All  
Radio  
Stations  
in Detroit*

1. in Listener Interest.
2. Advertising Preference.
3. in Community Service.

**WJW**  
America's Pioneer Station  
Detroit  
Gen. P. Hollingsworth Co.  
New York, Chicago, San Francisco, Atlanta



# Ratification of Copyright Treaty Up

## N.A.B. Strongly Objects to Provisions of Much-Revised Bill

Washington, Jan. 16

Frequently revised copyright bill intended to bring 20-year-old statute into harmony with the conventions of the Copyright Convention, but containing damage provisions to which broadcasters have registered their objections, is being introduced in a move to clear the road for ratification of the treaty. Legislation is sponsored by Senator Elbert D. Thomas, Utah Democrat, who is in charge of the part for the Foreign Relations Committee.

Damage clauses are the same as were rubber-stamped by most members of the War committee last April, and the measure remains subject to hot criticism voiced by Sidney M. Kay, speaker of the National Association of Broadcasters in memorandum dated last July 6. Purport of the complicated language is extension of the principle of statutory awards in lieu of proven damages with limitations on recovery which can be assessed in case of simultaneous multiple infringements. In general case, the bill provides that if a musical composition is \$100 to \$2,500—against \$250 minimum and \$5,000 maximum for other types of compositions.

The bill provides that in the case of simultaneous playing of another work, the composition is to be re-broadcast within 24 hours of the original performance; the penalty is limited to not more than \$2,500 plus such extra amount as the court considers just and proper, but more than the total award of the maximum amount. Limitations do not apply if infringing act continues after suit is instituted.

### Woke in Automatonically

Automatic intervention of the network involved in the case is required. Bill stipulates that the owner of the originating station is to be considered in the case of a set-must intervene as a defendant and put bond equal to the maximum amount. If infringing act continues after suit is instituted, the known number of outlets participating in the broadcast become liable. Copyright owner has two courses he can follow. After the original broadcast is made, the station, plaintiff can reject this offer and sue for the profits, passing on the damages to collect the damages, or he can accept the offer and continue the case, either in the federal court or any other tribunal where the action could be maintained. If the first course is followed, action must be commenced 30 days after the 'originating station' has entered the case and posted the bond.

This whole arrangement is bitterly opposed by N.A.B., which wants no minimum award and is fighting to continue the present \$5,000 top limit. Position taken by the broadcasters is that introduction of the bill into the House would be the situation the proposal makes the burden more onerous. Kay has pointed out that the minimum penalty is mandatory for each performance, so that if a station aired a tune many times, the minimum would multiply until the minimum is infinitely greater than the objectionable maximum. The bill is in the Senate. The N.A.B. attorney also has complained of the inability of the House to control the stations played by orchestras at remote pick-up points and the failure to permit the physical removal of the stations to prevent an innocent infringement. Further complaint is that the provisions for the minimum stipulations to enter the suit would constitute breach of faith with other stations in the event of a copyright infringement. The bill is intended to recover the profits against every outlet carrying the program. The provisions for the minimum stipulations are also condemned as unfair, since it would allow stations to pick the tunes to be played in the House and cause great inconvenience and hardship to defendants.

It is believed that legislation will make headway in the present session is considered very slim, but prospects for success in the next treaty are fairly bright. Senator Thomas has gentleman's agreement to press for action in the House more than enough Senate votes lined up to insure American adherence to the pact.

### A Slight Mystery

Jan Savitt, currently at the Lincoln hotel, N. Y., is supposed to have a copyright in the new Radio Artists a check for \$25,000 to buy up his contract last week, but the check is divided as to whether the check was handed over or not and also, if it was, whether it was done seriously or as a gag.

Savitt's pact with CRA has several more years to run.

## Bg Roofless Hooley, And Nearer Lincoln, As Turnpike Annex

Lincoln, Jan. 16

R. T. Pauley is planning to build an outdoor scene to his Turnpike Casino. The new spot will be much larger and closer to town than his present building, which has a roof. During the summer the new structure will be the one primarily in use. Pauley is planning to build a threatening weather Pauley will be able to salvage the business by moving the show to the new place, and to the Turnpike Casino. He intends to knock home bands from the new place.

Pauley and his brothers are in the lumber and building materials business. They have proved their best paying venture.

### Fabian Andre's Ultra Idea

Chicago, Jan. 16

New band has been organized by Fabian Andre, and opens in the evening. The band of the Ambassador hotel here on Feb. 4.

Combination is strictly on the modern side, with the emphasis on special variety modern society tunes.

### Follow-Up

Continued from page 34

men also were visitors to the program. Joining Bernard Merendino in the crowd were John Batekoff, of Old Miss and Miss, in which they appear in the radio show. The band was the bumblebee scene, in which George (Merendino), Lemmy (Cheney) and Andy (Belmont) were the property of getting their own terms. The band was the bumblebee scene, in which George (Merendino), Lemmy (Cheney) and Andy (Belmont) were the property of getting their own terms. The band was the bumblebee scene, in which George (Merendino), Lemmy (Cheney) and Andy (Belmont) were the property of getting their own terms.

Mark Baker's sub-machine gun (Lil' nazi voice) got another name as 'Lucky Strike's Hot Gun' (CBS last Sunday night, 11:15) and proved a rate and legitimizing as ever. She was the first to be picked up from their current stand the Palmer House. The band was the bumblebee scene, in which George (Merendino), Lemmy (Cheney) and Andy (Belmont) were the property of getting their own terms.

The buildup script is getting on. The band was the bumblebee scene, in which George (Merendino), Lemmy (Cheney) and Andy (Belmont) were the property of getting their own terms.

## Kypor's Cleveland Jumbo

Cleveland, Jan. 16

Kay Kypor's biggest dance date here, from viewpoint of the number of his 12,000-capacity elite auditorium Jan. 15, with Cleveland Shoppers' Orchestra, was for their hospital-benefit fund. Kypor putting on his entire stage outfit, including his four-piece band, he \$100 per copy. Kypor getting out of \$100 of everything above \$500.

## Tums Call

Continued from page 35

Phelps, account salesman, were in disagreement with Thomas N. Laine, assistant vice president of telephone company at Albany, over whether Dumont was called at 4-0007, assigned to him in the 1933-34 directory, or at 4-3451, his present number. However, Dumont's Knickerbocker News reported the number contacted the number called was 4-0007.

Times Union stated that Porter said the \$100 to which he had been sent Dumont 'immediately,' via Western Union. Dumont, who was called by John T. De Graff, associated with Amphetamine George W. Fay in the program, said he was in the house because he was at home, listening in, and ready to answer the call. Dumont declared he had been offered the one year. De Graff, contacted by a representative here as soon as possible to discuss the matter, said no newspaperman he felt decent to discuss had legal record. Lawyer declared Dumont never even used Dumont's name.

De Graff said: This radio broadcast is a national program which, by the way, is being broadcast at home and kept under this. This encouragement has resulted in a number of calls to the station in many western states. Dumont, in staying at home and listening to the program, said his part.

Attorney had not determined whether his prospective action will be taken. He said he was in the Kastor agency, handling the account. He holds that in calling a number he still called the number to whom the number was assigned. Dumont insisted he is that number.

A daughter of Frank J. Geier (in whose name 4-0007 is now listed) said the Knickerbocker News said he was not in the house until we got it settled; she preferred to 'wait until it is straightened out' before the fact is 'set in stone' by the company. The Geier family was not at home when called.

Account exec Porter was unable to explain why there had been a change in the report of the number. Times Union said a check with Miller of NBC on Dumont's address and telephone number brought the reply: 'Address, 841 Western avenue; phone number, 4-3451. He is not in the house until we get it settled; she preferred to 'wait until it is straightened out' before the fact is 'set in stone' by the company.

Account exec Porter was unable to explain why there had been a change in the report of the number. Times Union said a check with Miller of NBC on Dumont's address and telephone number brought the reply: 'Address, 841 Western avenue; phone number, 4-3451. He is not in the house until we get it settled; she preferred to 'wait until it is straightened out' before the fact is 'set in stone' by the company.

Dumont claimed he had witnesses to prove he was home at time. He was arrested at the time he had answered a phone call and a lady said he 'you in the Pot of Gold.' Dumont said he was in the house and seemed to confirm on certain points. Knickerbocker News reported Albany was calling the number called was 4-0007.

Dumont was finally traced \$100 to which he had been sent Dumont 'immediately,' via Western Union. Dumont, who was called by John T. De Graff, associated with Amphetamine George W. Fay in the program, said he was in the house because he was at home, listening in, and ready to answer the call.

Money was deposited at office of the attorney, who was in the office. Money was instructed to pay the money, immediately after broadcast, but later a 'stop' order was issued.

# On the Upbeat

Long Hauling in New York from Ralph Harby Jan. 15 and 16

Barney Rapp released from CRA contract.

Eddie McDonald at the Carousel, Miami Beach, Fla.

Al Kavolin, his Commodore Perry hotel, Toledo, until Feb. 10.

Benny Goodman into Stanley the 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st.

Brook Club in New Jersey to get NBC wire for Gus Dieck band.

Ramona held over at Leon & Edna's, N. Y., until Jan. 16.

Don Rodman to make up set arrangement book for Mills Music.

McFarland Twins replaced Spud Murphy at St. Francis Gardens, Atlantic City, N. Y.

Jan Garber shifted from Topex's, L. A., to St. Francis hotel, San Francisco.

Vincenta Gomez, guitarist, to write guitar arrangements for Exclusive Music.

Van Alexander to follow Bob Chester into New York Paramount, probably Jan. 31.

Joe Williams to look over hotel from Archie Blyer at Earl Carroll's Hollywood roster.

Miami's Plaza theatre date for Will Rector, Jan. 25-28, 29, 30, 31. Theatre dropped stage policy.

Teddy Powell now has his hotel at the Plaza, N. Y., until Jan. 16.

Jack Rosenberg, press of New York 100 of the APN in Florida, N. Y., until Jan. 16.

Benny Goodman's orchestra will play Schenectady Winter Carnival in local arena, Jan. 20.

Henry Busch begins his first date for Wm. Morris Friday (19) at the New York Paramount.

Benny Goodman returned from Florida before schedule due to slight change in the program.

Erskine Hawkins changing his time to Tuesday Junction, his return to the New York Paramount.

Johnny Martini shifts from Benny Goodman to Al Dunham in place of the New York Paramount.

Al Dunham band play show and dancing at the President's Ball at the Waldorf-Astoria hotel, N. Y., Jan. 20.

Charlie Barnet has suit for \$20,000 from a number of instruments and library in Palermo, Los Angeles, etc.

Bill Roberts and his sextet opened a four-week stand at the Calumet restaurant, Beverly Hills, Cal.

Eddy Durkin to have a party lined for his on existing Hotel New York (Wednesday). Henry King will follow.

Bill Leach, new singer with Maurice Spitzberg's act in Pittsburgh, was formerly featured with Art Kunkin and his orchestra.

Hack O'Brien replaces De Vergennes at drums and Helen Cahill takes Bobby Peters trumpet chair with Will Osborne.

Al Dunham has an exclusive right to play at the New York Paramount for the duration of his Meadowbrook, Cedar Grove, N. J., stand.

Jack Hooke, in Pittsburgh, lifted an Johnny Long arch at William Penn and Phil Levant at Bill Green's, both in the Pittsburgh area.

Ken Baker at Casino Gardens in Ocean Park, Calif., for a fortnight, before moving to the New York Paramount crew back for a stand.

George Auld band has dropped the Art Kunkin and his orchestra, and has been billed in New York as Shaw's outfit under Auld.

Joe Williams and Bob Zurke play Buffalo Firemen's Ball Jan. 29. Bradley in New York currently cutting time with Jimmy Andrews.

Allyn band got first dance remote out of Florida from the Royal Palm Hotel, Miami, 11:15 tonight on NBC last night (Tuesday).

Bunny Schuyler, tenor with Vincent Lopez, is leaving for New York by made over by Sunny Skyler, because too many people misspell it.

Joe Williams' sextet, led by Gar, with the Sunset Royal Orchestra will drop the band's tag and be called 'Joe Williams and His Orchestra.'

Chuck Turner band will be first General Amusement band to go into the New York Paramount hotel, N. Y., Jan. 20.

Set for Jan. 24. Now at Baltimore, L. A.

Joe Williams (1) opened Monday (15) at Hotel Roosevelt Lounge, Pittsburgh, after long run at St. Morris in New York. Placed by Joe Miller for CRA.

Everett Headland getting same radio build-up from Waldorf hotel, N. Y., until Jan. 16.

N. Y., that was given to Bob Chester, Jan. 15 and 16, until night 11:15 Jan. 16.

Bill Oberholtz back in New York after playing in the New York Paramount. Jack Lee as manager there Jan. 16. Also signed Jan Garber for the Brown Palace hotel.

Joe Miller, former tenor sax with Rudy Vallee's Connecticut Yankees, has organized one band in home town, New Britain, replacing Ray O'Hara. The O'Hara band moved over for a Feb. 1 opening at Deane's, Brown Palace hotel.

Mark Stein now selecting 'The Music of the Night' for his Mike-Bellevue Ballroom program. Out of the four one of the month will be taken, end of year the 12 will be sold in an album.

Reddy Fritz, Jr., and his act are for indefinite stay at Hotel Dunbar Waller, Columbus, replacing Ray O'Hara. The O'Hara band moved over for a Feb. 1 opening at Deane's, Brown Palace hotel.

Harry James band making the rounds in Connecticut. Current at the State theatre, Hartford, orchestra is making the rounds in the State theatre, Bridgeport, and week later (20) at Hamilton park, Westbury, L. I., and in Saturday play, Jackson Trueman.

## Charity Ball's Importing Of Outside Musicians Is Called Uncharitable

Rochester, N. Y., Jan. 16

A member of the Rochester Musicians' Union writes to the editor of the Rochester Post-Journal, asking plans to hire a name-band for the President's ball here Jan. 26.

'Home for a charity ball' asks the musician, declaring 160 local musicians could be hired for the same amount of money as the name-band. 'Of course,' he adds, 'a 100-piece or more orchestra would need to be paid the out-of-town orchestra. Of course,' he adds, 'a 100-piece or more orchestra would need to be paid the out-of-town orchestra. Of course,' he adds, 'a 100-piece or more orchestra would need to be paid the out-of-town orchestra.'

While many fine local musicians are available, the writer, 'I must protest the action of the committee for the ball. It is not a charity ball, it is a social ball. It is not a charity ball, it is a social ball. It is not a charity ball, it is a social ball.'

He also says that the committee has a large part of the receipts to a rich out-of-town orchestra.

Ulrich recalled an orchestra furnished New's theatre here by the Musicians' Union several years ago when the orchestra was hired for \$500 for several a year to play at time with rest of the orchestra.

## Band Bookings

Emery Deutsch, Feb. 1, week. Saturday, 1940.

Jack Spratt, Feb. 4, Pavilion Casino, Northampton, Mass., Cincinnati.

20-March 2, Graystone, B. Detroit.

Orpheum theatre, Madison, Wis. 25.

Coliseum B. St. Paul, Minn. 25.

20-March 2, Graystone, B. Detroit.

Turquoise Casino, Lincoln, Neb. 25.

Municipal Auditor, Kansas City, Mo. 25.

20-March 2, Graystone, B. Detroit.

20-March 2, Graystone, B. Detroit.

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20-March 2, Graystone, B. Detroit.







## Platter Plugs and Pans

Wuddy Herman, "Bliss on Parade" "Love's Got Me Down Again" (Decca-1932).

This may be the best record the Herman orchestra has yet turned out surpassing its "Woodchopper's Ball" which was considered among the best of last year. "Parade," an original in which Herman collated, is a combination of an obscure opera strain by Ruzsini, cold rhythm, and several rock sales. It's a cutting that has recorded the dance and enthusiasm from a rhythm section that rides behind the various instrumental breaks as solid as the Magnin Line. Rhythm group hampered at a speedy tempo, lively and snappy carrying the classical strains at different times behind the powerful tempo setters. Next she sets solo by Herman in early and late spinning is coupled to equally good trumpet and string solo.

Herman is also an extremely good arrangement of Sammy Cahn-Saul Chaplin's "Love's Got Me Down Again," in ballad tempo and nice contrast to the top of his composition piece. On this side Herman shows a decided improvement in a clarinet solo, followed by a listenable vocal by Carol Kay. It's slow but nevertheless has rhythmic punch.

## Ralph Hitz, Dead at 48, Was Shrewd, Showmanly Buyer of Niterly Talent

In the passing at 48 of Ralph Hitz, president of the National Hotel Bureau Co., Inc., show business lost not just an astute buyer and appreciative pioneer. While the show business of talent was a sideline with him, Hitz was responsible for many of the entertainment innovations as far as hotel dining rooms were concerned. He was rated as knowing personally more entertainers and producers than any other figure in the hotel business, taking pride in the fact that it was through things suggested by him that many of these entertainers were first brought into existence.

As a showman Hitz was always open to new ideas and willing to make innovations when it came to his entertainment or bands. He did much pioneering in the hotel ice cream room in the east.

Hitz died at the Post-Graduate hospital, N. Y., following a heart attack. He had been hospitalized since early December as the result of a car accident.

He was in Vienna March 1, 1931, his last hotel job was as an elevator operator in that city. After coming to

New York with his father in 1906 he acted as a waiter, starting with a bootlegger's job at \$3 a week. From that beginning he rose through various capacities in hotels all over the U. S. He finally became managing director of the Hotel New Yorker in 1929. He was made its president in 1931 and soon after formed the National Hotel Management Co., which at the time of his death controlled the Belmont Plaza, N. Y.; Book-Cadillac, Detroit; Netherlands Plaza, Cincinnati; Congress, Chicago; Adolphus, Dallas; Nicollet, Minneapolis, as well as the New Yorker.

Beside his many duties as director of the hotel association he was deeply interested in and very active in the selection of bands to play in the various hotel-bars.

### Privately Respectable

Philadelphia, Jan. 16. Philly musicians who prefer the classical while being forced to play swing for their bread and butter, are forming a symphony group for their leisure moments. The outfit is under the direction of Marty Kravitz, asaphonist in the old Fox pit band. Bunch practiced at the WCAU studios on Sunday morning.

### Anita Boyer Leaving

Anita Boyer finishes up as vocalist with the Tommy Dorsey band tomorrow (18). She replaced Edythe Wright in the singing spot at the start of Dorsey's recent stand at the Palmer House, Chicago, last October.

No replacement has named yet.

### Worcester's Name Bands

Worcester, Jan. 16. Among name bands set for Worcester in near future are Benny Goodman, Jan. 21; Buddy Rogers, Feb. 4; and Ben Bernie, Feb. 4.

First two will appear at Auditorium which recently inaugurated Sunday vaudeville shows; the latter, will be a Frank Duffy presentation in Mechanics Hall.

## Music Notes

Eddie Clarke, Jacques Preys and Leon Belasco clefted "Rhythm of the Islands," to be sung in "It's a Date" at Universal.

Victor Young will compose score and Sigmund Krumpolt direct the music for Paramount's "Road to Singapore." Krumpolt has just completed musical scoring for Para's "Typhoon."

Ray Webb doing the musical score for "The Saint's Double Trouble" at RKO.

Myer Gross wrote words and music of "Please Don't Say Goodbye" for Harms publication.

Joe McCarthy writing lyrics for new songs in "Trene" at RKO.

Max Steiner finished his scoring job on Warner's "The Magic Bullet."

Metro made three scoring assignments: Edward Ward on "Congo Maize"; Arthur Gurnea on "I Take This Woman"; and David Swift on the new, untitled, Frank Morgan picture.

Max Jerome and Jack Scholl clefting songs for "It All Came True" at Warner.

Lolaj Laramie in charge of scoring on Spanish version of "Gulliver's Travels" at Paramount.

Frederick Bowers is composing the score for Paramount's "Starfish," with Sigmund Krumpolt conducting.

Geo Kahn writing songs for Eddie Cantor's picture, "40 Little Mothers," at Metro.

Al Newman and Eddie Powell completed scoring job on Metro's "Broadway Melody of 1940."

Max Freedman and Noel Freeman, Philly songsmiths, have sold "You're An Ore" and "Broadway to the Farm" to Mills Music.

Frank Capone, Jay Brett and Billy Hays have placed "It Always Was and Always Will Be You" with Fox.

Gene Grant shifted from the professional department of Warnick to Larry Spier Music.

Jack Mills has acquired from Noel Gay the American rights to "I'll Pray for You" and "Run, Rabbit, Run."

Mills will be in his edition on the same lyrics and extra chorus contained in the British version.

Howard Jackson finished scoring job on "Tuddy, the Rough Rider," at Warner.

Werner Heymann scoring "1,000,000 B.C." for Mai Beach after completing "The Earl of Chicago" at Metro.

Ralph Freed and Frank Skinner clefted "The Color of Your Eyes," to be sung in "The House of Seven Gables" at Universal.

Johany Marvin wrote a new ditty, "Brooklyn Buckaroo" to be sung by Gene Autry in the Republic picture, "Rancho Grande."

Max Steiner doing background music for "Virginia City" at Warner. He recently finished a similar chore on "Magic Bullet."

Harry Revel and Ted Fetter clefted "Broadway's Big Broadway" to be sung in Metro's "Two Girls on Broadway."

Herbert Rothart scoring "Broadway Melody of 1940" at Metro.

Howard Steiner and Bill Waters are a new music-lyrics team.

Phil Grogan, writer of the recent "Especially for You" has another, written with Johany "Best" Davis, tagged "Strong in My Heart" set with Lincoln Publishing.

My Baron Turns Strouler Cleveland, Jan. 16. My Baron broke up his five piece band last week, after three years at Avalon Club, to go solo. Went into College as a strutting violinist, with Sammy Burke as piano accompanist.

Baron second local maestro to disband outfit this season, other being Charles Cantor, now with Willard Post's staff orchestra at WJLB.

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VICTOR HERBERT'S  
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Featured in the Paramount  
Picture, THE GREAT VICTOR  
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M. Baron, Inc., 1650 Broadway, New York

## Pa. Labor Bd Threatens Crackdown On Out-State Bookers, Radio Stations

Philadelphia, Jan. 16. Local radio stations which operate talent agencies face stringent prosecution by the State Department of Labor and Industry unless they get bookers licensed immediately. This warning was issued by Anthony C. Sharkey, state agent in charge of enforcement of the booking law following a meeting on Friday (13) with the city's agents, at which the law was laid down. Sharkey and his aide, Margaret Burke, said they would brook no chiding and would use it that the letter of the law was lived up to.

The bookers complained they were getting unfair competition from radio stations and out-of-town bookers, who were able to sell sets without paying the State's \$100 fee. Sharkey replied that this agent would be investigated thoroughly. The only in-state station with a bookers license is WFEN. Virtually every other outlet advertises that its talent is available for shows, dances, clubhouses, etc.

Out-of-town booking offices like Music Corp. of America, Consolidated Radio Artists, etc., will be forced to retain local sales with Pennsy licenses if they expect to operate here, Sharkey said.

Punalties for violating the State booking act range from \$100 to \$1,000 fines and from 30 days to two years imprisonment or both.

Another evil that Sharkey promised would be wiped out is the verbal contract among performers, agents and night club owner. There's been entirely too much of this going on," he said. "Performers have no protection unless terms and working conditions are set down on paper as required by law and we intend to

see that these regulations are carried out to the letter." Sharkey and Miss Burke will make the rounds of all spots and will make actors, operators and agents produce written contracts. Failure will bring prosecution, Sharkey warned.

The State official said he would also crack down on the "three-man on-a-bench" racket being operated by some agents. One of them gets a state license and two or three others use it.

### Ziegfeld Midnight Frolic Becomes Midnight Frolic After the N.Y. Law Suit

A permanent injunction preventing Nicholas Blais from use of the name "Ziegfeld" was entered Thursday (11) in New York supreme court in favor of the Select Operating Corp., Loew's, Inc. and Billy Burke Ziegfeld. The other defendant, Ziegfeld Midnight Frolic Corp., was also restrained from use of the name, and the corporation, formed by Blais, will probably be dissolved.

Action, which sought an accounting of profits and \$250,000 damages, will be withdrawn, and that portion which sought damages and an accounting dropped. The plaintiffs claim to own all rights in the theatrical business to the name "Ziegfeld," and asserted that Blais was attempting to capitalize on the name.

Blais isn't much affected by the suit, except the expense of removing "Ziegfeld" from the electric sign and banners on the building housing the niteroy. The spot is now being called simply the Midnight Frolic.

## Night Club Reviews

### PANTHER ROOM, CHI. (SHERMAN HOTEL)

Chicago, Jan. 4. Jimmy Dorsey Ork with Helen O'Connor & Bob Eberle; Fats Waller Ork with Callaghan Sisters (J. Morrison & Louise, Roberts & White, Al-Farberg) (8).

With two live aggregations here, the Dorsey menagerie is making a slugging themselves into a happy away these days.

Dorsey manages to make in some comparatively smooth, quick tunes, and the orchestra is high on the list. He's carrying two vocalists, Helen O'Connor and Callaghan Sisters, both of whom have capable tonality and warble plus good effect. Eberle also doubles as m.c.

Waller, who's best at the ivory on a piano, sings a rather strong, setting himself and his work. With much of a singing voice, he nevertheless isn't his warbling over strongly. His five-piece orchestra blends nicely, which just what the sluggers want.

More like than usual on the show here. Callaghan Sisters are a pair of bookers who manage to go serious over exuberance, regularly with their female strut. Mardoni and Callaghan are remaining in the best form of their act. Mardoni is also on the scene, notably the handclap. Roberts and White handle the comedy with a burlesque, burlesque, and their satirical impressions of typical dancing couples. Gold.

### TIC TOC, MONTEAL

Montreal, Jan. 4. Tena Gardella (Aunt Jennie), Brenda & Renée, Morris Bros. (Al & Ted Lane, Lesauze Debs) (8). Milt (Aunt Jennie) (8).

This old standby reopened a few weeks ago after having been closed due to difficulties with the licensing authorities during the last December regime. Election of a Liberal government changed the Tic ToC back again with a tastefully renovated room, including the latest in modern lighting effects, air conditioning and a postcard stamp sized dinner floor.

And at the intimate tip of the room, floor show has one of two rather inconspicuous acts. Morris Bros., vigorous acrobatic hoppers, with taps and an amazing drum routine and a hard and quick routine. But not quite the force for a room of this type. Canadiana Lane unwork with songs and instrumental pacing which is intrinsically pleasing but also rather out of place here. Renée and Renée, dainty Broadway dancers, are effective and quick nicely.

Ending the show is Tena Gardella (Aunt Jennie) and a new portion of the build is attributed to her personality, not so much with explanation that built songstress up strongly and laugh with references to her "Show Boat" role over a decade ago. Miss Gardella registers respectfully, and near-capacity hit New Year's night, following SRO night before and strong draw during entire day here amply justifies the booking. Line (8) is workmanlike. Mori.

106 Assault Suit Settled  
Rochester, N.Y., Jan. 16.

Settlement of Edward & Swaney's \$10,000 suit against Albert Michaels, owner of the Chateau, a nine portion was reached just before the case went to trial in supreme court here. Swaney claimed Michaels "beat and assaulted him with unjustifiable brutality" at the night club in October, 1934. Michaels claimed self-defense.

### Chl Royale Frolics May Switch to Colored Shows

Chicago, Jan. 16. Ed Fox, who closed his southside Chicago "Grand Terrace," is ready to take over the Loop Royale Frolics, which was closed several weeks ago by DuSart County.

Fox has not yet decided whether to make the Frolics into a colored spot or to continue its previous city policy.

### 15 YEARS AGO (FROM VARIETY)

John McCormack quit radio. And all because of a big head by record dealers and concert impresarios who stated that radio was cutting down his h. appeal. Later he sang again—and often—on the air.

Equity forced the Shuberts to fork over for extra shows to performers in the Al Jolson starer, "Big Boy" after some wrangling.

The California labor commission was given after bookers responsible for actors ending touring engagements in the state and being dumped there jobs.

"Is Zat So," by Jimmy Gleason and Richard Taylor, and featuring the former with Robert Armstrong, was a comedy cluck at the 39th St. theatre, N.Y.

"Night of Romance" was a fifty comedy-drama starring Connelmaida. Gus Schenck produced. Also in the film were Ronald Colman and John Harbach.

The Avon Comedy Four and Belle Baker were among the old standbys at the Palace on Broadway, with Arthur Byron and Olive Wyndham, from left, augmenting the cast bill. Leo Carrillo was also cluck with his latest stories.

In its 13th week on Broadway, "Alber's Irish Rose," at the Republic, still was drawing mostly. Other big grossers: "Artists and Models," "Kiddie," "Chauve Souris," "Tollies," "Kid Bode," "Lady Be Good," "Pompador," "Music Box Revue," "Tena Maria," "Student Prince" and "Topsy and Eva."

### From Legit to Niteroy

John Buckmaster, legit juvenile, will make his New York niteroy debut Jan. 31 at the Algonquin hotel supper room with an offering of dramatic sketches and impersonations. He has made similar appearances in London, but never in the U.S.

The son of Gladys Cooper, Buckmaster last appeared on Broadway as "Oscar Wilde."

## BEACHCOMBER. B'WAY'S NEW NITEROY CLICK

Traditional post-New Year's niteroy has hit the New York niteroy and business is off and in a fine spot. Distinguishing the situation this time, however, is another traditional follow-up—that when a new place clicks it clicks terrifically and knocks out much of the other opposition. While Premier's new Beachcombers is the latest No. 1 money-maker.

The New York counterpart of the famed Beachcombers in Hollywood is further distinguished by (1) it's in a first room, the second floor of the Winter Garden theatre building, which has been variously known as the Plantation, Burdwell, Cua Lopez, Mirador, etc., with more or less success; and (2) that this room is proving successful both as a dinner spot and as a supper club. To take upon that's the most extraordinary anomaly, since a spot after effects for dinner and singers on indifference for supper; or it's a hot after-theatre room and does not little dinner trade. Premier's spot has the tape up right from the barrier.

A former niteroy palatial, Premier is now expediting his own spot into big big with Leo Shubert and Harry Kaufman having but small say in Walter Bitchell, the agent, is Premier's partner both at the Beachcomber and La Compa, Hollywood niteroy.

Shuberts got 25, of the gross for rent, but Premier's lawyer, Jack Godard, slipped in a \$25,000 maximum per month rental "tolling" so that Premier may be off the nut for rent on four-five month payments, the way the h. is progressing.

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CURLEY, MOE AND LARRY  
COLUMBIA PICTURES

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OPENING, JANUARY 19, ORIENTAL THEATRE, CHICAGO

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MARJORIE BELL

CLIFF EDWARDS  
BREWSTER TWINS

ALEXANDER DURCY  
EVELYN FARNEY

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Produced and Managed by LEO MORROW, Inc.

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# GOING TO THE LEGIT

## Split Invitation to Show Biz for Finn Relief Fund Participation Brings Sharp Comment From Those Ignored

London, Jan. 15 (13) to formulate plan for aid to the Finnish Relief Fund, with a number of stage stars and managers backing Herbert Hoover, who heads the drive, has drawn sharp representations in other circles of show business. It appears that those who arranged the motion, during which little-known artists were promised, failed to invite organizations pertinent to legit.

Because of that, reps from Equity (actors), the stagehands' union, musicians' union and other show business were absent, and from such groups there were certain comments concerning the ambitious scheme to raise money for the Finnish sufferers. But that it was slighted if actors and others behind the curtain were to be paid for the special performance, presented, but if not as featured, little would remain for the fund. There is no doubt that the money was necessary, and the Hoover mission was arranged, and despite the fact that such an omission was intentional, the feeling of being slighted exists.

**Stellar Men Important**  
Because the union effort will be qualified appears questionable for when the details of the Finnish plan are known, the presence of the unrepresented groups conceded that the cause is without question the cause of the people of this country, but they contended that the presence of the unemployed in the production of vital relief funds. Applications for aid made to the stage stars' fund, Artists Fund, and other relief organizations have been steadily increasing. At last week's meeting, Artists Fund board received the number of applicants for financial help.

(Continued on page 52)

## Griman Cal. Arrest On Check Charge Climaxes S.F. Production Fiasco

Hollywood, Jan. 16. Arrest of Sam Grisman, on a charge in Needles, Cal., yesterday (Monday) climaxed a week of financial fiasco in his production of Max Reinhardt's Workshop Players in a trilogy at the Geary theatre, San Francisco. Grisman, who had assertedly fleeing to Chicago to raise funds for payoff of the debts of the production, had been released on \$500 bail and continued to Chi.

A warrant was issued on complaint of the State Labor Bureau, which alleged he gave a post-dated check for \$500 to a promoter shortly before there were no funds to meet payment. Meyer Weisgal, of New York, who produced the \$250,000 for Frisco production of the three plays, is reported taking legal action to obtain an accounting.

Trouble started for Grisman, who had Ben Stein fronting as producer, when the Reinhardt drama played a fast fiasco. Cost of 23 was without funds until Equity moved in and returned the players to Los Angeles under the \$150,000 posted by Grisman.

Grisman is now doing reprieves of 'At Your Service,' 'Silver Brevities' and 'The Characters in Search of An Author' and to play out of town in street clothes when costumes were seized on the third night for non-payment.

The State Labor Bureau filed another complaint against Grisman late last Monday, charging him with stranding 27 employees without money. Norman Stein, manager, Alvin Alvir, assistant manager, are making relief through the Theatrical Managers, Agents and Treasurers' Association.

Norman Curran, Coast legit producer, is said to have dropped \$40,000 to the venture.

## Time Marches On

Dick Mason, subject of a lengthy play in Time magazine a couple of weeks ago as promoter agent for Broadway legitismers at one time, has since achieved another distinction. Four shows which he then represented closed within a two-week period, two of them successes, two flops.

First was 'Christmas Eve,' which added Dec. 30, then 'Yankee' and 'Kindred,' Jan. 6, and 'Ladies and Gentlemen' last Saturday (12). Another, 'Little Women,' bows out Feb. 3.

## WPA No-Profit Rule Shatters Coast Musical

Los Angeles, Jan. 16.

Numerous complaints filed with the Government against farming out of legit musicals produced by Federal Music Project, in competition to regular commercial attractions, has been followed by a decision, namely, that no further shows for the purpose of profit will be permitted. In the future, run of the show and bond King at the Hollywood Playhouse, sponsored by the Veterans of Foreign Wars, was halted early Sunday (14), with house going dark immediately. Blast of local legit producers that their shows could not compete against the Government-subsidized plan is credited with having brought about ruling from the WPA.

Presence of members of Actors Equity in casts of most project plays, which during early days of project's operation revivals ran as high as 10 Equity players in a show, has frequently been protested by legit managers, and was forcibly brought to Equity's attention by Edwin Lester, producer of light opera at the Philharmonic Auditorium, and by Homer Curran, the Coast's principal legit producer.

Following representations by Equity to WPA chief, number of Equity players was limited to three in any one cast. These legit players received customary \$34.50 monthly minimum salary, whereas it was pointed out by protesters that same players were paid from \$75 to \$200 a week for production in legit commercial productions.

VFW was linked with last four musicals staged at the Playhouse, proceeds derived being put in fund to finance association's convention in Chicago. The WPA, however, was sponsored by the Los Angeles Junior Chamber of Commerce. Under license to George Shafer, is reported to have netted around \$1,000 weekly for the project, leaving little left for the sponsor.

Shutdown of Music Project's production at Playhouse, drew a comment from work, 'Vaudeville King' advertised (and actually used) cost of around \$150 on stage. The production, by the opera, were Ruth Gillette, Robert Long and Paul Keat.

## Chi Mummies 'Night'

Chicago, Jan. 16. Mummies, little theatre organization, planning to go into the Stock Exchange with 'Night Must Fall' Equity has made certain concessions in order to promote production. Expect to open within a few days.

## LEGIT PUSHES GOVERNMENT STIMULUS

'Experimental' Idea, Having Managers' Backing, to Be Tried First in Westchester County As Broadway Hypo-Information Literature Part of Plan

## LEAGUE'S \$2,500 AID

More to effect organization of audience, as provided for in the part between Equity and the managers (League of New York Theatre District), is being set up in N. Y. when two sessions of a joint committee considered several proposals including the drive, and will be held. Concluded that the idea is experimental but it is fully expected that interest in Broadway legit will be stimulated even if concrete increase in theatre attendance does not immediately result.

Campaign will be first directed at three N. Y. State communities in Westchester County, namely, Brewster, White Plains and Sparkdale, all being principally populated by persons of more than average means and regarded as potential regular theatre-goers. Data on what percentage of residents is seeing shows will be sought, but the reason for those who stay away are particularly sought so that ways and means to effect concrete stimulus may be devised.

List of Broadway's shows, with information not usually carried in advertising matter, will be distributed. Provision will be made in the literature for questions and answers, with responses furnished a guide to the committee's activities. It is hoped that suburban parties

(Continued on page 52)

## 'UNCONQUERED' GETS NEW PROD. SHORTLY

George Abbott has received a revised script of Aya Rand's 'The Unconquered' and expects to put it back into production within a couple of weeks.

Producer was approached by Alex Salk last week to work on the script and stage a new comedy about horse racing, but after reading the script he decided the production to 'Yokel' and 'Yokel' were associated several years ago on 'Three Men on a Horse.' Yokel, produced by Abbott, Salk and collaborating on the script with John Cull Holm.

Salk, who has recently comeled in 'See My Lawyer' at the Adelphi, N. Y., is seeking to leave the cast for a rest in the hope he may be able to recuperate fully from his recent illness. If Abbott can find a suitable replacement, it is expected he will probably give the four weeks' notice stipulated in his contract.

## Lyceum-Married' Can Get By at \$2,800 Per

What is understood to be the lowest Broadway theatre-attraction operating cost, including production, is playing 'House and Home' at the Lyceum. The show can get by on a minimum salary of \$2,800 a week, and a profit is earned. Management has been using various types of cast changes, and under the present, but J. L. Leventhal, really operates the Lyceum, with a profit to buy the property were reported recently. The show is the latest said to be interested.

## Gotham Ticket Situation Cleared Up When Indie Broker Group Accepts Code; 20 Out of 23 Agencies in Pact

## Do Your Worst

Lincoln, Neb., Jan. 16. Wilbur Cushman, former \$100-a-day unit broker, is now arranging a tour for 'White Cargo,' legit, All teams formerly played by Cushman units, big enough to have newsgroups with numerous editors, were circulated by letter this week with this content:

My gentlemanly rep, Bill Arns, will visit your city shortly, showing samples of our new playing models. Any courteous unit may be able to show him the play which is highly unusual, and will probably be a great surprise to him.

## Legit Theatres Move Eastward; Four on 6th Ave.

Plans to beautify New York's Sixth avenue, which will eventually be a wide thoroughfare lined with trees, were announced last week. At the same time, four legit theatres are moving from Broadway since a sign of downtown interests propose the building of four legit theatres on the avenue, at the corner of 44th street. The first concrete proposal that points to an outward swing of legit from Broadway since the raising of the elevated on Sixth avenue and the construction of the subway.

No legit theatres have been constructed in the Broadway area for years, and it was predicted some time ago that new playhouses were built, they would be spotted away from the Main Street, because of changing conditions there and traffic congestion. Sixth avenue was named as the location because of the opportunity to raise old buildings and improve the property.

There are enough legit theatres now to accommodate production, but some houses are outmoded, although a majority were improved with cooling systems during the past two seasons. The large percentage of the theatres which remain on the upper east side is another incentive to transplant legit towards that territory. The new legit theatres, with improvement of Radio City, the means of visitors, is another reason for the change. Possibility of legit being built eastward of Park avenue has been mentioned a number of times.

Expected that when Sixth avenue improvements are finished, legit theatres at 34th street and 23rd would revert to legit. It was the first time erected for the police, and furnished with major material prior to the depression. For several years, legit theatres have been on the lower end of that street in the Center, where the Rockefeller sought to establish legit theatres. Cushman's units were stored there last a really successful show is set to be marketed in the center. It is expected that the change of heavy fixed charges is one reason for that.

## Wilson Options Drive's Play on Coward Say-So

Crown Point's new play by Clement Dore, 'Rich Man's Girl,' has been optioned by John C. Wilson for Broadway production in the near future. The play is currently awaiting receipt of a scene in the play which Miss Dore is revising. While making the deal, Wilson the play was read and recommended to him by Noel Coward. There is thought to be a possibility, however, that the latter will take a role in it.

As indicated, the independent brokers of the Associated Theatre District, last week accepted the code, revised by the League of New York Theatres and Equity, and was the New York ticket situation was cleared up. After several conventions were held to the agency people, they agreed to signatures as of last Wednesday (10) and at that time the several reported plans similar to the code by alleged distributors were likewise dispensed.

ATTA proposes strict adherence to the regulations, according to its content, Gustav E. Gerber, who advised his broker-clients not to sign unless they were clear on the thing so. It is understood the Indies will police themselves so that compliance will result. Out of the 23 agencies, 20 accepted, two declined and another was asked to sign. The one which walked the A.M., which for the code unacceptably last year but complied with the plan, on the moderate and the City agency, which has quarters in Club 21. Letter was sent to the latter, which has quarters in Club 21. Letter was sent to the latter, which has quarters in Club 21.

The League waived the requirement of posting bonds of \$500 each from the latter, which was waived. It is stated that the compliance assurance will be made later. Levy of 3c per ticket (Continued on page 52)

## Biz Up, Paris' Stays in N. Y. at Lower Scale; 2 Premiere Curtains

'Streets of Paris' announced to tour from the Broadhurst, N. Y., Feb. 2, is expected to remain through the latter end of the season. It is stated that more comedies Majestic and it's likely that the ticket scale will be raised to \$4.00 to \$2.50. Stated that the improvement in attendance last week brought about the change in the plan. The moderate priced tickets have been announced as available.

'Paris' opened it had a top of \$23.67, secured a favorable price, the price was boosted, with part of the lower seats kept at the original level. Higher scale was steadily moved backward until, few tickets could be had at the original figure. Management (Shuberts) evidently figures that the show has exhausted its popularity.

With 'Paris' remaining in N. Y., difficulty in replacement plays was eliminated. Abbott and Cuckle were asked to leave the city. It was on the road several weeks for value of the new understudies. They will stick for the remainder of the Broadway run. Some goes by 'Caravan.'

To forestall overtime payments to stagehands, the curtain was run down early on two performances of 'Paris' and to prevent overtime, the curtain was pulled early in the week and took place with Bobby Clark, leading the show. The curtain was run down on the second performance of the scene. Second time happened during the scene. Understood both times the curtain was run down, was given by the stage manager.

Idea of lowering the curtain in each act to prevent overtime performance from running past the 11:20 p.m. deadline, after which units are paid overtime, was given triple wages to the stagehands.

Paramount and Warners are said to be after Abbott's show, with the 300 a week mentioned as offered. That's considerably above what the show is now doing. Because of the fire at the Hudson, N. Y., Friday night (12), two shows, 'The Streets of Paris' and 'The Streets of Paris' are currently trying out in Boston, is now slated for the Broadhurst. The latter and Broadhurst are expected to be the last shows of the season having been taken over last fall.















# OBITUARIES

managed the publishing house and edited its trade paper for 25 years. His widow and a brother survive.

## HENRY T. BINDER

Henry T. Binder, who operated the Orpheum theatre, Xenia, O., until he recently disposed of his interests in field, O., died of his heart trouble, O., Jan. 9. He had been blind for a number of years.

## L. H. MONTGOMERY

Paul Montgomery, better known as L. H. Montgomery, a name adopted years ago when he was advance agent for the Barnum & Bailey circus, died of a heart attack in Miami from injuries he received in an explosion in his fruit store. Widow and three brothers survive.

## CHARLOTTE KIMBERLEY

Mrs. Charlotte Kimberley, 62, formerly an actress and later well known as a dramatist of melodrama, died in Flint, Scotland, Dec. 27. She first appeared on the stage at 19 and at 21 wrote her first melodrama. The write 41 in all.

## JOSEPH LAWRENCE

Joseph Lawrence, 54, actor and legit performer, who fell and broke his leg shortly before Christmas, where he would be in contract and Paramount, died in a heart attack. He had worked on the Keith circuit for years. Burial was in Cincinnati.

## FRED ROSENTHAL

Frederick Rosenthal, 54, vaudeville actor, died in Chicago, hospital, of intestinal disorder, Jan. 12. He had been agent for years, operated in New York and had a book. Widow survives.

## JERRY KING

Jerry King, 40, member of Blue Barons' orchestra, died Jan. 13 in a heart attack of heart failure. His home was in Cambridge, O.

Father, 70, of Late Wilson, film actor, died at his home in Beverly Hills, Cal., Jan. 14. Formerly an employee of M. G. & Brainerd, he died several years ago, and had since resided with his daughter. Also survived in his widow and two other daughters, Mrs. George Fitzmaurice, wife of the film director, and Albert E. Clay, of Picnic Grove, Cal.

Mother of Gene and George Buck died Jan. 11 in Detroit. On Christmas day she fell at her home and fractured a hip. She was 82. Her fever doctors withheld operating until last week. AACP head and members were at her bedside for two weeks.

Thomas M. Carter, 70, East St. Louis actor leader for years, died recently of heart disease in St. Louis. About 10 years ago he became interested in the instrumental music. East St. Louis grade school. Survived by invalid widow.

Mrs. Elizabeth McBride, 70, mother of Martha Denno, Mary Margaret McBride, died in Water Park, Pa. early yesterday (Tuesday) morning following influenza attack. Daughter newspaperwoman and radio speaker.

J. J. Seitz, 70, son of Ernest Seitz, noted pianist and composer who wrote "The World is Waiting for the Morning After" in 1908. He was president of the Underwood-Elliott-Fisher Manufacturing Co., Ltd.

## See Ringing for 31C

Dallas, Jan. 16  
Said for \$31,000 has been filed in U. S. district court here against the Dallas-based Texas National Bank. It was president of the Underwood-Elliott-Fisher Manufacturing Co., Ltd.

## BIRTHS

Mr. and Mrs. W. E. Callaway, son, in Hollywood, Jan. 16. Father is publisher of the district business manager. Mr. and Mrs. Larry Wright, in Kansas City, Jan. 16. Father is manager of Warner studio ranch. Mr. and Mrs. Pete Wench, in Los Angeles, Jan. 15. Father is Variety mugg in Detroit. Mr. and Mrs. Gene Dennis, in Kansas City, Jan. 15. Father is member of state K.M.B.C. staff. Mr. and Mrs. Edward Cohn, in Los Angeles, Jan. 15. Father is director of "Gun Gang" series.

# WHAT THEY THINK

John Hightower  
New York City.

Editor, VARIETY:

I have read with the utmost interest several recent letters from your subscribers from Chicago and Uniontown, Pa., on the foreign film situation in the United States. It is gratifying to me, both of these gentlemen are correct in their assertions that the most mischievous of the foreign film run theatre can probably play foreign productions with English titles. I am sure that the foreign film situation and also a security of immediate domestic business plus the desire of their patrons to see foreign film entertainment no matter where it comes from make the playing of such product feasible.

In addition to the difficulties the local exhibitor has in trying to locate the distributors of such films, there seems to be the fact that the supply of such pictures will become so tight within the next six months due to the war. Contrary to this, it has been my experience and it is my hope that we have not scratched the surface in the United States as far as the possibilities of exploiting the foreign type of product produced in France, Scandinavia, England, Spain and Italy. I have been guaranteed delivery in this country within the next three months of more than 20 foreign attractions from abroad.

It being known to the trade that the exhibitors of foreign films are a problem of making the exhibitors all over better acquainted with this type of picture, I have had an office established by telephone calls from various exhibitors requesting information as to the distribution of foreign pictures and, we do what we can to advance this information.

A much better way would certainly be for these distributors in question to blow their own horn and to constantly bring their product in front of the exhibitor.

Yours truly,  
John H. Hightower

More on Charles Laughton  
Memphis.

Editor, VARIETY:  
We have just seen a copy of Variety, issue of Jan. 18, containing articles on the recent visit of Mr. Charles Laughton to our Council. For your information, we attach a statement from the Board of Directors of the Memphis Better Films Council.

We would appreciate your giving this statement the same publicity that you gave the editorial article.

Maria F. Shaw  
(Mrs. M. C. Boyle) Sec'y.

Corresponding Sec'y  
We regret very much that a false in transit has reached you concerning the Memphis Better Films Council reception of Mr. Charles Laughton upon the occasion of his recent visit to Memphis.

As a matter of fact, we were highly pleased with Mr. Laughton's appearance before the Council. We are looking forward to his coming for some weeks and were thrilled over your expectations. His remarks were very timely, and the passage which he revised from "Memphis" was most appropriate to the occasion.

We particularly appreciate his remarks on making the exhibitors all over better acquainted with this type of picture. We are looking forward to his coming for some weeks and were thrilled over your expectations. His remarks were very timely, and the passage which he revised from "Memphis" was most appropriate to the occasion.

Board of Directors, Memphis Better Films Council

## House Reviews

(Continued from page 67)

### EMBASSY, N. Y.

### STATE-LAKE, CHI

knifed in the snow, suggestive of broken necks at the moment. The next morning's billing of the Soviets and applause for the staff in general. The European staff in general without exception. The Fax clip of a Nazi plane in the air, the British cruiser is the top action shot of the week.

Lots of water-shaking scenes. Iceboats, sultry scenes on the frozen water in New Hampshire. A small amount of European publicity. The Fax clip of a Nazi plane in the air, the British cruiser is the top action shot of the week.

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Chicago, Jan. 13.  
Henry Armetta, 40, vaudeville actor, died in Chicago, hospital, of heart disease. He had been in the business for 15 years. Survived by his wife and two children.

Spasmodic variety show currently with plenty of entertainment and an indicated headliner. Mr. Henry Armetta, whose Italian comedy character has been a mainstay of the show, laugh. Armetta does a neat job in a comedy straight suit with an unusual touch. The show is a variety station, the club builds up plenty of interest in the evening. The show is a variety station, the club builds up plenty of interest in the evening.

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Frank Chapman, 65, retired actor and theatrical manager, who was a member of one of Augustus, King's

first company, died Jan. 9 at the Hotel Forrester, Home for Actors, Philadelphia.

Starting his career at the old Waldorf Astor, Philadelphia, before the Civil War, he later managed productions throughout the U. S. and those who trouped with him also a short time later, he had directed George B. Tyner's company in New York for a number of years.

Albert Hart, 62, stage and screen actor, died Jan. 10 at his home in Hollywood after a long illness. He had been in show business 43 years, starting on Broadway, where he rose to stardom and played for 10 years. He was star in "Dolby Princess" and starred in "Dick Dugdale" in the all-star "Pinakins" cast at the opening of the N. Y. Hippodrome.

Hart's first picture job was at Lee, N. Y., for the World Film Co. Later, he moved to Hollywood, where he would be in contract and Paramount, died in a heart attack. He had worked on the Keith circuit for years. Burial was in Cincinnati.

George C. Mack, 82, vaudeville and burlesque performer, who also was a legit actor, died in Hollywood after a long illness. He had been in show business 43 years, starting on Broadway, where he rose to stardom and played for 10 years. He was star in "Dolby Princess" and starred in "Dick Dugdale" in the all-star "Pinakins" cast at the opening of the N. Y. Hippodrome.

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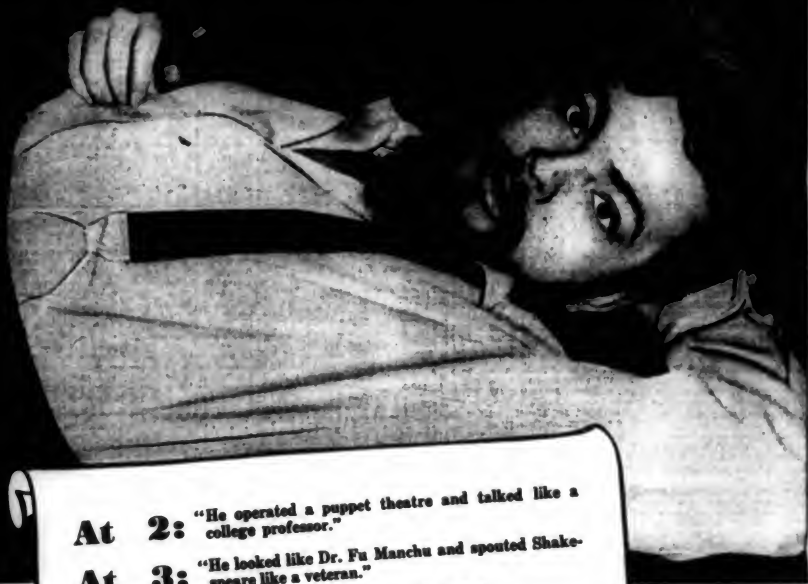
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# HOW DID HE GET THAT WAY?



- At 2:** "He operated a puppet theatre and talked like a college professor."  
**At 3:** "He looked like Dr. Fu Manchu and spouted Shakespeare like a veteran."  
**At 8:** "He started making his own highballs."  
**At 10:** "He decided psychology was a fake and used psychologists as guinea pigs to prove it."  
**At 18:** "He was leading man for Katharine Cornell."  
**At 23:** "He gave the nation gooseflesh with one broadcast."  
**At 24:** TODAY—"He has the most amazing contract ever signed in Hollywood."

READ THE FANTASTIC STORY OF ORSON WELLES  
IN THIS WEEK'S SATURDAY EVENING POST

## "HOW TO RAISE A CHILD"

by ALVA JOHNSTON and FRED SMITH  
(IN THREE INSTALLMENTS)

*Sell...* **THE SATURDAY EVENING POST** *Out today*



# WORLD

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NEW YORK, WEDNESDAY, JANUARY 24, 1940

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## N. Y. 'WARRIORS' HOLLYWOOD

### N. Y. Dailies' Radioesque Rooftops; Old and New Methods Fight It Out

By DON LANDREY  
An aviator flying over Manhattan these days would note through his binoculars that, among others, the buildings housing the Times, the Herald-Tribune, the News, the Post, the World-Telegram and the Journal-American have for a purely on the radio, but not on the ground, a new and old arrangement of rods suitable for framing a newsworthy, but identified as an RCA television apparatus. The modern metropolitan daily is very definitely and increasingly wired for overhead sound in addition to the usual lead-line. Extracted from television, which is a new novelty, and from the domestic antenna that has a lead-in to the radio columnist as he can hear Blue Cranes, the reason for the new style is journalistic rooftop—the Bureau war and the increased possibility of scoring a scoop or getting a tip ahead of the slower, more outdoor channels.

The "radio watch" is a new adjunct to modern newspaper publishing. In some cases it is a 24-hour vigil, in others it ends with the city's own deadline. The hours between 1-4 p. m. are the busiest, the staff of the News probably the largest, as its glass-enclosed cubicles are the most tight-packed.

Messaline in Vahlha, N. Y. the United Press headquarters constantly to a powerful transmitter in neutral Amsterdam, Holland, with which it has contractual relationships. From there comes much U. P. news, adroitly, by dot-dash, at what is said to be the best pay-per-word rate extant for war news. From Wireless, Inc. (Continued on page 12)

### Glamour Girl Part Of Politics Showmanship In Milwaukee's Race

Milwaukee, Jan. 23.  
Showmanship in politics is being dramatized by Carl P. Zeidler, 32, who resigned his job as assistant city treasurer to run as an independent candidate for mayor against Daniel W. Hoan, Socialist executive of the municipality for the last 34 years. Former is getting the crowds as well as pages of publicity through the campaign has just opened.

Zeidler has two pretty girl accompanists, attractively dressed, entertain audiences for half an hour before he makes his entrance on the campaign speech. Two of the girls in evening gowns distribute cards and pamphlets.

When the candidate talks about a new union dog, which the town has needed and talked about for a shorter of a century, he has a prop because while in the background punctuates his remarks. After pa-

(Continued on page 12)

### Refused to Be Female Impersonator; Expelled

Mexico City, Jan. 23.  
Mario Moreno, stage comedian, was expelled from the Mexican actors association because he refused to play the lead in a revue house here of a parody on "The Women," current at the National Theatre. Moreno told the association that he considered the parody not only a poor one and beneath his dignity to do, but that for any pay would be appear on the stage dressed as a woman, as his part in the piece would demand.

Moreno was expelled from the union for "vandalism."

### 'SUPERMAN' TOO HEROIC FOR RADIO

There will be no radio version of the cartoon strip, "Superman" as far as the networks are concerned. Erwin, Wassy & Co. picked on this new type of Dick Merriwell character as a medium to sell kid listeners on Becker cereals but the vets have thumbed it down as a preposterous of too much horror stuff. The vets also didn't like the preposterous script's war and spy theme.

The "Superman" character is clothed with unlimited powers, mental powers and performs the most amazing feats of daring. He can cope with planes, ships and death rays and hold up bombed skyscrapers until the occupants of the stories make their way to safety. All this and much more was deemed by the networks as too much to handle with untrained listeners, or worthy of lancing further kickbacks from parents and teachers associations.

### Elsa Maxwell May Fill Marie Dressler's Shoes

Hollywood, Jan. 23.  
Elsa Maxwell is under consideration by Warners for the same role in "Tugboat Annie" to be made as the first of the Bryan Fay productions for '40-41. Marie Dressler played the role in Metro's "Annie" six years ago.

It's figured Miss Maxwell is the closest approx to the Norman Betty Baine fiction character, running in Rastepover for death, to be found since Miss Dressler's death.

### WON'T TOLERATE ANY RINORANCES

Ryan, LaGuardia's Aide, Answering Rumors Majors May Tie Up Eastern Studios, Hints at Threat of Anti-Trust Laws—Doubts, However, That Film Companies Would Make Such a Move

#### 7 FEATURES SET

Hollywood yesterday (Tuesday) was subtly "warned" not to attempt to place any barriers in the path of a New York film production. Cincinnati, N. Y., recently appointed N. Y. commerce commissioner and very active in connection with Mayor F. H. LaGuardia's drive to bring extensive film production east, intimates that there may be trouble for Hollywood via the anti-trust laws if suspected hindrances are raised to stymie LaGuardia's plan.

While discussed in some quarters, but viewed with suspicion in others as possibly having some foundation, reports gained circulation over the weekend that Hollywood is seeking ways and means of placing obstacles in the path of encouraging eastern production, either by majors or independents. Gist of the unofficial report was that all the studios in and around New York place in and around New York (Continued on page 48)

### Film Director Faces Mob Scene He Couldn't Handle, And All Because of Hitler

Paris, Jan. 10.  
Pierre Tilly, directing "Les Crimes," with the horrors of Nazi regime as the theme, was mobbed and pitched out of a large Paris department store by an angry mob last week when he attempted to buy a picture frame for a photograph of Hitler.

Tilly was seeking a frame suitable for a permanent print in a scene laid against the background of the Reichstag area. After commencing the frame was suitable, he attempted to insert Hitler's picture into the holders to ascertain how it would appear. That started the trouble.

The soccerwalker screamed insults at Tilly and a crowd pounded on the startled director who couldn't convince the crowd who he was. They took his clothes and threw him out of the store. He was forced to seek help from the police and show his identity papers.

### Ice Shows, Rinks In Big Biz Class; Henie Drew \$214,000 Into N. Y. Garden

#### 1,000 Girls Made Jobsless By Anti-Gambling Drive

Minneapolis, Jan. 23.  
More than 1,000 local girls, jobless since the 1st went on here and the game of "14" was banned in taverns and cafes, are organizing to try to legalize the dice shilling.

If this isn't done, they say, the Rev. Henry Salzen, head of the law enforcement league that has cleaned up the town, "should take us in and feed us," the girls declare. "Something has to be done, or we'll all be on relief," is the girls' ultimatum.

### NO HIGH HATS AT N.Y. FAIR IN '40

A more democratic regime at the N. Y. World's Fair for the second year has been indicated for some time, and the promotional literature aimed to attract exhibitors and connoisseurs is patterned along such lines.

Recently issued brochure prominently carries the comment: "You may have been one of the business executives who said 'The Many High Hats.' What they needed was 5-cent hamburgers." The quotation originated in Look magazine, which was critical of the Fair administration last season. Booklet also sets forth the idea that there were "too many \$10 dinners."

Already settled that general admission to the Fair is to be 10c, children being admitted for 5c. On one day each week, kids' tickets will be 10c.

### Artie Shaw To Make Comeback Via Film

Hollywood, Jan. 23.  
Artie Shaw's comeback as a band leader will be in a picture to be made by Boris Moraw. Shaw will be based on his life. Deal was set on the Coast last week in contract by Shaw, Moraw and Tommy Rockwell, his agent. Contracts are to be signed this week.

A new crew is being organized for Shaw by Rockwell and the bandman, who suddenly screamed out of N. Y. and the music business last fall because jitterbugs gave him an ache. Shaw, who has a splintered bone, will be laid up another month with his leg in a cast.

What has undoubtedly graduated into big business is the operation of ice rinks and ice shows. In the latter category the top attractions are the "Hollywood Ice Rink" and the "Ice Palace." The latter having a distinct edge through the presence of Swedish Men. Shaw with the little blond Norwegian skip around \$214,000 last week at Madison Square Garden, a new high. Last year the Garden gate was \$204,000. Ticket top was \$4.00, with stands during the latter part of the week at \$1.25 each.

Next biggest gross drawn by Swedish Men could was in Chicago, where the takings were \$180,000 at \$2.25 top. The management of the Henie outfit is headquartered in that city. Book-up started as partially prevented by 1939 Century-Fox, in light of Miss Henie's high career rating, but has turned out to be highly profitable.

Ice Palace is controlled by several others in that class is the runner-up in popularity. Other risk attractions include an English revue, called the "International Ice Revue," and another, mostly limited to the Garden, presented by the Shering Club of New York.

Miss Henie's show has been touring since Dec. 2 and is routed until Feb. 11. Her second season may be booked. It is directed and operated by Arthur M. Wirtz, a young Chicago attorney, and William H. Burns, general manager. They operate rinks in Chi., Detroit, Omaha and Indianapolis. In the summer the Wirtz-Burns combo stages the Olympic circuit, a two-week outfit that has been quite profitable, and it also promotes boxing shows. In addition to the rink, the company, prominent fair operator, and his son, who owns the Red Wings, Detroit professional hockey team.

### Detroit Asks \$125,000 For Publicity Campaign To Take Curse Off City

Detroit, Jan. 23.  
Detroit's out to scare up \$125,000 cash to prove this town is still Detroit, the Dynamite. The money is going to be spent on an advertising campaign to take the curse off the adverse publicity Detroit has been getting as a strike center.

The city's new mayor, young Edward Griffin, has taken a dig at the businessmen, saying they were going around with long faces, waiting for the bomb. One of the mayor's aimed at the business and manufacturing leaders, came right on the heels of the square.

Detroit is going to be lathered with plenty of advertising in the trade and general press. The most prominent places are going to be asked to kick in heavily, too, since the town has been one of the country's leading convention cities, and the night life and show trade reaps heavily from Detroit's industry.



# MOVIES

## Mary Pickford Setting Up Producing Unit, But Expects Outside Star Role

Mary Pickford, arriving in New York last week, revealed that she will begin producing pictures with her own unit in the late spring and she may star in a film herself next season. She hopes to produce two pictures for release by United Artists in 1940-41 season, and three films a year thereafter. Picture in which she appears, however, will not be her own production, she declared.

"Tentatively set as the initial producing venture is 'The Lady of Dishonor,' an original by Ivan Lohfeld. Screen treatment has been in preparation on the Coast for the past three weeks by Seymour Robinson and Bill Bowers. In case she is dissatisfied with it, she said, her unit will be one of the top Broadway legit hits, for which she is bidding with reasonable chance of success.

"Film in which she may appear will be from a story she has outlined herself. It is a new classical interest. She collaborates on working out a suitable screenplay. It would trace the career of one woman from youth to old age.

### Reel to Direct

Associated with Miss Pickford in producing will be the Legion of Dancers, headed by David Tourneur, a former New Yorker now living in Santa Barbara, Cal. They have formed a stock company to handle the financing. Miss Pickford said it is unlikely, however, that she has the necessary cash herself and would rather see the venture turn to the studio for outside assistance. Directing the in-off film will be Gregory Raft. Miss Pickford said she will produce a small budget picture. Production will be on the Samuel Goldwyn lot, where Miss Pickford maintains headquarters. There were recently taken away by James Honeysuckle unit, but she has the right to return them. She is expected to be ready to start work. She'll remain in New York until early March, while she is scheduled, Borden Bais the date dates in this territory.

## U OUTPUT SAME AS LAST YEAR

Hollywood, Jan. 23. Universal's 1940-41 program is the same, numerically, as last year's. It includes 45 features, 10 serials, seven action melodramas, four cliff-hangers, 13 two-reelers, 43 one-reelers and 100 newsreels.

Of the 45 features on the production list, four will be produced from the studio. Frank Capra has contracted to supply three and Jules Levy, one.

Bill J. Blumberg, president, and William A. Seely, vice-president, returned to New York after a couple weeks of production huddles here.

Number of pictures which United Artists plans for next season is the same for 1939-40 when the company scheduled 46 of its own and three which it was to distribute for Harry Kingdon.

## SILVERSTONE, FARNOL TO UA'S COAST Huddle

Murray Silverstone, United Artists chief, planes for the Coast in about a week to confer with the company's program for 1940-41. He will be accompanied by Lynn Farnol, head of screening and publicity. Miss Farnol will precede them, heading out by train today (Wednesday).

At Margolis, UA publicity chief returned Monday (23) from a two-week Coast visit in the round robin which members of the publicity staff go out one by one to keep others informed of activity.

## Loew-Levin's Initial UA Deal With 'Flotsam'

Hollywood, Jan. 23. First picture to be made by David L. Lewis-Albert Levin Productions is Eric Remarque's 'Flotsam,' recently bought from Metro.

New company will produce on the RKO-Pathe lot for United Artists release.

## KORDA MOVES PRODUCTION TO U.S.

Decision by Alexander Korda to switch his film-making activity from England to Hollywood has been definitely reached. His first start-up picture on the Coast in April. First film will be 'Jungle Boy,' adapted from Kipling's 'Jungle Boy' story.

It will be Schenck, East Indian player whom Korda used in 'Drums' and 'Elephant Boy' and who will shortly be seen in 'Thief of Baghdad.' Second Korda production on the Coast has been tentatively set as 'Monsieur Lemaître,' with Merle Oberon. This was originally planned for United Artists release by Korda in the 1938-40 schedule, but was impossible to make and deliver because of the war abroad. Late 'Jungle Boy,' it will be released on the 1940-41 card.

Korda will arrive in the United States during the first week in February. He will produce work on the film with a view to the production, arranged by Morris Holzman. Korda's U. S. rep, to plug 'Thief of Baghdad,' will be released during the spring. Turn will be merely for press interviews and will not include any theater district appearances.

Korda's 'Over the Moon,' which is now in Hollywood, has been printed, will be released March 27, with 'Bagdad' it will make four of the five promised by Korda, 'Guns' being the other. He is also planning four for next season.

Charles Parnell, English producer, who last week inked a three-year deal to make films exclusively for UA, will arrive here through the company. Emanuel Silverstone and Morris Holzman as his American representatives.

Since he has his own company, he will arrive in Hollywood. Silverstone handles sales and Holzman advertising and publicity.

Parnell is currently prepping production on George Bernard Shaw's 'Major Barbara.'

## BLANCHE YURKA HAILED BY PAR AS FILM FIND

Hollywood, Jan. 23. Blanche Yurka, veteran legit actress, has scored a victory with Paramount Pictures in the result of her work in 'Woman from Hell.' She got the part while laying off during the last year of college company in Shakespeare-house stuff.

Shades is setting great store by Yurka's re-choosing. The final selection of 'Hell' at the request of J. Edgar Hoover, chief G-men, who in the late '30s was subjected to the tag end, which showed G-men catching a woman.

## NEEDS CHANCES FOR WHITE-GEORG

Shakeup of Personnel, Plus Promotions and Additions, Following in Wake of Long Receivership—Downtown Appointees Step Up

### SALES STRENGTH

Strengthening of manpower in all branches with a view to making the company second to none in the business, including in that step various promotions from the ranks as well as some possible shaking up of personnel and solidifying of policies, is reported to be in the cards for RKO following the long period of receivership from which the company recently emerged.

The studio's forces increased in RKO, which takes in the Atlas Co. and Lehman Bros., plus the Radio City of Adams and the Radio City, later now finally represented on the board, are said to be very closely connected. The studio are already in motion and various changes are likely to come.

Moving quickly on reorganization, RKO appointees from downtown already have vacated their posts. Some important executive posts that they held during the receivership, including W. J. Merrill and Malcolm Klingenberg, both are expected to become vitally important ones in the RKO of the future.

Long in other fields and reportedly close to the Floyd Odom-Alfas line, Merrill and Klingenberg are appointed a vice-president of RKO and, at the next meeting of the board of directors will be nominated for election to the office of treasurer of the corporation. While RKO Corp. the parent company, has had no treasurer, the subsidiaries, including RKO Radio Pictures, Keith-Albee-Orpheum, RKO Orpheum Corp., and others, have. Merrill is expected to be elected.

Coming from ex-called downtown, he was formerly v.p. and controller of the Royal Baking Powder Co., v.p. and treasurer of the Great Inland Holding Corp. and at one time a v.p. and controller of W. & J. Sloan, the furniture corporation. He is an alumnus of the Harvard Graduate School of Business Administration and during four years of receivership has been in the same position. New York set.

(Continued on page 46)

## WB GETS CAPRA ON 1-PIC DEAL

Hollywood, Jan. 23. Frank Capra is winding up at Warner's on a one-picture deal after conducting negotiation with nearly all the majors. Picture slated for release April 19 will be 'Life and Death of John Doe.'

Not calling for the studio to finance and release the film, will be commensurate this week. Robert Riskin favors in the deal as Capra's partner, and it's likely the outfit will now production base from the Selznick International lot to WB's plant in Burbank.

Other plans of the Capra-Riskin combo are unaffected by the Warner step.

## One a Year for Heme

Hollywood, Jan. 23. Sonja Henie acts in new picture under the terms of her new contract with 20th-Fox. Takes effect March 1.

## Schenck Sees No Cut in 20th's 52 Pix Sked; Zanuck Details Prod. Plans

## Grainger Moves Over To WB as Producer

Hollywood, Jan. 23. Edmund Grainger moved into the Warner studio under a new contract as associate producer under supervision of Hal B. Wallis.

He has been a producer at Universal for six years.

## UA STILL LOOKS FOR GOLDWYN'S WESTERNER

Visit by James Muir, Samuel Goldwyn's eastern rep, to the Coast this week for confab with Goldwyn is expected to result in quick action in a few days on the stymied distribution situation. The Western picture virtually completed, Goldwyn has no release set as yet.

Although it is denied that Goldwyn has made any peace overtures to United Artists, Charles Schwartz, counsel and director of the distributing company, declared Monday (23) that the film will definitely be handled by UA.

Warner is growing now that the Barrier News announcement a few days ago that they would handle the picture was a trial balloon. Goldwyn has always been on very friendly terms with WB and the publicity is reported now as merely an attempt to fathom UA's reaction to an outside release deal. UA immediately threatened suit and the deal was called off.

Goldwyn's suit against UA to obtain his producers' bonus of \$54,500, plus interest, was moved last week from the N. Y. Supreme Court to U. S. District Court because of diversity of citizenship. Goldwyn's is a New York corporation, while UA is chartered in Delaware.

Cancellation of Goldwyn's studio activity and layoff of Coast employees has been followed by a similar action. New York set.

## Goldwyn Drops P.A.'s

Hollywood, Jan. 23. Jack Lawrence is the sole survivor of Samuel Goldwyn's publicity department, which has folded up for an indefinite date.

Checking off the lot were John Peppo Miller, Mabel Hill, Oliver Hoopes and Jerry Day.

## CHAS. BALLANCE QUILTS PAR AFTER 14 YEARS

Charles Ballance, with Paramount 14 years, has resigned as director of the Orient due to ill health and is presently in Miami. He advises that he will fly to the Coast shortly and possibly go to the South Seas from there, with no concern for the immediate future except to take a long rest. Later on, with health regained and with improvement in the international situation, he may return to foreign distribution.

A brother, Harry, also long with Paramount in domestic sales, is now director manager for 20th-Fox in the southeast.

Following Ballance's resignation, the sales manager in California and Bombay will supervise sales in the Orient for the time being until permanent plans are laid by Par.

Little likelihood that 20th Century-Fox will produce fewer pictures in 1940-41 than the current season's 52 was expressed by Joseph Schenck, the company's chief, in New York Friday (18). Schenck, who is president of the producers' association, also predicted that other companies will do little cutting in the number of pictures, despite announcements to the contrary.

Schenck declared that slitting the program would be a good idea and he favors it for 20th-Fox if it were certain that other studios would do the same. He deplored the fact, however, that it is virtually impossible to obtain any unanimity of action by Hollywood's majors. Unless other studios cut, he said he feels it necessary for 20th to produce at least one a week to keep up with the parade.

Schenck and Darryl Zanuck, Fox's president, are expected to be in the Coast with Sidney Kay, Joseph Wheeler and other 20th execs on next week's product, and to attend the preview and camera crew in New York at the Hollywood Fidelity (19), and 'Grapes of Wrath,' which will be under Zanuck's supervision, at the Rivoli. Accompanying the pair come Mrs. Zanuck, Gene Markey, associate producer on 'Blue Bird,' and Markey's wife, Hedy Lamarr.

## Schedule Pix Plans

In regard to product for 1940-41, Zanuck revealed that 20th will produce three films especially for roadshowing. One of them, 'Lillian Russell,' will be a running-in length to 'Gone With the Wind.' It will run from present indications, Zanuck said, about three hours and 30 minutes and will cost around \$2,000,000, top in Fox history. He also indicated that 20th may produce a new type as a straight 795 rated a very possible.

Other 20th pictures among 14 pictures on the program to cost \$1,000,000 or more, Zanuck said, will be 'Brigham Young' and 'Thru to the Sea in Ships.' Henry Hathaway was recently signed as director of 'Brigham Young' and is now working in Utah, production chief stated. 'Ship' will be filmed in the Hawaiian Islands, if it can obtain a permit, Zanuck said. Other top budgeters will be 'Western' (Continued on page 46)

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## Incomplete List Shows Film Salaries Lower in '38; Colbert's \$301,944 Tops

Washington, Jan. 23. General lowering of film salary scales during 1938 was indicated yesterday (Monday) when the Treasury Department disclosed the public pay scales of major motion picture stars. Disclosures of biggest incomes in America, contrary to past practice, were then permitted to the public for the first time. Colbert's income for 1938 was \$301,944, the highest salary disclosed. The lowest was \$10,000.

There were only 55 film names on the Treasury's blue-book list. Missing were such major stars as Clark Gable, Bette Davis, Humphrey Bogart, and others. The Treasury's list was compiled from information furnished by the industry. The Treasury's list was compiled from information furnished by the industry. The Treasury's list was compiled from information furnished by the industry.

None of the personal holding companies created by leaders in Hollywood, including the names of the companies, was included in the Treasury's list. The Treasury's list was compiled from information furnished by the industry.

Only a half-dozen individuals pocketed more than \$500,000 in 1938, according to the Treasury's list. The Treasury's list was compiled from information furnished by the industry.

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### Glamorous Lil Struts

Lillian Russell got the gun at 20th-Fox yesterday with Alice Faye in the same role.

Robert Shaw's player option bought by 20th-Fox.

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## PALEY IS TOPS IN AIR WAGES

Washington, Jan. 23.

Top salary in the radio trade for 1938 was the \$175,000 which CBS paid to Paley.

Only three executives of broadcasting companies were in the 500 industrial figures getting more than \$75,000, but there were nine such executives in the 1000 industrial figures.

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## Studio Contracts

Hollywood, Jan. 23.

John Drummond signed player pact with Metro.

Warner handed acting contract to Jerry Grayson.

Columbia renewed Robert Kenton's ticket for two more pictures.

Peter Knapp signed player deal with 20th-Fox.

Twentieth-Fox handed new writer ticket to Robert Ellis.

Norman Houston drew three-picture ticket at Paramount.

Robert Shaw's player option bought by 20th-Fox.

Natlie McMillan signed contract with 20th-Fox.

Heaven Logan's writer part renewed by 20th-Fox.

Warner signed William T. Orr to player contract.

Harry Clark inked scripting part with Metro.

Metro renewed Frank Whitehead's ticket at studio advertising campaign.

Harry Sherman inked Russell Hayden's player option.

Republic handed player part to Leslie Bennett.

El Brendel scripted for Hopalong Cassidy at Paramount.

Don Clark renewed as head of camera department at 20th-Fox.

Rogers signed acting ticket, signed to Fox acting ticket.

20th-Fox handed new cameraman position to director of Hollywood.

Crane, Edward Squire, and Ernest Palmer.

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Crane, Edward Squire, and Ernest Palmer.

## Le Baron Gets Toasted and Roasted By Masquers, with Benny 'Pouring'

### Crowell Draws 'Sue'

Hollywood, Jan. 23.

John Crowell got the director's job at Paramount.

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### EDW CAREWE DEAD AT 56

Hollywood, Jan. 23.

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### LLOYD TO PRODUCE

SIX FEATURES FOR U

Hollywood, Jan. 23.

Frank Lloyd agreed on terms with Universal for the production of six pictures over the next two years.

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### PEARL WHITE LEFT ESTATE OF \$369,067

Hollywood, Jan. 23.

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### BOY'S 374th DIVVY

Hollywood, Jan. 23.

Boys 374th Divvy.



# MOVIE NEWS

## U.S. Willing to Let Biofi Complete Pander Sentence Before Haling Him Into Court on Income Tax Charge

Hollywood, Jan. 23. Willie Biofi is scheduled to learn this week whether he will be returned to Chicago to serve a six-month jail sentence for pandering before being called upon to pay the income tax fraud rap in Federal court. If Governor Culbert Olson signs the Illinois requisition, Government officials have indicated they will not attempt to prevent the Chicago fugitive from being released.

Date for trial of Biofi on the income tax fraud charges will be set Feb. 9 by U. S. District Court. The Chicago fugitive panderer is expected to appear in court Monday (25) to enter a not guilty plea. His trial is expected to file a demurrer to the indictment accusing him of making improper returns for '38 and '39. If convicted, Biofi faces a maximum prison sentence of 10 years and fines totaling \$10,000. It was disclosed that if found guilty, Government would likely imprison at Alcatraz. Leo Silverstein, deputy U. S. attorney, advised the governor's office that the Government did not desire the income tax indictment against Biofi to be considered a reason for either granting or denying the extradition request, stating that a plea of Biofi's attorneys that the indictment prohibited his extradition at this time, Silverstein said, was the prosecutor's office.

"We believe that the necessary arrangements for the extradition of Biofi at the trial of this indictment can be made with the Illinois authorities," said the attorney, "whether or not denial of the extradition will in any way affect the rights of the United States. We do not, however, in any way or manner waive our jurisdiction by this statement or by our appearance here."

Fighting to prevent removal of Biofi from California, attorneys Edward G. Luddy and Henry B. McKinney urged the extradition hearing be delayed until the federal charge was disposed of. They expressed confidence of establishing Biofi's innocence, and added they would then oppose his extradition on the ground that he has been completely rehabilitated since he was convicted of racketeering and sentenced to prison in an inmate of a Chicago brothel.

Simultaneously, it was disclosed by the governor's office that a telegram had been received from Mr. Edwin Selwyn, chairman of the Women of the Hour league, asking that the Illinois requisition. Mr. Selwyn pointed out that her group represented a membership of 140,000 women. Several studio unions affiliated with the American Federation of Labor also are urging that Biofi be sent back to complete his sentence.

### What Does That Mean

Since his indictment in Federal court, Biofi has faded into the background and is leaving negotiations of studio credits to the International Alliance of Theatrical Stage Employees in the hands of international representatives and craft business representatives.

The Screen Actors Association Committee signed a resolution to help labor workers and appointed a committee to draft a contract proposal for submission to the Federal Court. The Guild will ask for a closed shop, vacation with pay, severance pay and a minimum wage scale with substantial increase over average salaries now paid.

The following studio delegates have been appointed to represent the various producing units on the Guild: Bob Duffin, G. Gilford, Leo Gold, Universal; John Dennis Bickett, Sally Banger; Re-

### E Pluribus Unum

Hollywood, Jan. 23. All major studios are importing employees to wire Congressmen urging defeat of the Neely bill. Some letters sent out warn that the measure not only will inflict incalculable burdens on industry, but "will jeopardize your own job and future in industry."

Workers are also asked to pass along the word to others for united front by the industry against the measure.

## Neely's Backers Put Pressure On House Committee

Washington, Jan. 23. Propaganda efforts of the Neely bill backers have been renewed in an attempt to prod the eye-opening House Committee into action. Solid-front maneuvering was done last week by the Motion Picture Industry Committee, headed by Dr. Ray Lyman Wilbur, announced on the Neely measure, and the National Motion Picture Society, headed by the National Motion Picture Society, American Home Missionary Society, Girl's Friendly Society, etc.

With the House committee not planning to consider the legislation for several weeks, all law-makers were asked to press a prompt and favorable report so there will be time for a vote in the present session. Fias touched a new note, with proponents declaring that the Neely bill means "continuance of political blackmail and control by the theatrical dictatorship as exemplified by the motion picture monopoly."

## SHERWOOD LOSES SUIT VS. 20TH ON 'LINCOLN'

New York supreme court Justice Peter B. Sherman yesterday (23) dismissed the suit of Robert E. Sherwood and the Playwrights Protection Fund against 20th Century Fox Film Corp. In which Sherwood claimed unfair competition in the use of the material furnished to the "Young Mr. Lincoln." Sherwood had sought an injunction and an accounting of profits.

Justice Schmuck declared, "There is no question of copyright or plagiarism involved, and the suit will be confined to the question of unfair competition. Since the source of the material furnished to the public domain, no exclusive right to the use thereof can be acquired, even though the material is the first to discover its value as a medium to awaken public interest."

### Jones Family's 17th

Hollywood, Jan. 23. Seventeenth edition of the Jones Family series rolls the first week in February at 20th Fox.

Otto Brower is directing from a script by Harold Buchman.

## PAR EXPERIMENTS WITH 'CYCLOPS'

Cleese Deal with Tom Fiddale Agency to Handle Entire Publicity and Exploitation on Forthcoming Feature—May Set Precedent, Taking Publicity Out of Hands of Company

### RKO REPORT

Hollywood, Jan. 23. The future of publicity and exploitation forces on the payrolls of major producer-distributors is threatened as result of a revolutionary move underway to have picture publicity merchandising through the use of the radio, through the use of the radio, through the use of the radio.

Pressing such a move is the deal Paramount has made with the Tom Fiddale office of New York to take over the campaign on a forthcoming release, "Dr. Cyclops." The contract, from account, provision that the Fiddale agency is to handle all publicity on the "Cyclops" picture, as well as all exploitation, including the use of the radio, through the use of the radio, through the use of the radio.

Following such a move is the deal Paramount has made with the Tom Fiddale office of New York to take over the campaign on a forthcoming release, "Dr. Cyclops." The contract, from account, provision that the Fiddale agency is to handle all publicity on the "Cyclops" picture, as well as all exploitation, including the use of the radio, through the use of the radio, through the use of the radio.

## WANT READY TO SHOOT AT WB, RKO

Hollywood, Jan. 23. Warners and RKO have a full production lineup for the next few weeks. Former studio has also features slated to roll during March, while the latter lot has eight to go.

Warner lot includes "The Sea Hawk," "The Constant Nymph," "Quincy Higgins," "City for Conquest" and an untitled James Bracken picture.

RKO starts Thursday (25) with "Currier & Ives" followed next Saturday (27) by "The Romantic Mr. Kinikin"; Monday (29), "Smiler with a Knife"; Feb. 2, "The Brown School Days"; Feb. 5, "Boone Chase"; Feb. 15, "Anne of Windy Poplars"; Feb. 23, untitled "To Life and Love"; an untitled George Orfield Western.

## STEFFES STRICKEN AT WASH. MEETING

Minneapolis, Jan. 23. W. A. Steffes, long a nationally-known independent circuit distributor, is confined in Providence hospital, Washington, suffering from a serious heart attack. He was stricken while attending the Allied States directors' meeting.

Attending physicians say that it will be from three to five weeks before Steffes, who is Northwest Allied president and retiring Twin City Variety club chief, can be released from the hospital.

## Majors and Gov't Near Agreement On Interrogatories In Anti-Trust Suit, Insuring May 1 Trial Date

### Out of Their Shell

Hollywood, Jan. 23. Film Stand-Up Gold steps out for itself for three nights, Feb. 1-3, at the Windsor Hotel theatre in a stage play, "Goodbye Again."

Rehears of the studio stars will work under their own steam, directed by Martin Asha, under supervision of Fred Nibbs, Jr.

After discussions in New York of over a week, major company counsel and the Department of Justice are reaching an accord which will probably settle, once and for all, what questions are to be answered by the Government and which can be eliminated. In the meanwhile, an extension to Jan. 30 has been granted the Government to object to the defendants' questions.

It is not the type of question that is bothering the Government, as first assumed, but the quantity. Some 300 interrogatories have been served on them by the major film companies, with each question averaging over four sub-questions, or more than 1,200 questions. The majority of these are considered redundant by the D. J.

## U.S. Court Rules Against Gov't On Schine Expansion

Buffalo, Jan. 23. The Government lost the first round of its anti-monopoly fight against Schine Chain Theatres, Inc. when Judge Knight, of the U. S. District Court, denied a preliminary injunction requested by the U. S. to restrain the Schine interests from acquiring additional theatres over the Schine's new operation. The motion for an injunction was argued here last September, the Government asking for a restraining order pending the trial of the suit.

In an 18-page opinion, Judge Knight ruled that the reason shown why a trial cannot soon be held. It does not seem to the court that the acquisition of a few additional theatres would either delay, or seriously embarrass the Government in the trial of this suit. Indeed, a greater loss threatens the defendants if more theatres are acquired and if the Government prevails.

In its complaint, the Government charged that Schine, in combination with Paramount Distributing Corp., Paramount Pictures, Inc., RKO, Universal Pictures, Inc., Universal Film Exchange, Inc., Warner Bros. Pictures, Inc., Viagran, Inc., Loew's, and Columbia Pictures Corp. have conspired to restrain interstate commerce by the use of the greater buying power on the part of the Schine group and through block-bookings methods.

Judge Knight also allowed 22 demands made by the defendants in an application for a bill of particulars.

## 100C PLAGIARISM SUIT VS. 20-FOX ON FIDDELE

Application to sue as a poor person, a \$100,000 suit for copyright infringement, against 20th Fox for \$100,000. The plaintiff is a writer, "The Brown School Days," Feb. 5, "Boone Chase"; Feb. 15, "Anne of Windy Poplars"; Feb. 23, untitled "To Life and Love"; an untitled George Orfield Western.

Mr. Harris asserts she submitted the "Brown School Days" to 20th Fox in 1938, and was informed from time to time it was being considered as a picture. She asserts, it is based on her story.

The film company's answer consists of a general denial, and a statement that it never received or saw the story. Mr. Harris' affidavit asserts she has been unemployed for a year and a half and hasn't \$100,000 to continue prosecution of the action.

### 'Quo Vadis' Remake

Hollywood, Jan. 23. "Quo Vadis" will be remade at Metro.

Robert Leonard-Hunt, Blomberg producer, will be responsible for the chore after they complete "Pride and Prejudice," now in work.

### Caf. File Objections

Columbia announced yesterday (Tuesday) because the first of the major film companies to file objections to the application for the officers of the company before trial, Columbia is first on the Government's list with its examination set for Feb. 8.

Columbia, in an affidavit by Louis B. Frawley, attorney for the company, objected on four grounds. First, that Harry Cohn is not a resident of New York; that the Government has not particularized the general allegations of the complaint; that the criticism interrogatories have been served on the Government which have not yet been answered, and that the company is not ready for the examination at this time.

The accompanying explanation is that Harry Cohn is in charge of production for Columbia, and that the company has spent upwards of \$100,000 on its films. To compel Cohn to testify, would mean a disruption of the entire production program of Columbia, and a monetary loss to the company to that company. The Government, the attorney declares, can get its answers to the interrogatories directed to the official.

Objections were also filed as to the testimony of Jack Warner, president of Montezuma, vice-president and general sales manager, respectively, of the company.

The Department of Justice refused to comment on the objection filed by the company. The Department may will be heard by Judge Bondy Tuesday (26).

## Parlette Goddard Will Team With Hone at Par

Hollywood, Jan. 23. Paulette Goddard checked out of the Chaplin studio for the lead with "The Great Dictator" at Paramount's "Breaker."

At picture's finish she goes back to Hollywood to resume "The Dictator," now in 111th day of production, with about two months to go.





# It's the Bad Weather in Chi, Too;

**'Remember'-Vaude 40G, 'Guy Unit'**  
**\$18,000, Sonja OG, 'Child' \$6,500**

Chicago, Jan. 23.—Last week it was the weather of bad-weather pictures which held down the grosses of the vaudeville circuit, but this week it was the weather of the public going to their beds. If the weather had been good during the final days of the current week, the grosses of the circuit should respond with a lift at the outset, for the attractions generally are good.

Balaban & Katz Chicago is stepping up its circuit with a big, big, big stage show, primarily due to the fact that the last show closed on a high note, and is being held out to the American Can company for \$10,000 as a bonus. The show, which is a big show of show and picture in a building that seems to be a modern palace, is the company's answer to the vaudeville circuit. The show is being held out to the American Can company for \$10,000 as a bonus. The show is being held out to the American Can company for \$10,000 as a bonus.

**'Remember' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Guy Unit' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Sonja' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Child' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000.

# First Run on Broadway

(Subject to Change)

(Week of Jan. 23)  
**'Acting'-Gone with the Wind' (M-G)** (2h wk.)  
**'Capitol'-Gone with the Wind' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)  
**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

# Freezing Temps. Cries B'way B.O.s,

**But 'Hardy' Hot \$17,500; 'Night',**  
**Ink Spots Nice 45G; 'Lion', 10G**

Wintry weather in the country's picture theatres, according to a survey by the National Association of Theatre Owners, has had little effect on the grosses of the Broadway circuit. A new survey Thursday night shows that the circuit is still in the red, but the income, and which has prevailed for a week in keeping the rise of the circuit down, is now what.

Gone with the Wind is still sweeping everything in its path, however, being less affected than the other pictures. While dipping a little from the previous week, the fifth night of the picture, which closed last night (Thurs.), stood at a powerful day. The picture was \$17,500, the first week the picture was \$17,500, the first week the picture was \$17,500, the first week the picture was \$17,500.

**'Remember' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Guy Unit' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Sonja' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Child' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000.

**'Green Hell' as the top picture in its double bill, and it's shortly a candidate for the top picture in the Apollo, where 'We Are Men' is getting a big boost. The picture is getting a big boost. The picture is getting a big boost. The picture is getting a big boost.**

**'15-Below L'ville Rides Destroy' to \$7,500; Shop 6G**

Record cold spell just few days, with thermometer hitting a new low of 15 below zero, has helped '15-Below L'ville Rides Destroy' to a gross of \$7,500. The picture is getting a big boost. The picture is getting a big boost. The picture is getting a big boost.

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

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**'Globe'-Lion Has Wings' (UA)** (2h wk.)

# FRIDAY HOT \$7,000

IN SUB-ZERO AMBIA

**'The Girl Friday' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Guy Unit' (M-G)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Sonja' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000. **'Child' (WB)** (1:30; 10-25-35) (RKO), dual, split with 'Clue' and 'The Alamo' (WB), triplex, \$18,000.

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**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
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**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

# CEILING ZERO IN DET.; WES \$13,000

Looking out of the picture house windows are sighting a zero in the town's first cold wave and a ceiling of zero in the town's first cold wave. The picture is getting a big boost. The picture is getting a big boost. The picture is getting a big boost.

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

# FRIDAY NICE \$4,100

PACES PUNKY LINCOLN

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)

**'The Blue Bird' (M-G)** (2h wk.)  
**'M-G'-Ship Around the Corner' (M-G)** (2h wk.)  
**'Admiral'-Judge Hardy and Son' (M-G)** (2h wk.)  
**'Globe'-Lion Has Wings' (UA)** (2h wk.)









# *Shooting Starts* **TODAY!**

## “**OUR TOWN**”

*FROM THE PULITZER PRIZE PLAY*

**By THORNTON WILDER**

DIRECTED BY

**SAM WOOD**

Production Designed by . **WILLIAM CAMERON MENZIES**

Associate Designer . . . . **HARRY HORNER**

Director of Photography . **BERT GLENNON, A.S.C.**

Art Direction . . . . . **LEWIS J. RACHMIL**

Technical Adviser . . . . . **EDWARD P. GOODNOW**

Costumes by . . . . . **EDWARD LAMBERT**

Production Manager . . . . **BARNEY BRISKIN**

THE CAST

**WILLIAM HOLDEN** as . **George Gibbs**  
**MARTHA SCOTT** as . **Emily Webb**  
**FAY BANTER** as . . . **Mrs. Gibbs**  
**BEULAH BONDI** as . . **Mrs. Webb**  
**THOMAS MITCHELL** as **Dr. Gibbs**  
**GUY KIBBEE** as . . . **Editor Webb**  
**STUART ERWIN** as . . **Howie Newsome**

**FRANK CRAVEN**

AS

**The Narrator**

".....and others too numerous to mention....."

# **A SOL LESSER PRODUCTION**

Released Thru United Artists





**"THE SHOP AROUND THE CORNER"**  
 is the first picture of the new year  
 that is sure to be on every critics' list  
 as one of the best pictures of the year.  
 A 'must' for everyone who  
 goes to the movies."

—Sidney Skolsky in Nationally  
 Syndicated Column.

**SIDNEY  
 SKOLSKY  
 PREDICTS!**



"Imagine, Leo,  
 and it's only  
 January!"

"And wait till he sees 'I TAKE THIS  
 WOMAN' and 'STRANGE CARGO' and  
 'BROADWAY MELODY OF 1940' and  
 'NORTHWEST PASSAGE' and the others."



## Adventure In Diamonds

[illegible]

This is Leo Miranda's second American production. As in his last, *La Haine*, *Howa* shows unflinching ability, but moves under by poor material and routine direction.

Story deals with the intrigue and hawking of diamond-smugglers in South Africa. Mike Miranda's lead character is a former international gem thief, John Legend, who arrives to smuggle out a load of diamonds from both the mine and the country. George Brel, governor of the area, falls for the girl's charms and makes a deal with her in helping the pair get the diamonds out of the mine area. Despite the girl's criminal tendencies, Brel

The script fails to clearly define the motives of the two different factions, accentuating the story faults. Pace is slow and dull until the final minutes, when it rushes into the conclusion of a somewhat anticlimactic rescue of the 'Pierin of Pauline' series. Miss Miranda does as well as she can, but the film is a disappointment in direction. Brent is adequate as the hero of the piece. John Loder, in his first role, is a little stiff, but after several years abroad, is the leader of the team ring. Nigel Bruce is a typical British intelligence officer, and the film is a disappointment in choice bits as a light-fingered man.

Production layout provided a top calibre, with interesting background scenery, and a variety of diamond-gathering in the mines, and the protective measures used to protect the diamonds.

An enthralling race provides, mostly in the early portion of the film.

[illegible][illegible]

Starting off with a series of typical metropolitan scenes, as an unseen narrator points to the various chance games operated in a big city, the story swings deftly into the gambling casino of one Steve Walker. There the plot unfolds—a sort of "Grand hotel of gambling." Fact that a girl reporter gets inside, is quickly discovered by the casino's operators, and is thwarted at every turn in her quest.

(Continued on page 22)

# SHOWMEN AND PRESS HAIL

## "THE BLUE BIRD"

**FOLLOWING SPECTACULAR  
N. Y. WORLD PREMIERE!**

"Unquestionable appeal to audiences of all ages, types and places. A masterpiece of imagination, spectacular, rich in sentiment." —*M. P. Daily*

"Colorful and enchanting. A beautiful film. Sets are opulent, photography gorgeous! Should prove an enchanting adventure for the youngsters... and their elders, too!" —*N. Y. Daily Mirror*

"A screen masterpiece. Something radiant—new in screen history. Touches deeper wells of sentiment... women will be dissolved in tears!" —*L. A. Times*

"Zanuck and 20th Century-Fox can well be proud. Most unusual entertainment for young and old alike. Charmingly different."

—*L. A. Herald-Express*

*Few openings have drawn so many leading exhibitors. Typical of their reaction is the following wire from an outstanding showman and one of the best judges of pictures in the business:*

**"YOU TOLD ME THAT 'THE BLUE BIRD' WAS A GREAT PICTURE. THAT WAS A MILD STATEMENT. AFTER SEEING THE PICTURE AND AGAIN REVIEWING THE VARIOUS SCENES, I AM CONVINCED THAT THE GREAT BEAUTY AND CHARM OF THIS PRODUCTION WILL CAUSE THE PUBLIC TO LOVE IT. I HOPE EVERY EXHIBITOR ENTHUSES OVER 'THE BLUE BIRD' AS I AM ENTHUSED AND THAT THEY GIVE IT ALL THE SHOWMANSHIP THAT THE PICTURE DESERVES."**

**A. R. BOYD**

"Complete enchantment is in store for the millions who unquestionably will see this. Will send children into ecstasies and give their elders supreme entertainment. Moving, poignant story... and tender drama which brings many a lump to the throat!"

—*Hollywood Reporter*

"Will enchant children and delight mature audiences. Brilliant fantasy... superbly projected to the screen." —*Film Daily*

"There is comedy... pathos, too. Surprisingly emotional in its effect. Apt to bring out all the handkerchiefs in an audience. A picture with a charm of its own."

—*N. Y. Sun*

"Big treat for young and old. Will undoubtedly delight both adults and children all over the country. Done on an elaborate scale."

—*L. A. Examiner*

"Opulent and eye-filling spectacle... to beguile those of all ages who are lucky enough to see it. A pictorial gem... delightful."

—*N. Y. Daily News*



THE KEYSTONE OF YOUR FUTURE





**The best-selling  
adventure book  
ever written  
becomes one of  
the most daringly  
different  
adventure pictures  
ever made!**

# SWISS FAMILY ROBINSON

**with THOMAS MITCHELL • EDNA BEST  
FREDDIE BARTHOLOMEW • TERRY  
KILBURN • TIM HOLT • BABY BOBBY  
QUILLAN**

*Directed by EDWARD LUDWIG  
Produced by GENE TOWNE and GRAHAM BAKER  
Screen Play by Walter Ferris, Gene Towne and Graham Baker*

**SHIPWRECK by  
tidal wave!**

**ESCAPE on a raft  
made of barrels!**

**TAMING jungle  
denizens for  
household pets!**

**EXPLORING the  
mysteries of the  
forest and hills!**

**LIFE-ON-THE-  
THRILL on ad-  
venture Isle, a  
thousand miles  
from nowhere!**



**GENE TOWNE**  
presents

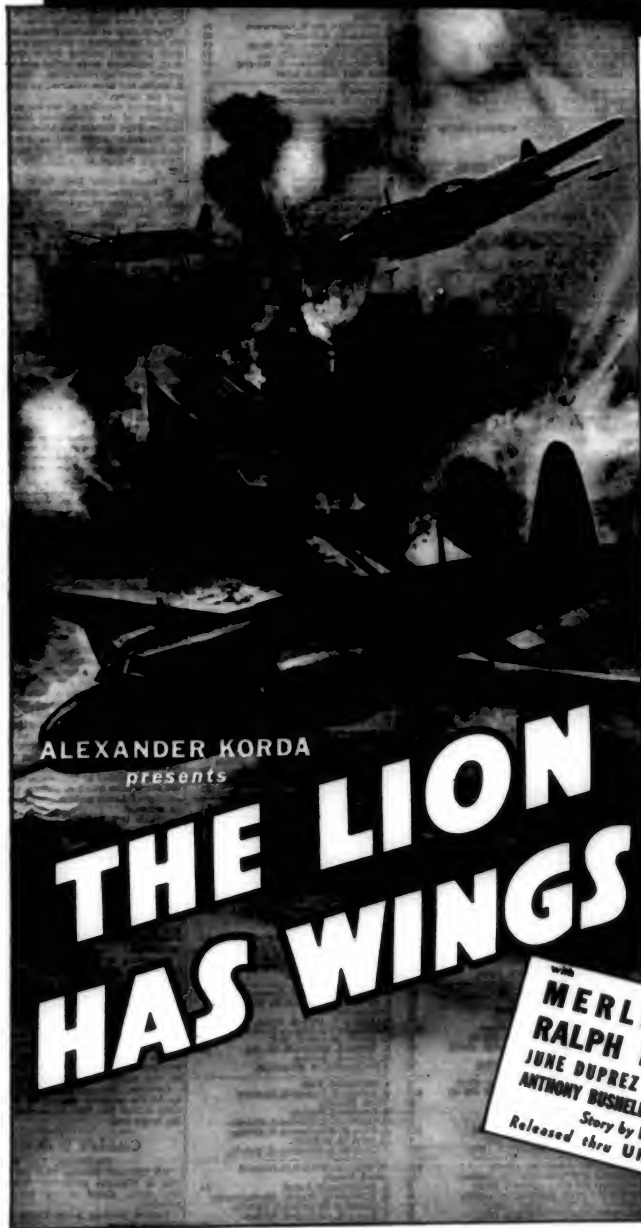








**CROWDS..CROWDS..STORMING THE BOX-OFFICE  
FROM 9 A. M. 'TIL 1 O'CLOCK NEXT MORNING AND  
OFF TO RECORD WEEK AT THE GLOBE THEATRE!**



ALEXANDER KORDA  
presents

# THE LION HAS WINGS

with  
**MERLE OBERON**  
**RALPH RICHARDSON**  
**JUNE DUPREZ · ROBERT DOUGLAS**  
**ANTHONY BUSHNELL · DERRICK DEMARNEY**  
Story by Ian Dalrymple  
Released thru **UNITED ARTISTS**

## Alexander Korda Again Stirs The Enter- tainment World...

"Magnificent...absorbing and vivid."

—*New York Daily News*

"Worth seeing because it is enormously entertaining. How England defends itself is told vividly, excitingly."

—*World-Telegram*

"A tremendously interesting and exciting motion picture. The facts themselves are wildly melodramatic. The German raid is a gripping and fearful sequence. The British raid over Kiel a suspenseful bit of film business."

—*New York Times*

"A fascinating film...brilliantly staged and staunchly performed. The most fascinating section describes the secret defense system. Spectacular scenes. Even those to whom the war seems very remote are likely to find it extremely interesting."

—*Herald-Tribune*

"Interesting and well made. Lowell Thomas as narrator was expert touch."

—*New York Sun*

"Every minute of it is absorbingly interesting."

—*Daily Mirror*



LOWELL THOMAS  
Narrator

### Publicity

Continued from page 1.

leity at the Warner studio under Charlie Einfield. Reported here during the past week that Fiadale made his deal with Paramount after the company had sought to line up the Russell Birdwell agency or Sieve Hannagan to handle 'Cyclops' outside Par's own pub-ad department. Both are said to have demanded too

Formerly from Chicago and reputedly a close friend of John Hertz, a director of Paramount, Finkle has returned to the city to make his final deal with Barney Balaban and associates in New York by way of the Hertz connection. Meantime Paramount higher-ups are said to have been dissatisfied with the publicity and exploitation results of the "Gulliver's Travels," although the company's pass was up against severe drawbacks because of the natural tendency of publicity-exploitation outlets to favor Walt Disney's "Pinocchio," which is due for release next month.

Some producers, notably those distributing through United Artists, have their own publicity organizations on the outside, but they work in close co-operation with the UA's publicity department.

Years ago all advertising was placed direct by majors, whereas now all of it is handled through agencies. Having a contract with the Buchman agency in New York, Paramount releases its trailers through the agency. Artists in Buchman at what is reported to have been a saving. That may ultimately happen to publicity.

More recently Par made a five-year deal with National Screen. Under this deal the company is originally a producer-distributor of trailers, will not only handle the company's trailers, but also its accessories. The contract goes into effect Feb. 1 and one of the conditions is that National Screen will have a whole ad sales department, headed by Don Velde, who has been in charge of accessories from the home office for many years now. Absorption of the artists maintained at the book by Paramount.

**'39 AMUSE. TAX BITE**  
**TOTALS \$19,946.30**

Washington, Jan. 23. Although the trend was no more sustained than a pendulum, the 1971 admission bite brought the Federal Treasury more money in 1934 than for any year except 1937 since upping of the rates early in the decade. Total take was \$19,946,307.

Constant up and down in business from amusements reflected the ups and downs of the travel and the increase was much higher than the declines that the register at the end of 12 months stood \$204,974 higher than at the 1936 finale. Total, however, was \$1,068,730 behind the record-breaking year, 1937.

December receipts, showing

marked falling off in turnstile clicking during November, were discouraging, ending a series of rise which looked as if the industry had

turned that corner. Payments of \$1,574,534 were \$203,110 smaller than in November, and \$45,042 less than for December, 1938. The December

1939, total, although the second highest during the entire year, was the smallest for the stanza in four years. Early Thanksgiving apparently was

no boon to amusement proprietors.

### 'Zone's Starting Trio

**Zone's Starring Trio**  
Hollywood, Jan. 23.  
Pat O'Brien gets third co-starring spot with George Raft and Ann Sheridan in 'Torrid Zone,' slated to go before the cameras late this month at Warners.  
William Keighley directs.

William Keighley directs.

## 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 as given in VARIETY and the running time of prints are included.)

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See to Var.—Reviewed in Variety      Key to Type Abbreviations      N. Y.—Running Time

[illegible]

public, Glenn Fast, Michael Al-

Hilda Neman; Selznick-  
ional. Colling Traylor; Wel

Franger, Elsie Childs; Samuel G. Wynn, Ed Mannin, Frank Kane, Frank Capra, Chester Sticht; Hal Rosson; Nelson Jacobs.

Studio Carpenters Local 946 amended its by-laws to prohibit members from driving their own cars to location spots. This action was taken to aid Studio Transportation Drivers Local 390, which is assisting its members be employed to drive all cars used on location.

The Society of Motion Picture Artists and Illustrators is drafting a contract proposal calling for a Guild shop, minimum wage scales and improved working conditions. George E. Bodie has been retained as an

A special meeting of the board of directors of the Society of Motion Picture Film Editors has been called for Thursday night (23) to discuss the failure of producers to act on the Society's request for a flat 10% pay cut.

**From Agents' Part Ready**  
The proposed agreement between major film companies and the Screen Publicists Guild has finally been completed by producer attorneys and turned over to the SFG for approval. The pact calls for a minimum wage guarantee of \$100 weekly for senior P.A.s.

Los Angeles police have been asked to aid in the search for R. Hayward, business representative Moving Picture Operators Local of International Alliance of Theatrical and Stage Employees.

of International Alliance of Theatrical Stage Employees. He has been missing about 10 days. Officials of the IATSE stated funds of the union are intact, but admitted there have been reports that Hayward had been contacting outside operators in selling them work permits without making a report to the union. Hayward only recently was re-elected for a seventh term.

Mark Windheim has been elected executive committee chairman of the Coast branch of the American Guild of Musical Artists. Andre de Sores takes over the office of vice-chairman, with Richard Hamman serving as second vice-chairman. Others elected to the com-

Mass meeting of Los Angeles Chapter of the American Guild of Actors, August 20, 1934.

riety Artists has been set for Monday (29). A nominating committee will be appointed to select a list of candidates for AGVA offices. A constitution also will be submitted to the membership.

**The Building Service Employees**

Union has filed a complaint with National Labor Relations Board charging that major film companies have refused to negotiate with Joseph Gould, NLRB field examiner. Gould stated NLRB probably would

an election of workers to select bargaining representative union company representatives agreed to talk with the producers. Union representatives claim the service workers were entitled to 10% wage increase at the same time other American

**LA's 10% Raise Uncertain**  
Mixed earning statements  
major studios for the final quarter of 1939 leave up in the air the question of a 10% raise.

tion of whether the Hollywood unions will retain after Feb. 15 a 10% wage rise they won shortly before the end of the year. It was disclosed in New York last week by Joseph M. Schenck, 20th-Fox chief.

According to the pact by which threatened IATSE general strike was called off, Schenck said reduction of the 10% demands on

It was not stated whether pay by one company counteract loss by another, so that the whole industry must be equally affected.

Decision, Schenck said, would go up to the arbiters named by sides before the Feb. 15 confab on the wage rise.

**Couldn't Wait**  
Hollywood, Jan.  
'All This and Heaven, Too' got  
gun at Warners yesterday (M  
one week ahead of the or

Picture co-stars Bette Davis  
Charles Boyer.



**SUCH SHOWMANSHIP!**  
What a team!  
**GARFIELD and SHERIDAN**  
Plus **O'BRIEN as CHITTY on the HUDSON**



Great showmen and a great attraction get together at the  
**ROXY, NEW YORK**  
This week  
with  
**"Brother Rat and a Baby"**  
It's the first Warner show in 5 years to play Broadway's 6000 seats

**LOOK WHAT'S FOLLOWING**  
**"THE FIGHTING 69TH"**

**"THE MAGIC BULLET"**

**MAN!**  
**The Showmanship behind these!**



**SHOWMEN! NOTICE!**  
M. J. Strand hits occasional 2 week gross with  
**RAFT in "INVISIBLE STRIPES"**  
They played it right and it paid right!

Clear the tracks for  
**THE VIRGINIA CITY SPECIAL!**  
Toss the Dodge City stunt!  
Easter send-off for  
**"VIRGINIA CITY"**  
(FLYNN-HOPKINS Randolph Scott, Bogart)

**"FOUR WIVES FOR HODOVERS!"**  
It's the ambition hit of the day  
**"A CHILD IS BORN"**  
(Crawford Fitzgerald)



# LONDON PRESS ACCLAIMS!

# "THE STARS LOOK DOWN"

AN ADAPTATION OF  
**A. J. CRONIN'S POPULAR NOVEL**  
 OF THE SAME NAME

**SUNDAY TIMES**—"I place it far above *The Citadel*."

**EVENING NEWS**—"Hollywood could not have done so honest and accurate study. I do not recall being so gripped by a film sequence since D. W. Griffith. *'Stars Look Down'* is a grand film."

**LONDON STAR**—"Stars Look Down" sends up our film stock. A British picture to evoke pride and admiration. Is a triumph, and will be one of the outstanding pictures of the year, not a note of false sentiment in the picture."

**EVENING STANDARD**—"Out of depths comes a fine British film. As a film, it has not one false touch. It is great. Full of good characters."

**NEWS CHRONICLE**—"Cronin's novel makes great screen drama with real people in real situations and an atmosphere which breathes realism from beginning to end."

**SUNDAY DISPATCH**—"One of the best pictures in British film history."

**DAILY MAIL** (Seton Margrave)—"I was one of the rash people who said Cronin's novel could not be filmed. I was wrong. It has been and done very well. The climax is the most realistic representation of pit disaster ever seen or even attempted in films. Make no mistake about it, this is a great picture and is the kind of picture that British film producers must turn out if they are to make impression on the film world. It gets four very glowing stars from me."

**DAILY MIRROR**—"Most vivid spectacle ever seen in a British film. Unequaled. Really first-class piece of screencraft and gripping entertainment."

**DAILY TELEGRAPH**—"Triumph of *'Stars Look Down'* finest British film. Not a single false touch to mar its exciting realism. Atmosphere perfect."

**DAILY HERALD**—"Triumph of *'Stars Look Down'*. Pleasure to hail such a magnificent film. Superb acting. It is imaginative, forcible and deeply moving throughout. Millions will see it."

**DAILY SKETCH**—"I salute this company for turning out this grand British film."

**SUNDAY CHRONICLE** — "An outstandingly good film."

**DAILY EXPRESS** (Paul Holt) — "Best home-made British film since *'Four Feathers'*."

**SUNDAY OBSERVER**—"Unforgettable and inescapable and I congratulate everyone."

**SUNDAY PICTORIAL** — "In my opinion it is finest film ever to have come out of a British studio."

**SUNDAY GRAPHIC**—"Prophecy this one of the best films of year."

**SUNDAY EXPRESS**—"I should like to make every woman, every schoolboy and every schoolgirl in this country see it, whether they wanted to or not. This film is hundred percent."

*Produced by* I. GOLDSMITH

WITH

**MICHAEL REDGRAVE, MARGARET LOCKWOOD, EMLYN WILLIAMS**  
 AND A LARGE CAST

*Directed by* CAROL REED



# TRANSCRIPTIONAL SEQUEL IS 'MYSTERY' TELEGRAPH FROM TRANSCRIPTION

**Blackett-Sample-Hummert Business May Go Via Platters — Jack Adams to Florida on Doctor's Orders**

World Broadcasting System has undertaken to salvage the \$100,000 worth of business that the Blackett-Sample-Hummert agency had made available to the proposed new cross-country network, the Transcontinental Broadcasting System. In a circular letter which was shrouded in mystery as to agency and sponsor, WBS last week called upon over 100 stations to submit a bid rate for two or three hours of afternoon time. Transcontinental had on Friday (19) announced that it would not be able to commence operations Feb. 1, "due to circumstances beyond our control and the attitude of others." Later was believed to refer to Blackett-Sample-Hummert, which, it is reported, had deemed TBS' latest plan of financing unsatisfactory.

World's wire was added to more than one station in each market. The contract it offered was for six months and non-cancelable for successive 13-week periods for 24 hours with any change in rate over this entire period. There would be eight or 12 quarter-hour periods for early morning programming and one 15-minute period to be spotted between five and six p.m. Afternoon block programming could be scheduled between 12 and 2 p.m. and between 4 and 5 p.m. The weekly schedule for each service running from Monday to Friday, inclusive.

## World's Angle

The telegram explained that there would be the usual agency commission but that World would insist on production costs on transcriptions for the campaign. The wire also stated that World would not accept station reps because they knew nothing about this business and would not be able to handle the breaks were to belong to the advertiser except between the half-hours. The afternoon period, it is believed, involves the proposed "Double-Double" game program, "Brace Steel for Me."

John T. Adams, chairman of the board, is now in Florida. A statement issued by the board said that he had to go there for a rest. It is believed that he is approaching a breakdown as a result of day and night work since October to throw TBS to the air.

## Wisconsin Servers Of Transcontinental Form Own Regional

Milwaukee, Jan. 23. Wisconsin has another regional link. The latest one originates from NEDP, Milwaukee, and has been named the Wisconsin Broadcasting System. Others in the group are WHL, Sheboygan, WJLN, Racine, WISN, Green Bay, KFZP, Fond du Lac, and WIBA, Madison.

All but WIBA had contracts with Transcontinental. The Transcontinental System and lines had been installed for the originally announced opening date of Jan. 1. When the scheduled debut failed to materialize the five outlets decided to convert the state broadcast into a regional proposition, with WIBA as the sixth member.

## F.D.R. Delays 'Ranger' And Fane Pretty Rate

San Francisco, Jan. 23. KFRC's withdrawal from the air for several minutes Friday evening (19) and some indignant people were on the other ends of the line. They demanded, and in no uncertain terms, "The Lone Ranger," as scheduled.

The program was late that night, held up because of a speaker, and many of the maddest rider's loyal followers were plenty soon to be heard. The speaker was Franklin Roosevelt.

George B. Nelson, Lighthouse and Nelson agency, Schenectady, took on the job after a tussle with KRC.

## Weems Succeeds 'Grouch' 'Calling All Cars' Off

Hollywood, Jan. 23. Two of the top Coast radio stars that their sponsors last week "Grouch Club," a product of KFWS and nurtured into a network division by General Mills, goes back to station as a sustainer.

His Grande Old withdrew its handling of "Calling All Cars" after six years of continuous airing on the Coast.

Two Weems moved into the Sunday NBC red spot for General Mills' Korn Kix.

## SWING ASKS PACE EASE-UP

Raymond Gram Swing has asked WOR, N. Y., to reduce his broadcast from five to three days a week, namely, Monday, Wednesday and Friday. Victor Orlinger is slated to extend Swing's Mutual hookup to encompass proportions this March. His broadcasts for this amount Monday and Friday nights.

Swing has given the poor state of his health as the reason for wanting to ease down on his work. He devotes over 10 hours a day in preparation for the 15-minute broadcast, including newspaper, press clipping reports, magazine articles, etc., and making personal contacts for material. Swing has been offered a syndicated column, but he hasn't as yet decided whether to take it or turn it down.

## QUETLY SETTLED

Indian Singer Withdraws 'American' Litigation in N. Y.

Wesley L. Robertson, 'American Idol' contestant baritone, settled and discontinued his \$50,000 action in the N. Y. supreme court against Columbia Broadcasting System, Inc., General Ford Sales Co., Inc., Young & Rubicam, Inc., and Ralph Allen, known as 'The People's Choice' Friday (19). Action claimed misrepresentation, involving discredit to the plaintiff's reputation.

Robertson asserted that on June 13, 1939, Allen was presented over WABC as "The People's Choice" as an Indian baritone who sang two days previously before King George and the President. It is asserted that Allen accompanied Robertson on the same night on this performance, and that the agency had been so notoriously poor to ridicule the plaintiff, and hurt his reputation.

## Program Percentages

Washington, Jan. 23. Local live programs still date made broadcasting. During the week of Dec. 11, 1945, a FCC report disclosed that local live programs accounted for 33.6% of the total time 600 stations were on the air. Network originated programs were next with 29.5%, transcriptions took No. 3 rating with 25%, phonograph records filled 15% of the time, and regional network programs, 4.3%.

The report also shows that stations in the metropolitan centers still devote more of their time to network programs. Computed on a cumulative basis, 220 outlets in such areas gave 29.5% of their time to web programs as against 22.6% for local origins of live programs.

## Seek to Restrain Revival Of 'Information, Please' Mag; Judge Copes

Supreme Court Justice Louis A. Brandeis, Monday (22) reserved decision on application of Daniel and Ann Golembek, owners of the radio program "Information, Please," for a temporary restraining order against Walter Bennett, Shelley Braverman, Peter B. Payne, Stanley B. Borland, and the Information Publishing Corp.

The plaintiffs assert that the defendants had used a name entitled "Information, Please," which published two issues, in October and November, 1939, when the radio program became internationally famous, the defendants sought to take advantage of it and revived the magazine. Much confusion has arisen and unfair competition is claimed. A permanent injunction against the publication and damages are sought.

## Radio's Longest Quee

Washington, Jan. 23. Another batch of attorneys with a yen to represent the radio industry approved last week to practice before the Federal Communications Commission. Added to the swelling list of broadcast barristers were: Austin F. Canfield, Russell P. Fine and John Spearman of Washington, D. C.; James Alfred Alvord, Cumberland, Md.; John A. Robinson, Chicago, Ill.; Roy Ballman, Dallas, Tex.; and M. A. Hutchinson, Richmond, Va.

# Natl. Biscuit 'Ballroom' Program Is Best By Royalty Counterclaims

National Biscuit Co.'s proposal to use Martin Clark's "Make-Believe Ballroom" as a spot proposition on 16 stations has aroused the ire of the National Association of Performing Artists and agents for several days. The NAPA has warned the account that in broadcasting the phonograph records included in the program, it would be violating the property rights of interpretive artists, while the program would be in violation of the contract with RCA Victor. The advertiser's campaign is slated to start.

The contracts placed through McCann-Erickson are for six half-hours a week. The program, in routine and content, are to be the same as those aired by Block over WHEW, N.Y. The advertiser is to furnish the phonograph records, a mimeographed continuity and a transcription containing the plugs.

After McCann-Erickson had last

week prevailed upon the stations in the list to take out the required license from RCA Victor, the agency has also prevailed upon the stations to test the right of the stations to air the phonograph records without first getting the records of the licensee. These days. Later it was disclosed that licensing fees for music publications were also presented to the stations. This quarter was thinking of attacking the trip from two angles. One was that recordings of the same records were being sold at the air of the phonograph records the use was tantamount to a transcription of the records of the licensee. The music royalty derived from phonograph records is from 1% to 2%.

Other Tack  
Other contemplated line of legal attack concerned the question of unfair competition. The publishers' licensing fees argue that the licensing of transcriptions has, over the

## Standard Brands Wide Open

Standard Brands account has become wide open for the first time since it was by J. Walter Thompson, with a piece of the battle now already assigned to Sherman K. Ellis. The Ellis appointment concerns the advertising of "The Grouch Club" and "The People's Choice" on the NBC Thursday night.

Food combine started into the presentation of other agencies than Thompson several weeks ago. The Standard Brands business are McCann-Erickson, Lord & Thomas and Benton, Barton, Durstine & Osborn.

## Serlin Nixes Radio For Legit Hit

**'Life With Father' as Radio Serial Must Wait Until Much Later**

J. B. LYMAN TO DENVER  
Stokes Foundation on Stone Foundation's Program

Denver, Jan. 23. John B. Lyman has been named production manager of KOA by Lloyd E. Yoder. He succeeded Yoder who has held the job for 11 years. Stokes resigned to give all his time to his new project, the "Tom Make America's" half-hour weekly broadcast sponsored by the Stone Foundation for KOA weekly.

Lyman started as an announcer at KFSD in San Diego. Later with NBC production department in San Francisco, he was given a leave of absence to direct radio special events at the France fair. He will join KOA Feb. 1.

## 10-Cent Cigarettes Buy Local Sports Programs, Weiss, Keyes Both Busy

Chicago, Jan. 23. Two 10-cent cigarettes, the Twenty Great and Arvin brands, are selling national spot coverage with local sports reviews and are buying local spots. E. Weiss and J. Keyes some 20 markets for the Arvin-Fisher shows while Freeman Keyes (Bureau radio agency) is buying time and shows for the Brown & Williamson sales.

Contracts generally dated to start in April discontinuance with the baseball season get-way.

## Reggie Scheibel Will Honeycomb in Hawaii

Reggie Scheibel, radio director for the Milton Shaw agency, married John H. Ballard, president of the Bolivar Wash Co., Jan. 13, but also to discuss in what terms the company took place. The honeycomb will be in Hawaii, when and if they can get away in February.

Blow is in Florida and in addition to that Miss Scheibel is busy with the company of the Joe Lewis Corp. The groom is occupied with a company convention.

Occur Berlin, producer of the Broadway show, "Life With Father," has refused to consent to a radio version of the script's characters. J. Walter Thompson scouted him out on a subject before suggesting the script as a serial to one of its clients.

Berlin's turnaround was explained by him as a result of the fact that with himself and Howard Lindsay holding all dramatic rights, Berlin did not want to give up the radio version would seriously hurt the boxoffice but that he might consider program after the play has run its course.

## Experiences Opposes

Although back in 1923 a radio build-up helped an old Casino theatre musical, "Wildfire," turn from a flop into a semi-hit and there have been scattered examples of b.o. aid for legit, on the whole most experienced theatre men, when the plaintiff wants to believe the best way to kill a good thing at \$2.50 or \$4.00 is to give it away in excess form via radio. Particularly with the uncertain ability of radio to do right by the play's flavor and reputation.

## SUES WMCA, ALLEGING PROGRAM WAS STOLEN

Built for \$100,000 damages by the Broadcast Producers of New York State, Inc., a suit was filed in New York state court, charging WMCA, broadcasting Co., operators of WMCA, was revealed Friday (19) in the N. Y. supreme court. The plaintiff made application to examine David Plann, secretary, Alfred Mall, program director, and Matty Cohen, script writer of the defendant before the trial. The defendants are charged with having stolen the plaintiff's program.

Broadcast Producers are in the business of producing radio shows and selling them. It is asserted that they claim to have been the "Makers of Men" and submitted it to various stations including WMCA. The plaintiff is a club of writers of electrical transcriptions of the program and sold them as their own. WMCA is also charged with interfering with a sponsorship of the program obtained by the plaintiffs in the Emergency Shelter, Inc. An injunction as well as damages is sought.

## WON'T DISMISS SUIT

Donald Beattie Little Action Suit on The Docket

Supreme court justice Valentine in N. Y. Thursday (18) denied an application of Metropolitan Life Insurance Co. Edwin C. Hill, Leroy A. Hill, and the Metropolitan Life Insurance Co. to dismiss a suit brought by the Burger Broadcasting Service, Inc., to dismiss a \$500,000 libel action against the defendant. The plaintiff is an insurance advisor.

Plaintiff claims to have over 10,000 copies of a book, "The Making of a Nation," published in 1935 during the past year in radio advertising. The defendants are charged with having stolen the plaintiff's book and having defamed information concerning him over WJLN and WOR.

## Gordon Hughes at Kastor

Chicago, Jan. 23. Gordon Hughes has obtained a leave of absence from the NBC production staff here to take over the reins of the "The People's Choice" for American Family soap. He is one of the Kastor shows under Bob Hughes vacancy in the NBC set-up will be filled by Roy Winser, formerly with the Leo Burnett agency.



# WALK OUT ON CLOSING ACT

## RADIO AUDIENCE MUCH LIKE VAUDE

Sharp Rise on Chase & Sanborn Hour Just Before Charlie McCarthy Specialties — 'Pot O' Gold' Gets 'Em for the Door Prize

### OTHER ANGLES

Radio audiences display the same tendency as the old vaudeville crowd: they're apt to miss the early acts and they're not to walk out on the late ones. It's the mid-section of the program they want, the next-to-closing feature turn. The greatest danger in this regard, because of the time spot, is the full hour radio variety program, especially if the audience uses stereotyped set-ups.

Variety-type radio programs should mix up the ingredients and not stick to a fixed sequence of items or specialties week after week. If the public knows the precise point at which a favorite entertainer performs or a climax occurs there is a danger of too-thorough listening before and after the key period. While all this will not stifle experienced showmen, those conclusions may come as a surprise to many in the radio trade because the lesson is

now told not on the authority of judgment, which showmen respect, but statistical evidence, which advertisers respect.

C. R. Hooper, Inc., has been taking samples at regular intervals during a program and then relating the percentage of listening thereby revealed to the program element on the air at the moment of measurement. Tagged as 'A Listening Pattern Report' the survey's results, when arranged by five-minute intervals, is a method of correlating what's happening, in entertainment terms, to the fall or rise of the audience's size, in statistical terms.

Hooper's samples on this score tend to bear out a theory of many critics that the average listener doesn't stick along with a variety show from start to finish, but more often either skips in and out from other programs or tunes down the loudspeaker just enough to keep in touch with the background and until the listener's favorite feature on the program comes on. Over a period of time the listener gets to know just what point in a program certain features are scheduled so that he's able to dial around elsewhere through the hour without missing his favorite bits.

This tendency is pretty well confirmed by a study of such programs as Chase & Sanborn (Charlie McCarthy), Maxwell House's 'Good News' and 'Pot O' Gold.' The pattern of 'Good News' doesn't in any way resemble that of the C & S show when the latter ran an hour. 'Baby Snooks' wasn't always spotted in the same points of the program's hour so that the act's fans had to keep in constant touch with the going-on. As for the 'Pot O' Gold' listeners know just about where each step of the lucky name picking takes

## Concerning Method

Hooper confidential chart, shown below, illustrates clearly the strong points of the coincidental (simultaneous) system of determining program ratings. By subdividing the Chase & Sanborn stanza into five-minute segments, the coincidental method shows how the commercials at either end fared rather miserably, while the middle hogged down like an old mutton. Detailed info on the intentional workings of a program are not as clearly obtainable by other systems of phoning listeners.

On the other hand, the chart suggests that Hooper might—by the coincidental methods—rate the whole of the program too low. Assigning the stanza a single, over-all figure would mean that those listeners who dropped out between 8:31 and 8:46 would uniformly be classified as non-listeners, whereas they may actually have been listening prior to 8:31, or would possibly have tuned in after 8:46 to catch the McCarthy dummy. The result phone method used by the C.A.B. would have assigned a fairer rating from this standpoint.

place. They shift over in droves from 'Information, Please,' just about as the winner is to be called.

### Showman's Booth

The abnormally contingent in radio has always been leery of any show of novelty description which is so routine as to build up to a surprise or dramatic climax. It has been their contention that unit in a program has

a compact unit there is always the chance of listeners splitting up their attention among other programs during the same hour or half-hour, with the result that the sponsor loses out on his main objective, and that is, getting and holding an audience for his plugs.

A specimen 'Listening Pattern Report,' as carried below, deals with the Chase & Sanborn program during October, November and December of 1939, during which period it occupied a full hour. The data for the pattern was obtained from a retabulation of the coincidental interviews which Hooper gathered for its regularly published program ratings.

The sample pattern report becomes vividly pointed when compared with the way the C & S program was regularly routine. Following is approximate time schedule for the various items on this show when it ran an hour:

- 8:32: Nelson Eddy.
- 8:36: Charlie McCarthy.
- 8:37: Dorothy Lanner.
- 8:38: Drama with film news.
- 8:39: Chainbreak.
- 8:39: Nelson Eddy.
- 8:40: Guest comedy spot.
- 8:40: Don Ameche in song.
- 8:44: Charlie McCarthy.
- 8:52: Nelson Eddy.

### VENUTA JOINS JERREL

Benay Venuta set to sing and foil for George Jessel on the latter's NBC Vitella show beginning with tomorrow's (Thursday) broadcast. She's booked for 19 weeks, the remaining stanzas of a 13-week stretch.

Miss Venuta has dropped her Mutual Friday customer temporarily, returning with it to a Sunday night net-unit 8-9:30 p.m. slot Feb. 11.

## A FREE RADIO DEMOCRACY'S MUST

Harford, Jan. 23.

The future of democracy depends largely upon who controls radio, Roger H. Baldwin, director of the American Civil Liberties Union, told a church group here last week. Warning against control of the radio by the government or by a business monopoly, he declared that radio is a greater power for democracy than even a free press or free speech.

With a business or government monopoly control of broadcasting, only one side of all questions will be presented to the public and a dictatorship may result, said the civil liberties adherent.

## Don Ameche Deal Set;

### Starts NBC-Red in April

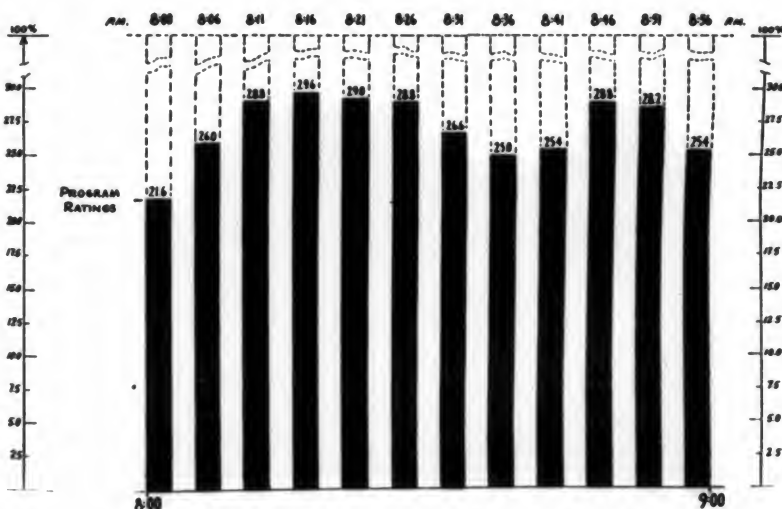
Old Gold will return to the NBC-red April 5 with a variety show headed by Don Ameche. It will be the Friday 10-10:30 p.m. There will be a production orchestra, a singer and other elements, but none of these has been settled. Her has the formula been set. The series will originate from Hollywood.

Lorillard is also about to decide on the show for Union Leader. The 10-10:30 a.m. program may use Fulton Lewis, Mutual commentator, to plug one of its brands on the west Coast by way of the Don Leo network.

## CHASE & SANBORN VARIETY - "CHARLIE MCCARTHY"

### Red Network Listening Pattern - 8-9 P.M. EST Sundays

### BASE: TEN TOTAL CALLS



\* SOURCE: HOOPER RADIO REPORTS FOR OCTOBER, NOVEMBER & DECEMBER, 1939





*This is getting downright embarrassing*

# RED NETWORK SWEEPS

## *Radio Daily*

# 1940 WORLD-TELEGRAM POLL!

WE blush in embarrassment—and are very naturally proud—when we think of the way the NBC Red Network has swept to victory through poll after poll. We had no sooner finished celebrating the Red Network's overwhelming triumphs in the World Telegram, Cleveland Plain Dealer and Fame Polls when we were flashed the news of an equally great triumph in the vote conducted by Radio Daily.

Top ranking shows—broadcast over the finest facilities in radio—make the Red the network most people listen to most. That's why in 1939, for the second consecutive year, advertisers invested more money in NBC Red than in any other single advertising medium in the world.

Again our thanks go out to the advertisers and agencies who made this showing possible, as well as to the men and women who cast the ballots. National Broadcasting Company, a Radio Corporation of America Service.

### Red Network Wins 7 Out of 10 Places in Favorite Program Classification

Programs	Network
Jell-O Program . . . . .	Red
Chase & Sanborn Program . . . . .	Red
Kraft Music Hall . . . . .	Red
Information, Please . . . . .	Blue
Fred Allen Show . . . . .	Red
Bob Hope Program . . . . .	Red
Lux Radio Theatre . . . . .	CBS
Ford Sunday Evening Hour . . . . .	CBS
Kay Kyser's College . . . . .	Red
Good News of 1940 . . . . .	Red

In all 16 classifications of the Radio Daily Poll, the NBC Red Network won 9½ first places. 4½ went to CBS and 3 went to the NBC Blue Network. More firsts for the NBC Red than all others combined!

# NBC RED NETWORK

The Network *Most* People Listen to *Most*

## Kenneth Thomson, Henry Jaffe Fly to Miami for Joe Weber Conference; Mum on Strategy

Henry Jaffe, attorney for the American Federation of Radio Artists and several other unions in the American and Kenneth Thomson, executive secretary of the Screen Actors Guild, planned to Miami last night (Tuesday) for a one-day huddle with Joseph M. Weber, president, and members of the American Federation of Musicians executive board. They're expected back in New York tomorrow (Thursday).

Neither of the actor representatives would reveal the object of the confab. However, the fact that AFRA is currently setting up a proposed code for the transcription field indicates that might be the subject of the talks. Co-operation between the actors and musicians might strengthen the bargaining position of both unions in dealing with the disc problem.

Thomson's presence in the meetings suggests that more than the AFRA interests are being considered. Figured he and Jaffe may also take up the matter of a working agreement between the Associated Actors & Artists of America (Four A's) and the AFM. Such a deal was tentatively called for last summer in the peace settlement between the Four A's and the International Alliance of Theatrical Stage Employees (tagshades), but nothing further has been done about it.

Also seen possible that the actor spokesmen may be seeking to reach a co-operative deal with the musicians to cover the vaudeville-theatre field. Thomson is currently in the east to assist in organizing the field for the American Guild of Variety Artists, the Four A's union holding that jurisdiction, as that may be the prime object of the trip.

SAG official is slated to attend the AFRA national board meeting which returns tomorrow and he will probably fly back to the union immediately after that session.

David M. Belaford, of Belaford, Cramer & Gardner, chairman of the speakers' committee for the Pacific Coast Conference of Sales Representatives, to be held in San Francisco in February.

## 18-YEAR-OLD WDAF INTO NOBBY STUDIOS

Kansas City, Jan. 23.—Dean Fitter has set out to NBC red to signalize new studios of WDAF, which open Sunday, Feb. 4. The 18-year-old Kansas City Philharmonic orchestra will participate in the hour program, as station newscaster one of few in middle-West to have a studio large enough to house such a crew. Lenox Lebar, NBC proxy, will request from New York to Fitter's growing talent.

Station's new set-up will include a control control room, the Junior studio, regular studio for general broadcasting, an audition room, special studio for announcers, news dispatching and forums and enlarged office space. WDAF is property of the Kansas City Star, and with the special net broadcast commemorates its 18th year on the air.

Fitter has added Ralph Nelson as a squire. He replaces Bob Davis, who has taken orders to work outside. Shelby Clark takes newly created post on the staff as newsmen, writing, editing and airing station's three newscasts daily.

## Esty's Lifesize Show

William Esty agency is understood to be working on a half-hour program in Lifesize's format which, if approved, would go on one of the networks, preferably CBS, in early spring.

The amount came over from Ruth and Ryan several weeks ago.

## WMCA Schoolroomers

WMCA, New York, will become an outlet for a new course in radio writing to be instituted by the dramatic department of Hunter College, N. Y. girls school. Series of five programs will start the latter part of February.

They'll be enacted by a school cast.

## 'Make Good on Radio Or Go to Work for Me' Is Pa-in-Law's Proposition

New London, Conn., Jan. 23.—Charles Cutler, announcer-writer at WPCR, has made a deal with his father-in-law. Either he makes good in radio or becomes partner in father-in-law's transportation business.

Former legit actor who has worked on most Connecticut radio stations, Cutler a few weeks ago married Alice, actress on WBRV, Waterbury. In-law's offer of executive job and partnership followed, but Cutler decided that he'll give broadcasting one more full-sized try, and therefore leaves next month for California and air job on Coast.

## UNION STRIFE BREAKS OUT IN SEATTLE

Seattle, Jan. 23.—Drive of the International Brotherhood of Electrical Workers for recognition for its radio engineer division from local stations has assumed drastic proportions. KOL, Mutual's affiliate, which is being picketed by striking IBEWians, has had to curtail its broadcast hours and substitute all local live music because union musicians refused to pass the picket line. KIRO, which is being picketed by IBEW Friday (18) after a strike had been called and the station was off the air for 12 minutes. Before KOMO-KJR will face similar action if its drop doesn't appear before the local Central Labor Council tomorrow (Wednesday).

The strike at KIRO broke at 9:58 p.m. in a case of the local commercials was said to go on. There was a hurried conference with union officials and IBEW later union engineers were back at the controls and broadcasting was resumed. The walkout at KOL occurred at 8 p.m. the same day, but this station was off the air for 30 minutes with the chief engineer, not an IBEW member, taking over the controls.

Without involved four technicians at KIRO and five at KOL. The union is demanding \$42.50 for 40 hours per week as against the present scale, which varies between \$19 and \$16 a month. Archie Taft, of KOL, stated that his station was willing to pay the wage scale but would not submit itself to a closed shop. The IBEW denied that KOL had agreed to the wage scale.

In addition to picketing KOL the union is using two sound trucks in front of the studio building. Postals are being mailed out to advertisers by local union declaring the station unfair. KOL's curtailed schedule will take the station off the air at 11 p.m.

## WFEN Is Picked

Philadelphia, Jan. 23.—A "fight to the finish" against Radio-operated WFEN was announced by officials of Local 71, American Federation of Musicians, who returned over the weekend after huddles with international officers of the union in Miami.

The union has been picketing WFEN since last Sunday (14) when the ten-man band was dropped by the station, when they couldn't agree on the amount of money the station should annually spend for music. Local 71 called the action a "lockout" but was not supported by the announcers and engineers at the station, members of the American Communications Association.

## IBEW 'Wins' at WQXR

Washington, Jan. 23.—With two of five eligible voters casting their ballots for "better union," labor squabbling in New York was settled by the National Labor Relations Board in favor of International Brotherhood of Electrical Workers, A. F. of L. Content over representation among technicians at the station was between the Brotherhood and the American Communications Association, CIO affiliate with which WQXR had previously been dealing.

## Radio Pay Average: \$41.17

Washington, Jan. 23.—Analysis of paychecks distributed among employees of 680 U. S. broadcast stations last week revealed an average weekly salary for entire full-time personnel of \$41.17. Contained in the Federal Communications Commission's annual report, survey showed—during the sample week of Dec. 11, 1939—a total full-time payroll of \$61,618, covering salaries to 14,879 employees. This included paychecks to executives, who drew an average weekly compensation of \$19.51. Fact that the general average was down \$3.50 from figure taken in March, 1938, was explained in a statement issued by the National Association of Broadcasters to the effect that numerous small transmitters had been added between March and December where comparatively low wage rates prevailed.

## AFRA-KWK Negotiate

St. Louis, Jan. 23.

Preliminary talks pointing to a new wage scale for legit members of AFRA employed at KWK have begun and Nellie Booth, exec. sec. of the St. Louis Chapter expects the final inkling of the pact within a few weeks. Huddles are being held by Bob Conway and Roy David of station and Miss Booth. Move follows the definite commitment of a majority of talent as AFRA members and ends a drive by the local AFRA group for a majority at this station.

In Dec. 1939, when AFRA was litigating before IRLB for recognition as the bargaining agency for its employees at KMOX, KSD, WEAU and KWK, all stations, except the latter, were found to have a majority of its studio talent who were members of AFRA. The labor group insisted that it had a majority of KWK, a contention resisted by the station which ultimately was upheld. AFRA then began a quiet campaign to enlist a majority and it is reported that all of the talent staff at this station has joined.

The last station to kick in with a new wage scale for AFRA members was KSD. Wage approach to WEAU is expected after negotiations with KWK are out of the way.

## WLW ACT AT FILM EVENT

Cincinnati, Jan. 23.

Lulu Belle and Scotty, of WLW's Boone County Ambrose rural extravaganza, will perform at the Grant Theatre, Georgetown, O., Jan. 25 in the first showing in this section of the "Village Barn Dance" (Republic) picture, in which they teamed with Don Wilson and Vera Valdes (Charles Fox films).

Georgetown, 35 miles from Cin., was selected for the sectional premiere as a typical village tie-in with the pic.

## Chicago Scale Not Set, AFRA Wants Arbitration

American Federation of Radio Artists filed a demand on the network and agencies yesterday (Tuesday) for arbitration of the Chicago local scale under the code of fair practice. According to the terms of the code, the question will be settled by the American Arbitration, with hearings to begin within two weeks and a decision to be handed down two weeks later.

When the network side was signed a year ago the question of a Chicago scale was left open for future settlement. Agencies favor a lower scale for Chicago, with AFRA desiring the regular network scale for all programs from network organization points. Since the question has remained unsettled, AFRA finally has demanded arbitration.

## Edgar Shuts Dies

St. Louis, Jan. 23.

Edgar P. Shuts, commercial manager of WIL, died Saturday (20) of a cerebral hemorrhage after collapsing in the station's office. Formerly the business office of the defunct St. Louis Times, Shuts joined WIL in June, 1932, as a salesman, and several months later succeeded Redwood Hendrix as commercial manager. Shuts's aggressiveness in closing deals was largely instrumental in his at WIL picking up, he had been in good health until the collapse.

Shuts was 49 and is survived by his widow and two children. The funeral was held today (23) at St. Peter and Paul's Cemetery.

## Scant Coverage has its place... BUT—

For a real selling job in the prosperous Southern New England market you need the kind of thorough coverage no other station delivers so effectively as WTIC. In our primary area alone WTIC is an established listening habit with 1,263,370 people—more than live in Cleveland and St. Louis together. Their

per capita retail sales top the national average by nearly 60%.

What's more, the records show still another 1,708,000 people outside our immediate coverage area who rank WTIC at the top of their list of real neighbors. Put our 3,000 Watts to work for you — to be a thorough selling job not in Hartford alone, but in all of Southern New England as well.

WTIC

WATTS

THE NEW WSAI *unconquered* *new* Station

# MORE AMERICANA STUFF

## WEBS SPENDING FOR SUSTAINERS

John Royal Scanning Hollywood at the Moment—Patriotic Emphasis Inspired by 'Pursuit of Happiness'

### FEW SINGERS

Plans are under way for NBC to increase its sustaining program costs appreciably. The network's production staff is already at work on several pretentious half-hour features, most of which blends entertainment with educational and patriotic themes. Trip of John F. Royal, NBC program chief, to the Coast last week had this programming move as the main objective. W. B. Levin made a similar trip not long ago.

Under the new program plan which NBC has under consideration the network would intensify its building of shows for client presentation. The sustaining programs would serve as development media and showwindows for such half-hour features. Billy Hilgert would serve as contact for the NBC Artists Bureau and the production department, while L. E. Showman, eastern sales manager, would do the go-betweening for the sales department. For the first quarter of this year Columbia will be spending \$2.5 million for sustaining programs than it did for the like period of 1939. While a goodly part of the increase is attributable to the cost of news coverage, the network is way up over the usual quotas on such sustainers as 'Pursuit of Happiness,' 'The Adventures of Ellery Queen,' 'Gay Nineties Revue' and 'The Columbia Workshop.'

With less time to fill the trend in the case of CBS has been to concentrate its production and talent appropriations into the few half-hour spots it has available. These have replaced the 15-minute vocal periods, so that the network has less staff singers than ever before.

**WOR's New Sustainers**  
WOR, N. Y., program, 'Laff 'n' Spring' shifts from local to network coverage Feb. 12. Same night WOR itself picks up a new one, 'Dinner at Home' with Gaynor Maddux in 9:15-9:30 spot.

'Comedy By,' with a guest comedian each week gets its first airing Feb. 16, local, 9:30-10 p.m. All are sustainers.

## \$100,000 AWARD

Small Radio Sets Involved in Chicago Jury Decision

Chicago, Jan. 23.  
Jury here last week awarded Vladimir Polydoroff damages of \$100,000 against the Johnson Laboratories and its president, Victor A. Johnson, on breach of contract involving the use of the Polydoroff core.  
Suit alleged that Johnson had not given Polydoroff the promised five percent of stock in the laboratories in return for patent rights to Polydoroff patents, including the core, which is used in construction of small radios.

## Mostly Entertainment, Minimum of Cab, On KDKA Infanite Bit

Pittsburgh, Jan. 23.  
Following its recently adopted policy of cutting straight talk to a minimum, KDKA last week sold local President's Birthday Ball committee against usual practice of series of five-minute speeches by civic and political leaders. Instead, Sherman D. Gregory, station manager, persuaded charity org to use stage celebrities on the brief spots, letting them use most of the time in entertaining specialties and utilizing only 30 seconds for the plug.  
Result was that Simons Simon,

## Jello's 75c Charity Charge

Hollywood, Jan. 23.  
For the first time in Coast history an admission will be charged to a commercial broadcast when Jack Benny airs his Jello program from Oakland Civic Auditorium Jan. 28. NBC let down the hours when Young & Rubicam asked for permission to put a price of 75c. on the charts. Figured the double airing will net around \$5,000 for FDR's pet charity.  
Benny flies his full crew north including Phil Harris' band. For their six bits duet holders will see the broadcast and a special afterpiece the troupe will put on.

Mitch Green, Stepin Fetchit, Jack Whiting, Mary Brian, Art Juroret and Marty May, all of 'Three After Three,' put on individual show-meet brevities and get the message across much more effectively. Edy Du-

chin, Johnny (Beat) Davis, Cliff Edwards and 3 Stooges expected to follow up in next week, along with Willie and Eugene Howard, Ben Blue, Ella Logan and Ann Miller.

## Mid-Western Farmers Listen Because—

### The WLW Microphone Brings Them All Major Farm Events

Records show that the WLW Agricultural Special Events Staff traveled 36,312 man-miles in 1939 (enough mileage to go one and one-half times around the world) in bringing every important event of interest to farmers in WLW-land.

Whether it is an Exposition in Kansas City, New Orleans or New York, or an event on a nearby farm, if it is attuned to the life of rural WLW-land our Agricultural staff is there to bring it to mid-western farmers. That is one reason why listening to WLW is an established farm habit—one reason why WLW is the Number One buy for manufacturers wishing to reach the greatest rural audience in the country.



LUCKY BOY THE MR. Grand Champion Fat Stag at the International Livestock Show at Chicago—an event thoroughly covered by WLW.

## IN 1939, FARMERS HEARD THESE SPECIAL FARM EVENTS BROADCAST ON WLW.

International Livestock Exposition, Chicago, Ill.  
American Royal Livestock Exposition, Kansas City, Mo.  
World Poultry Congress, Cleveland, O.  
Farm Programs at World's Fair, New York.  
Ohio State Grange Annual Meeting, Columbus, O.  
National 4-H Club Congress  
American Farm Bureau Annual Meeting, Chicago  
Ohio State Corn-Husking Contest  
Farm & Home Weeks from State Agricultural College in Ohio, Indiana, West Virginia, and Kentucky  
Ohio, Indiana and Kentucky Farm Bureau Conventions  
Mid-American Farm Chemurgic Conference, Columbus, O.



Editor WALTER LLOYD of the Ohio Farmer and WLW Farm Announcer Ed Mason at the Ohio State Corn-Husking Contest at Delaware, Ohio, October 27, 1939.

STUCK IN THE MUD, but the WLW Mobile Unit gets through to pick up another farm event for rural listeners of the Nation's station.



For Results in the INTERMOUNTAIN MARKET it's

KRL

POPULAR

NBC  
510  
NETWORK

Representative JOHN BLAIR & CO.

THE NATION'S most "Merchandise-Able" STATION

REPRESENTED BY  
TRANSMEDIA BROADCASTING  
& TELEVISION CORPORATION  
NEW YORK . . . CHICAGO

# N. Y. Symposium on Department Store Radio

## BUREAU OF MISSING BUSINESS

(Of widespread interest to all radio stations is the question of how to crack the local department store which snoots the "new" advertising medium, professes itself fully satisfied as it is, gives most of its advertising to dailies, and to the extent that it has tried radio at all has often wished it to fail.)

Intermittently this problem has been discussed by *Variety's* "Bureau of Missing Business." The present report is, however, by all odds the most significant development, as distinct from mere table talk by and between broadcasters.)

An extended discussion on the use of radio by department stores was staged last Wednesday (17) at the National Retail Dry Goods convention, assembled at the Pennsylvania hotel, New York City. The boys and girls from the big stores really let down their hair, sometimes leading radio in a grandstanding time, and sometimes asking questions about the medium which bespeaks a sub-grade school acquaintance with the other art. Attended by perhaps 150 persons (including one agency man who showed in a plug for the 15% commission), the convocation was informally voted as the hottest of the whole convention—a fact which should give broadcasters heart that the department stores may yet pour out the milk.

Basically, the following tenets about the use of radio by department stores were more or less formally established:

1. That radio has definitely proved that it can do a good job for department stores by providing a medium for personalized, institutional plugs; by expanding the store's advertising sales outlying trading area, or even creating new marketing territories; by providing a means of demonstrating store policies (such as credit buying, etc.); and by directly helping to sell merchandise on the same footing with the visual media. Great emphasis was put on the fact that radio is an "intimate" personal medium of approach.

2. That it is foolish to "sell" radio by using a few announcements and expecting wall-to-wall results. Constant campaigning, preferably every day of the week in 15-minute periods, was advocated heavily. Spot announcements were generally frowned upon as lacking proper consistency and snuck. A year was not considered too long as a trial period.

3. That the best way to set up a radio budget is to take it from the general advertising appropriation, or create a special budget. Stealing money from other media, or forcing the buyers of certain departments to set as public plug by using some of their specially-appropriated money, was characterized as having headaches and courting disaster.

4. That measurement of the results radio produces should be fair.

It was repeatedly pointed out that it is difficult to assign definite "pays" to any one medium when the store uses several media. Hence, radio should not be penalized. It was also pointed out that radio's effectiveness can only be established after a fair trial—which means, preferably, a year's trial.

3. That department stores should willingly take the advice of radio people in using radio, and vice versa, the radio people should offer department stores the type of cooperation which is necessary to the store's complicated kind of business.

It was also hinted quite pointedly—and importantly—that the media now used by department stores (window displays, counter displays, newspapers, and direct mail) are just about at the limit of effectiveness. Hence any expansion of advertising strategy might well be to the direction of radio. This important point was coupled with a corollary to the effect that radio coverage, generally being "better" than newspaper coverage (in terms of potentials), can open up new areas and promote new customers.

**Tab, Fisher Factors**

The two-hour session, patterned after "Information Please," was chairmanned by the Campbell of the Q. Fox store in Hartford. Questions, submitted in advance by

department stores, were answered by two panels of experts. First one consisted of Marvin Wolf of New York; Pittsburgh; Lois Munn of Hensinger's, Buffalo; George Blockhouse of Bamberger's, Newark; and Benjamin Posen of Hothelstein-Ekman, Baltimore. The second panel was composed of Kenneth Taylor of Taylor's, Kansas City, Mo.; Marvin Oreck of Oreck's, Duluth; C. I. Burtanger of Burtanger's, Dayton; and Missus Reizen of Edwards's, Buffalo. Walter Johnson, sales manager of WTC, Hartford, and the convenor to the two boards of experts—the "experts" being department store people who had used radio over a fairly extended stretch.

Stenographic transcripts of the convocation are being prepared by the NRDDA, and will be ready in about a week. The following is by a *Variety* reporter present at the meeting:

### PART I

(This portion of the discussion was devoted to the general topic of radio's effectiveness.)

**Q Why use radio?** Ervin Wolf answered by stating that the medium's coverage is excellent and hence valuable advertising ammunition. He also identified progressive stores with a progressive new business, such as radio.

Benjamin Posen added that radio's use is justified on the grounds that it can sell reasonable amounts of merchandise.

Lois Munn claimed that the spoken word is friendly and attention-getting, and that one great virtue in radio advertising lies in providing the store with a certain kind of personality.

George Blockhouse agreed that radio had a double-edged effectiveness in being able to build individual departments and/or general store traffic.

All the experts agreed that radio was out of the kiddie stage, and deserved a better break than it is currently getting.

**Q How use of any thing to build with radio's effectiveness?** George Blockhouse briefly answered that there was an apparent reason why radio should be so ineffective for a metropolitan store, or vice versa.

**Q Is radio flexible enough?** William Campbell, an retired radio executive, stated that radio was more flexible than anything yet invented. He cited instances where his store had prepared scripts in advance for such contingencies as storms, etc.

and had sold a whole lot of merchandise by trying up with the weather, etc.

### PART II

(This discussion was devoted to suitable programs.)

**Q What is the best time for a retail program?** Ken Taylor said this was an individual problem dependent on the store's location, and its reach by way of audience, and what was to be sold. After a morning and afternoon session he came up with times to catch a good adult audience.

**Q Does the type of merchandise advertised have anything to do with the time period selected?** Marvin Oreck answered by saying that all types of programs are useful. Ken Taylor interjected by saying that the medium's effectiveness was not so much in the advertising itself as in the advertising being done in other ways.

**Q Which type of program is best for the department store?** Marvin Oreck answered by saying that all types of programs are useful. Ken Taylor interjected by saying that the medium's effectiveness was not so much in the advertising itself as in the advertising being done in other ways.

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program who can transmit that personality to the store itself. (3) consistency in radio advertising, and some connection between the other media and the store, so that the personality can be seen in all shows among the clerks, buyers, etc.

### PART III

(This discussion was devoted to radio costs.)

**Q How much does it cost to buy money from other media produces better results in radio?** Lois Munn explained that the cost of an in-processed program was anywhere. She said a brand-new budget should be set up in a new way. She said that budgets are set up. She repeatedly emphasized the importance of justifying existing budgets.

**Q How big a percentage of the budget is needed to give radio a fair trial?** Ervin Wolf answered the question by saying that use of a definite formula would prove to be a certain trap. The amount paid must be on the basis of attempted coverage, trading area to be considered, and will vary from store to store, period, preferably 12 weeks. Short periods in his opinion were a waste of money for the advertiser, and was showing, in one way or another.

**Q What is a fair rate of radio cost?** Ervin Wolf answered that Benjamin Posen thought about 3%, or possibly 3½-5%, about the same as in other media. He said that the use of radio is a fair rate of radio cost. He said that the use of media bars effective measurement of its own usage.

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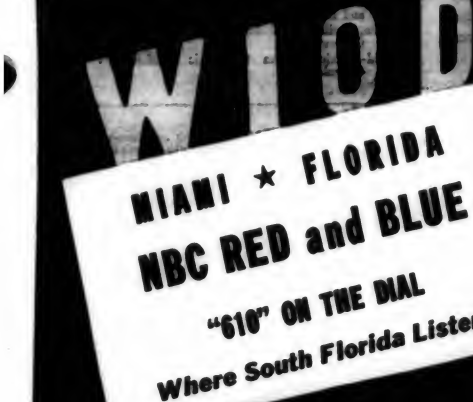
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MAN ★ FLORIDA  
NBC RED and BLUE  
"610" ON THE DIAL  
Where South Florida Listens



# ASK YANK POWER OFFSET

## CANADIANS SEE TREATY HARSHIP

Convention of Private Stations  
Opens in Montreal  
With Sedgwick Soundings  
Keynote of Need for Maximum Juice

### PETITION CBC

Montreal, Jan. 23.

The convention of the Canadian Association of Broadcasters (private-owned stations) opened here yesterday (Monday) with the retiring president, Harry Sedgwick of Toronto, sounding the keynote: 'we need more power.' The broadcasters will probably attempt to work out some plan of action hopefully calculated to change the policy of the government-owned Canadian Broadcasting Corp., which sets the standards for its private competitors as well as its own group.

Petition to the authorities will be presented on the new and greater need about to be underwritten by the application (this summer) of the North American radio reallocation treaty recently made operative by the ratification of the Mexican senate.

Maximum juice possible under radio engineering standards will be sought by the trade association as the plan that otherwise the American stations on the same air channels with their revised allocations down their other-mates in Canada.

Dr. Arthur Ripon, assistant general manager of CBC, editors Vassary that government has no intention of granting private stations increased power. The 100-watt ceiling remains maximum. Night power increases in special emergency cases might occasionally be sanctioned.

As the convention opened it was reported that there was some organized effort to present an impression of unfettered cordiality between the private station operators and the government. Publicity given, especially in the states, to the alleged that denied by Sedgwick) of Canadian broadcasters toward CBC percentages, notably Gladstone Murray, has apparently proved embarrassing on both sides.

Annual meeting is being held at the Mount Royal hotel. ASCAP regular problems and governmental regulations absent sponsored news scheduled up for discussion among other matters.

More than 100 broadcasters are here from all over Canada, with numerous American reps and advertising agency men also around.

Ernest Morgan Shifted

Vancouver, B. C., Jan. 23. Transfer of Ernest Morgan of CBC, Toronto, to CMB in this city has been made by Irv Dillworth, regional director of the Canadian Broadcasting Corp.

He will produce musical shows.

Bryce Beeson, manager of the San Francisco office of the 6 Robinson, Inc., and Mrs. Houston, moved for Honolulu and vacation.

### Rupert Caplan's Special

Montreal, Jan. 23.

Rupert Caplan, producer of 'Min Trest's Children' for the CBC network, has been engaged to produce the show for the annual Canadian Railway Club shindig at the Windsor hotel Feb. 5. This is Caplan's fourth consecutive yearly production for the members of the C.P.R. and C.R.R. staffs.

Proceeds of the affair to go to the benefit fund for the relief of needy railworkers. Mammoth show of some 50 sets picked up from local radio and nitery circles will be presented.

KTSA, San Antonio employees were given an extra week's salary for their bonus. The total amount was more than \$1,000.

### AUSTRALIAN SCRIPT DENATURED FOR U.S.A.

San Diego, Jan. 23.

What's aye for Australians are it just too rough for the much-protected U.S. dealer, according to dramatized U.S. script of 'The Perpetual Intrigue,' fed to 23 Dan Lee withers from San Diego. Show, based on life of Catherine D'Medici, originally ran a year down under and is from pen of Lloyd Harris, film scripter. Ill-fated off-spring and the lib may be chary radio drama in the antipodes, but not under jurisdiction of the FCC.

Current version produced at 1 p.m. Saturdays by Ed Fuller with Mable Bradley, Craig Noel, Katherine Crabtree and Eugene Michael topping cast.

## Brockington, Like Reith In England, Brought Back for Public Relations

Montreal, Jan. 23.

Canada follows Great Britain in bringing a former head of the national radio system back into the government as administrator of 'public relations' during wartime. L. W. Brockington, former chairman of the Canadian Broadcasting Co., becomes War Recorder forthwith. Some weeks ago Sir John Reith, one-time boss at BBC, was placed in charge of British news fronts.

Specifically, Brockington will undertake to 'coordinate' pictures, radio

and press in the service of the Dominion's war effort.

Brockington also becomes special adviser to the National Film Board. John Grierson, government film commissioner, leaves for Australia shortly for several months, and Col. John Cooper, president of the Motion Picture Distributors and Exhibitors Association of Canada, will replace him as acting commissioner.

Several government films dealing with the war are being rushed to completion.



Why a Chicago Agency  
Man Called This Area..

## "America's Money Belt"

Because this name fits our territory like a glove, we say to George F. Drake of Blackett-Sample-Hummert, Chicago, "Congratulations and \$500!"

Yes, "America's Money Belt" fits perfectly because in our combined primary area 17% of the nation's total cash farm income is produced. "Money Belt" farms average \$1,749.00 in cash income as compared with the national average of \$1,184 per farm. Within our 385 primary counties are 17% of the nation's farm autos—over 25% of the tractors.

"America's Money Belt" is well divided

as to population—two million of our people live in cities and towns, and nearly five million are rural. In 1,500,000 families spend more than \$1,500,000,000 annually with the 96,000 retail outlets in the area, among which are 20,630 retail food stores, 14,873 filling stations, 4,117 apparel stores and 3,048 drug stores.

For advertisers who enjoy working in "Pay Dirt" we have a far greater prize than that paid for the winning name—a 1½ billion dollar market put right in your lap by The Cowles Stations on one low combination rate. May we show you how it's done?



Owned and Operated by The Cowles Stations, Inc.

Represented Nationally by THE KATZ AGENCY



# TELEVISION HEARINGS SHOW CONFLICTS, LITTLE AGREEMENT ON PROPER STEPS

**Kesten Favors 8-10 Year 'Freezing'—New York City's Unfair Advantage Cited by Caldwell—Some Think RMA Standards 'Best Possible'**

Washington, Jan. 23.

Violent differences of opinion about the perfection and future treatment of television cropped up last week at FCC hearings on regulatory policy and advertising methods, surprising industry members as well as the Government whipcrackers. Whether to keep it in the home or put it outdoors seems liable to become one of the toughest decisions the Commission has faced in many years.

Amazing amount of dissatisfaction with the proposed standards of Radio Manufacturers Association—given an oblique boost but neither adopted nor endorsed directly by the FCC—permeated the FCC hearings. After feeling that there were only a handful of irreconcilable, the Commission discovered the preponderant majority of parties appearing to comment on the tentative rules had some axe to grind. No clear-cut line-up, however, with considerable hedging noticeable.

Now for the United States should go toward permitting commercialization was almost as tough a puzzle, on the basis of voluminous testimony, as the question about indirectly approving the RMA standards. Consensus appeared unfavorable to the "limited commercialization," with most individuals wanting either no restrictions or no money-making at the present stage of development.

Repetition showed little enthusiasm for the standard, with considerable sentiment in favor of rewriting them. There was a lot of testimony to the effect that most "flexibility" is desirable, especially if the FCC is not going to allow television operators to get a head start of unrestricted commercial operation. About the only support for the RMA proposals was found in the failure of some parties to object. While the FCC has been careful about suggesting that operators and set manufacturers be required to conform to these standards, the matter is important because the RMA is the only

outlet for attempting to fix specifications. Result of the wide divergence of opinion is likely to be a stop-and-under which the Commission will endeavor to lay down some requirements as to service without dictating how transmitters shall operate.

As was expected, various objections were registered against the allocating formula recommended by the special FCC last year, even though the range of testimony was so restricted that no individual arguments could be made. Excessive range of testimony was taken by John V. L. Hogan (WQXR, N. Y.), president of Radio Pictures, Inc., who came out for no rigid distribution scheme but urged the Commission to follow a modified catch-as-catch-can method of passing on applications. Besides Hogan, the critics of present plan included Philip, General Electric, and General Television, with Travelers Insurance entering a round-about objection.

More wrangling was suggested by various experts, while there were complaints about the misleading statements height requirements. Don Lee felt that increased strength is needed to overcome interference from dissonance machines and such sources; Philip said that New York, with highest buildings available for transmission sites, has an unfair advantage over all other cities and should be given the least desirable channels to equalize things.

The loudest complaints about freezing the air time from Allen B. Dumont and Smith, with Philco and CBS echoing this alarm. All of these were pretty much in agreement that more time should be allowed for completion of research and experimentation now in progress before decisions could be made on what technique should be employed.

Optimistic about his novel theories, Dumont outlined several key policies tending to standardize on 441 lines as a frame. Dr. Wm. T. Goldsmith, Jr., one of the Dumont

experts, was hopeful that refinements will make television images as fine as motion pictures.

C. A. Priest's Anger

Nearest thing to systematic endorsement of the RMA standards came from C. A. Priest, one of the General Electric engineers, whose chief purpose was to protect the allocation plan because of the channels mapped out for Albany and Bridgeport. He termed the RMA specifications the best possible compromise. The industry must make up its mind to be satisfied with the technique at some particular point and attempt to build from there, or it will be compelled to keep experimenting for a long time, he argued. He received some backing from the Don Lee group, which held that television has arrived, from Robert Robins of Cath-Ray Electric Laboratories and to a lesser degree from Paul W. Kesten, CBS v.p.

Three possible courses were advocated by Kesten, who was careful about committing CBS to any plan, although personally he prefers arbitrary freezing of the air where it is today. Emphasizing the need for protecting the public against chaos, Kesten suggested the commission might authorize commercial operation with methods now generally used, preventing any material change for a period of eight to 10 years. Second idea would be to delay expansion of operations until the channel duties are could be modified easily and inexpensively to keep abreast of technical advances. Third scheme is to go ahead at once giving the public content warnings that their sets may be antiquated almost overnight.

Engineer's Phrasing

Conflict in the philosophy of the FCC committee troubled Kesten. Report was under consideration committee itself, he said, in expressing fear of injury to the public through chaos, while still supporting the dear for regular program service. Before television can go anywhere, it must become the "domesticate" of the broadcasters, not the plaything of engineers, Kesten added. He was not enthusiastic about commercialization, although he took the hint that steady programs are imperative to stimulate growth. A "radio service" in New York, he

predicted, would stimulate the sale of 10,000 to 15,000 sets in a year.

Any material change in technique after an operating industry becomes firmly established would subject to severe damage on stations, Kesten warned. The public would direct their criticism at operators and not manufacturers, whenever they found that existing sets no longer were capable of bringing in images.

Urging that standards be frozen for a long period, if adopted at all, Kesten felt that less than half the experimentation has been done at present. It will be possible, he maintained, to improve transmission and reception greatly without the ideas now proposed by the RMA without involving costly changes in sets. He was hopeful that a library of standard, 30% of American homes would be equipped with receivers, an estimate which he termed the most optimistic practical outlook. Long time would be imperative, because public is not going to sink into a complacent state that may be outmoded in a year or two.

Till between Louis C. Caldwell, chief of Philco, and Chairman James L. Fly over consideration of the proposed allocation table featuring the distribution of channels. The matter was maintained to be had been secured nothing definite would be done about the distribution of channels. No consideration could be given the effect of the proposed system on the radio market and all that was Fly countered that there was no such understanding and that, without consideration of any independent request for a berth, the commission must take up this phase of the problem in the near future.

The table is unduly favorable to New York, Caldwell maintained, testifying himself in the absence of any facilities for other cities to get into on this question. Philadelphia sets the ninth worst assignments of the 10 cities, he contended.

More information about the economic side, some of it conflicting, came from Adrian Murphy, the NBC vice-president in charge of video operations, and Adrian Murphy, the NBC television director, who said that the future is uncertain, but they disagreed about the best way to proceed.

After Dr. Peter Goldmark, the web's chief engineer, had told of his plans to develop in the near future split channels with other operators, Murphy explained the CBS fear that time-sharing use of receivers might be required.

Capital will be scarce unless there is assurance of the right use facilities, Murphy said, and he said Goldmark previously had said the present sharing arrangement between CBS and Philco was not likely to be suitable for regular service.

Mild CBS objections to the allocation table were registered. Although Dr. Goldmark admitted the two companies are getting along agreeably at present, he felt that CBS and Philco cannot do right by the public if forced to divide the ribbon. Murphy had the same idea.

Discussing the slightly-known economics, Murphy was sure that stations must have exclusive rights to their channels. If they are to be successful, he pointed out, that schedules will have to be increased in order to distribute advertising costs. Otherwise the rates will be exorbitant, particularly if plants are held down to two hours or less daily. The public will not spend so much time viewing visual broadcasts as they will listen to the radio, and the number of "good" hours is restricted. While he was unable to guess about the potential rates, the expert was positive that cost of operation will be exceedingly high in comparison to rural operations.

Lifting of the commercialization lid was suggested by Murphy, but the RCA contingent, in everybody's surprise, did not go as far. The CBS exec said he could not imagine advertisers paying large sums to reach such small markets as are in prospect and doubted particularly if there would be many opportunities for experimental programs. No damage would result if operators were permitted to let their commercial side slide them, he felt.

The limit of one frequency to smaller metropolitan areas also drew criticism from the CBS spokesman. Murphy felt there might be greater benefits for the public from competition between two outlets in cities of around 50,000 population than from one station in each of two cities of such size. He was not in the least enthusiastic about the plan advanced by Chairman James L. Fly of having various operators using the same plant. The FCC leader suggested that cost could be kept down this fashion, but Murphy, who agreed that there might be some in-

## FCC GETS MOST OF FUNDS IT ASKED

Washington, Jan. 23.

Only a fractional cut in the increased fund sought by the FCC to expand regulatory activities in the second week of the year was made in the house last week, by a vote of 240-167, with general policy, no money was appropriated for staff promotions and the \$5,000 added to pay additional workers needed to attend to work of the Independent Radio Advisory Committee was denied.

Total approved by the house is \$2,118,600, a jump of \$274,160 over the current year's allowance. With the increase, the Commission can hire several new attorneys, engineers, and accountants, as well as clerical personnel, and will be able to moderate and improve its various monitoring stations. One purpose of the expansion will be to keep a closer eye on applications with some of the added workers to be assigned to special checking of papers and looking into the identity and qualifications of licensees.

Apprehension that the bolstered legal staff will become an OGPU and cause much trouble over outstanding facts about programs has drawn unofficial disclaimers. The motive behind the increase is to insure adequate preparations of cases, it has been explained, as the Commission will not have to accept testimony and written declarations at face value or depend upon attorneys for rival testimony.

The bill controlling the FCC funds now is under scrutiny by the senate appropriations committee, which ordinarily slashes funds below house levels.

## Joe Penner in Town

Joe Penner and his radio troupe arrived in New York Monday (23) following completion of RKO film, "Millionaire Playboy." He is scheduled to appear at the Waldorf Astoria, broadcasts from Manhattan, returning to the Coast about Feb. 16.

Penner declared the move east was occasioned by fact that his program is not carried on the radio and he wants to get reaction to it from people who hear it.

## GENE ARNOLD'S SIDE JOB

Fl. Worth, Jan. 23. Gene Arnold, former Sinclair star, now appearing via KGO for Texas Electric Service on four weekly quarter-hours, will m.c. local March Madness Musical Show (starting Feb. 23-24) from WH Rogers Memorial Coliseum. Ed Laity, KGO program director, will be musical director of affair.

Other Fort Worth-Dallas radio entertainers slated are Bert Sner, Parker Wilson, Slo's Ezy and Bel Canto Quartet.

Improvement in service, and such arrangements are uneconomic.

The bullish outlook of RCA-NBC was made clear when Frank B. Rowland, chief executive of the corporation, said in a statement that "the future of television is here." His optimistic view was made clear when he said that "the future of television is here," and that "the future of television is here," and that "the future of television is here."

Joey, v.p. of RCA Manufacturing Co.

**KLZ Stokes SALES**  
and sponsor's "new experience"  
ups sales 30% above former peak

9 Denver's Stokes Canning Company cut its lot with KLZ for the first time in 1935. Radio advertising was admittedly "a new experience." The addition of KLZ was the only change in Stokes' advertising program from previous years. Yet by November last Stokes' sales were up 22% from the corresponding period in 1935! November advance orders were 30% above any month in Stokes' history! Sales which had been confined to the immediate Denver trade area spread out into new markets in four states! A new experience

indeed for Stokes Canning Company . . . or any advertiser who uses KLZ for the first time. Yet to scores of advertisers who have watched KLZ move merchandise for them year after year this is an old and familiar story. KLZ always stokes sales in the Denver-Rocky Mountain area. KLZ invariably hooks merchandising programs to a successful high. KLZ constantly kindles enthusiasm.



## From the Production Centres

### IN NEW YORK CITY . . .

Margaret Culbertson showing Mrs. Knox Bernes around town over weekend. . . . Peter DeRose has a specialty singing for Lucky Strike for his Decca Party song, rated tops for 1939. . . . Al Johnson pinch-hit for Ben Bernie who had his appendix removed. . . . 34 hours after operation Bernie was sitting up in bed smoking one of his knothole cigars. . . . While Sarnoff clinches, including David, showed up at Clay Morgan's cocktail party Sunday afternoon. . . . at the same shining Bernie Bernie discovered two constituents from his congressional district and anxiously inquired if they were dressed warmly and had their rubbers. . . . Al McCosher of WOR is strictly dress judge at parties. . . . Edward Bernes will give a suitable prize for anybody bounding home with word-outstanding for "propaganda." . . .

Matt Crowley has replaced Bill Spargrove as N. Y. announcer on Chase & Sanborn. . . . Joan King spelling on "Lawrence Jones" instead of Don Love. . . . Chick Vincent directing the new Baby-Barker script "This Day Is Ours" on NBC. . . . and includes Jean Banks, Jay Johnson, Edie Palmer, Bruce Jennings, Agnes Moorhead, Alan Davitt, Frank Verway, Ann Boler, Chester Stratton, Elaine Kent, Leslie Bincham. . . . NBC retains Paul Wing's Spelling Bee as Current Products withdrew. . . . "One of the Finest" added Laila Erickson as Carleton Young stepped out. . . .

The Simon, staff producer for Poffar & Ryan, leaves next week for the Coast to be on hand for the Lady Esther show while Guy Lombardo is tiding his engagement at the Cocomo Court, L. A. First commercial from this point will be Feb. 8.

Stanley E. Hubbard, KSTP news and g.m., pulled a coup de grace in selling NBC in New York City. . . . He is now in the city for the Graham McNamee to St. Paul to cover this burg's winter carnival, opening Saturday (21). . . . Ben Frier, Chicago courier, has moved to New York. . . . Bill Franklin has waived a dramatic series which NBC is submitting for sponsorship.

New York local of the American Federation of Radio Artists took its first party and show Saturday night (20) at the Plaza hotel, N. Y. Johnny Green's band supplied music and about 1,500 attended. . . . Shirley Howard, singer, does one-shotter on Tommy Riggs show Monday (21). . . . Dinah Shore begins a new sustaining spot on the Blue at 8:15 p.m. Sunday this week (21). . . . WFRD, Memphis, and WTAR, Jackson, Tenn., join the Mutual web (KADA, Oklahoma, studios burned last week). . . . Bing Crosby switched guest slot on Coast "Nobody's Children," Mutual net show, from Jan. 28 to Feb. 18.

### IN HOLLYWOOD . . .

John Royal in from New York for a few days of confabbing on NBC programming with John Bernes. . . . Les Atton dodging the sub-zero weather reports from Chicago while sunning himself in front of Columbia Square. . . . Les Fitzpatrick and John Patz back to Detroit and Cleveland, respectively. . . . Offered to be on hand for the Lady Esther show while Guy Lombardo is tiding his engagement at the Cocomo Court, L. A. First commercial from this point will be Feb. 8. . . . John Halloran transferred from N. Y. to Young & Rubikoff's Hollywood script staff, "To the Memory of Will" serve Gertrude Fitzgerald's "The Day After Tomorrow" (21). . . . The day Dick Marvin got to town, Joe Donahue, William Eddy Coast radio director, got quitted by a reckless motorist. . . . Head attorneys patched him up and sent him home. He'll be out from the hospital in a week. . . . Bill Anderson directing the publicity at KMPC on a move from Oklahoma City. . . . George Fisher to New York for a pair of breadwinners. . . . Relations between Los Angeles stations and newspapers are improving to a point where two trade deals have been struck. . . . In return for Bill Henry using KFKI facilities to give his L. A. Times column, short in carrying institutional copy in display space. . . . Brooklyn News is playing along with KFI on a similar arrangement. . . . Bernie Smith writes a column about KFI-KECA programs and Publisher Marshall Budy spots on the mile.

### One Advantage

Fred Allen, in cross-dress with the head of American Television Co., last week quipped: "Television will enable the people at home to find out what suitcases in radio studios have been hanging at for past 10 years."

### TED STEELE

With Margaret Doan, Kols Day 13 Min.

### GLIDDER SHAVE CREAM

Friday 5:30 P.M.

WEAF-NBC, N. Y.

(J. Walter Thompson)

In a quarter hour Steele, Marg Doan, concert soloist, and Kols Day, pop singer, crammed in no less than nine items, six of 'em worth. What was offered was done competently enough but there was too much of it and not enough of any one. It's obvious intention was to appeal to varied listening appetites but it succeeded in doing little but bewildering, choosing in pace too swift.

Midway it settled into some semblance of form with Steele's New-Chord soloing bandleader Tommy Leroy by playing the "Home and Home." At least the musical train stayed on one track for more than one song during the hour. Steele will salute one bandleader in the summer of next week. Of the vocal Miss Day's opening "I Like to Recognize the Tune" aired best.

Commercial still bumbled around the "one man in seven who shaves daily," got in three lankies beside the lyrical short ones piped by the two singers.

Wood.

### ANNOUNCER FROLIC

15 Min.—Local

Sustaining

Bally, 6:15 p.m.

WBAL, Louisville

At this hour, announcer Bill Bryan explained that program was a hedge-podge of screw-ball stuff, designed to garner a few laughs and give the announcers something to do to keep them out of mischief. Script is on the wacky side, and introduces the spouters as the Seven Question Marks, or Seven Pharaohs of Egypt. Comedy efforts are interspersed with lively comments by staff orchestra directed by Bobby Huttell.

Music rubbing on the show between participants, with Bryan reading several headlining fan letters early included in a section reading tongue twisters and brought laughs from studio visitors.

Chew is what is known as good, clean fun, and allows the talkers to blow off steam.

Hold.

James Haddock, chief engineer for KIRO, Seattle, to New York and Washington, D. C., for consultation on new transmitter.

### "DIABET MOTHER"

With Judith March, Fred Howard, Stella Lee, Chris Ford, Kay Kiffin, Harriett Lincoln, Frank Mills, Transmitted Dramatic Serial 15 min. Sunday, 2 p.m. W.S.D-TV, Portland, Me. KFTA, San Antonio (Evans & LeMay)

From the Dallas studios of the Lone Star Chain is the interesting Universal Mills gold chain brand of drama, comes this transcribed serial billed as "radio's most exciting love story." Judith March plays a girl who through a misunderstanding at home had to leave for the big city and start life anew. Before leaving the premises her mother that reminded of where she is or what she is doing so she will write her a letter each day.

Each program opens with the words "Dear Mother," and is narrated by her mother hence program title "Diabetic Mother," though the dramatic bit, acting out of the day's adventure. Opening broadcast found the heroine in the boarding house where she had been told a room. Before unpacking, she starts her daily letter to her mother. She is interrupted by the landlady who welcomes her and tells her that regardless of what any other person tells her to keep the room she has rented. This is followed by several of the neighbors who come in and tell her to move out of the room. Each one refuses to tell the reason why she must leave the room. After making a dinner date with one of the boarders she finishes her letter which places the action of the following episode.

Program as a whole seems likely to hold attention. Most floor sponsors have about this radio and locally holders are one and the same.

Andy.

### Follow-Up Comment

Douglas Fairbanks, Jr., Paulette Goddard, Frank Morgan, Mary Forbes, Margot Stevenson and Ray D'Arcy played a brief adaptation of "Benvenuto Cellini" on the Gold Screen Gold program over CBS from Hollywood last Sunday night (21). Viewers treated in a fairly broad comedy vein but it was only mildly successful for radio. Fairbanks had the proper dash in the title part, Morgan repeated his repertoire of ad nauseam and D'Arcy was a teeth-clenching heavy. Jim Goddard and Marg Stevenson sounded too much alike.

Robert Woods and the Radio City Music Hall orchestra, with Ray Hagen bassoonist, turned in a pleasant session of concert and opera selections Sunday noon (21) over NBC red (WEAF). The baritone was impressive in numbers from "Andrea Chénier" and "The Merchant of Venice" while the orchestra elicited the sparkle in the Sibelius Fifth Symphony.

BILLY E. VAN  
"Spreading New England's Fun" to the Nation  
Sunday, 2 p.m.  
W.S.D-TV, Portland, Me.

This, the third step in a 13-week air journey around the New England towns sponsored by Yankee Network outlets, finds Billy E. Van, former New England newspaper editor, newspaper manufacturer, Mayor of Newport, N. H., and professional Yankee, pushing a sort of serious local amateur musicians and musicians through a series of towns that prove to be more pathetic than entertaining. It's smart enough, but why is it that the chuckle, but why is it over a network?

Katadish Mountain, once opened for a flash of the regional hillbilly style, with Van once cutting them off to discover that the leader of the outfit works at the local gas station, that motion is a barrier, out. From then on the main, today is the word.

Mrs. Kathleen Lonsdale (New York) is to assume part of the credit for the launching of her brother, Billy, the balance was assigned to the sister's father, who rose to take a bow after a poem was read in his honor. As a sister from a local film house provided indications of Ethel Deck and Jimmy Durante, a member of a high school band played the xylophone. Both kids prove to be patients, entertainment, until Van begins quizzing them as to their respective marks on the environment, at which time the show becomes Van talking to Van.

The Portland Men's Sporting Club got through on them in a manner that, but for certain mild passages, might have made them the standard of the session. The municipal organist's drawing was also somewhat hampered by faulty engineering.

Something has been said of late about defuncting democracy from its radio defenders. On this occasion Billy E. Van found time to visit the halls of the Old Glory factory where the waving was done by Greeks, the dying by Italians, the stitching by Irishmen, the packing by Turks, and the marketing by Yankees.

The commercial, which included a presentation to the City Council of a scroll containing the names of all the Democrats defeated in town, were brief but many.

Next week: Fall River. Don.

### WLW Rural Scholarships

Cincinnati, Jan. 21. Besides winning WLW's first \$500 scholarship to study radio aspects of the farming industry, Charles Graham and Merle Emmert, grads of the Alabama and Kansas State agricultural colleges, respectively, have earned jobs on this station. They joined WLW's agricultural department last week, after completing six months of study provided by the scholarships.

### IN CHICAGO . . .

Bearns and Betty go into the Balaban & Katz Chicago next week for first Chicago stage appearance. . . . Donald Penman and Bob Behrens added to out of the "Lil' Abner" show. . . . Louise Fitch doubling from "Markham Mother" to "Romance of Helen Trent" show. . . . Judith Waller, NBC musical chief here, now honorary member of the Beta Epistol Phil radio fraternity. . . . Henry Armetta in new radio show, "Mama Loves Papa," being offered second opinion. . . . Les Atton New his family and self out to the Coast for a quick visit.

## Dear Radio Directors:

It's strictly a matter of balance. If you want to stand firmly in the Omaha market plant one foot in the cornfields of western Iowa and the other in the livestock and parking centers of Nebraska.

WOW coverage maps coincide almost exactly with the map of the Omaha market. Now, with 5,000 watts day and night—on 590 kilocycles—WOW will give you quality coverage that no other station can approach.

Yours very truly,

*Walter J. Smith*  
Manager  
RADIO STATION WOW  
Omaha, Nebraska

OMAHA, NEBRASKA

It's 900  
Today, leadership goes to CPN  
west coast's greatest network!

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

FOR SALE

## X Marks Spot Where FCC Might Okay Another Local Radio Station

Washington, Jan. 23. Unexplored territory for individuals who may have a yen to one day establish a radio station was now laid out in the Federal Communications Commission's survey of "areas without adequate (radio) facilities," contained in FCC's annual report to Congress.

Even with 774 standard and special broadcast stations in operation, Commission check-up showed that there are 297 towns having a population of more than 10,000 which do not have radio stations. Of these, 664 have between 10,000 and 25,000 inhabitants, it was further shown, while 123 have a population of more than 25,000.

Seemingly fertile field for the radio industry has its drawbacks, however, because of Commission action rules which prohibit licensing of the ether in localities where one or more nearby radio stations are already functioning. Only 113 towns or 18.9%, are free from these restrictions.

Some 224 towns, or 54.5%, are within one of 96 "metropolitan districts" specified by the Census Bureau. Commission reported, seven or 1.2%, are adjacent or contiguous to larger towns which have a radio station (those larger towns are not included in "metropolitan district"), 131, or 31.6%, are within the 1 million signal intensity coverage of an existing station, "which means that such cities already receive fairly

good service from a technical standpoint."

Of the states containing the 113 towns which were classified as free and clear from the above restrictions, Pennsylvania led with 15 cities of more than 10,000 and less than 25,000 population which have no radio facilities—plus one of more than 25,000 population. Illinois, with 16, was the runner-up, and Michigan, with seven, came third. Other states where opportunity is knocking for potential broadcasters are: Alabama, 1; California, 2; Colorado, 1; Connecticut, 2; Florida, 2; Georgia, 1; Indiana, 1; Iowa, 2; Kansas, 2; Kentucky, 1; Maine, 2; Massachusetts, 6; Minnesota, 2; Mississippi, 6; Missouri, 2; Montana, 2; New Hampshire, 2; New York, 6; North Carolina, 2; Oklahoma, 4; Rhode Island, 1; South Carolina, 1; South Dakota, 1; Tennessee, 1; Texas, 4; Utah, 1; Virginia, 2; Washington, 1; West Virginia, 1; Wisconsin, 2; Wyoming, 1.

Twelve cities were reported as having populations in excess of 25,000, with no radio stations and no encroaching service from outside transmitters. Listed to the following states:

Indiana, 1; Iowa, 2; Maine, 1; New Hampshire, 1; New York, 3; Pennsylvania, 1; South Dakota, 1, and Wisconsin, 1.

### Reed, Godfrey of Defunct WPG Join WBAB, A. C.

Atlantic City, Jan. 23. Norman Reed, studio manager for the now defunct WPG, municipal radio station, has been signed to manage the Press-Union Newspaper's new radio station, WBAB, now in course of construction. Assisting him on the technical side will be Earle Godfrey, engineer, also a WPG alumnus. Selection of the men was made by Albert J. Furr, president of the publishing company.

Press-Union tower hopes to start by Feb. 1.

Transmitting tower already erected on meadowland.

### Tom Wolf Leaves WOR

Tom Wolf, night publicity editor of WOR, New York, has resigned to go with the NEA.

Present idea is to leave the WOR job vacant for a while.

MAKE A NOTE TO USE

**WBNS**

JOHN BLANCHARD

When you think of  
**NEW ORLEANS**  
you think of:



and  
**WWL**  
NEW ORLEANS  
**50,000 WATTS**

The greatest selling POWER in the South's greatest city  
CBS AFFILIATE... NATIONAL REPRESENTATIVE... THE GASK ADVERTISING, INC.

## ED ALESHIRE WALKS

Quits Partnership in Boston & Devote Chicago—Policy Question

Chicago, Jan. 23. Ed Aleshire has withdrawn entirely from his partnership with Art Margovitz and Stuart Sherman in Boston & Devote-Chicago (separately set up) and will make another announcement. General disagreement on policy given as reason for split.

All accounts stay with agency.

## Sooty St. Louis Seeks More Free Radio Ballyhoo

St. Louis, Jan. 23.

Six local stations and WTVM, across the river, are making a request of the St. Louis C of C for more radio time to intensify the ballyhoo of St. Louis. Several have been held and the larger stations are finding it hard to agree as their commercial commitments are such that they have few open spots left the town clubs. The C of C has asked for 30 minutes each station, in turn, is dishing out 15 min. weekly to the C of C program "St. Louis Let Us Music" and are loath to extend it.

This burl has been given a sooty reputation, because the network tags (two of which own KSD and KXOK) respectively, for the failure of the club to eliminate the smoking in atmospheric conditions, and it is believed that the C of C is trying to overcome this difficulty by using in speakers on the "Let Us Music" program who will walk the town to the clubs, but ignoring the smoke. Civic pride, boost the old home town, etc. are some of the pleas made by the C of C to the stations to dole out more time.

## WOAI's 1940 Start

San Antonio, Jan. 23.

WOAI is starting off the year with a cluster of new business and new accounts. To wit:

Blumser Mfg. Co. one minute a. t. 9 per week 13 weeks. Through Ferry Realty Co.

Memorialism Co. announcements, 9 per week, 13 weeks. Through Dillard-Jacobs.

Procter & Gamble "What's My Name" (Teal), through NBC network. Welch Grape Juice, 15 min. transmission, with Irene Kirby, H. W. Kastor.

Alamo Paint & Wall Paper, announcements.

Carter Products, c. t. for Arrid, three per week.

Beckwith Packing Co., 30 announcements weekly, 13 weeks. Through Newell Emmet Co.

Campbell Cereal Co. (Malt-O-Meal), announcements. H. W. Kastor.

Dr. W. B. Caldwell Co., 1 minute a. t. 17 per week. Through Benton & Benton.

Cherry Specialty Co. Through Cox, Goy & Walter, Inc.

Columbia Pictures, announcements. H. W. Kastor.

Imperial Sugar, three 15-minute spots through Texas Quality Network per week. Tracy, Locke & Dawson.

## Martin Gosch's Award

Latent decoration that has hit radio from the cultural and intellectual sidelines is the "Authors and Psychologists" award. Dr. William H. Marsden seems to have tagged Martin Gosch, who used to produce for the radio and now freelances as the award's recipient for 1939. The Harvard Club was named as the place of the presentation.

Singled out for the past was Gosch's direction of Wilbur Daniel Steele's "A Drink of Water" during the Columbia Workshop Festival last summer.

George Martrick's Mishap

Cleveland, Jan. 23. George Martrick, WTAM announcer ran his auto into a safety zone and himself into a hospital sick-bed last week.

Reported to be suffering from a possible skull fracture and several other injuries.

## School Board Completely Neglects Educational Station in Buffalo

### CBS-Metro Deal Rumor

It was reported yesterday (Tuesday) that CBS was interested in co-sponsoring the Metro-Ed station. Mayor for the sale of a Metro studio station to an advertiser, but no one at CBS would say whether or not it seemed to know anything about the thing.

According to the report, Louis Sidney would again produce the show, which would sell for \$21,000. Everybody but Greta Garbo and Norma Shearer available from the Metro lot.

Louis B. Mayer got into New York from Hollywood yesterday.

### Woolcott's Moth-Eaten Gags Wow Audience, Puzzled Daily Admins

Minneapolis, Jan. 23.

In his Lyceum theatre lecture here, Alexander Woolcott took occasion to impress upon his audience that he did not quit the radio because it "suppressed him," as he said, but has been interested in numerous circles.

"I fed from the radio," explained Woolcott, "because the network insisted that I sign up for 30 weeks. This would have imposed a difficult and disagreeable task upon me. I did not feel equal to a new effort every week for eight consecutive months, and I was not sure that I had anything to say for so long. I had other things in mind, including this lecture and an appearance in California in the play, 'The Man Who Came to Dinner'."

Woolcott's grothy lecture was given over entirely to inconsequential trivialities. He talked about himself and I never saw him say any discussion or comment upon prevalent problems or events. Entirely overlooking the serious, he aimed for laughs. His stories and gags were mass-produced but dressed up like a serial gossamer.

Times-Tribune headlined its report of lecture "Woolcott's Moth-Eaten Gags Wow Audience." Yarn peddler declared he (Woolcott) "is the one man who can tell stories with knee-length whippers and make them sound like the cry of Babel 1940 just being left on the doorstep. He related his odder yarns, but the audience loved it... despite the age of the gags, he got away with it—in the Woolcott way."

Woolcott is said to have received \$1,000 for the lecture, and the local promoter claims to have lost money on the appearance. Scale was \$2.50 top.

Austin's Squawk

A signed story from Austin, Tex., which appeared in the World-Telegram, N. Y. Saturday, 19, indicates that well-known down there are plenty proved at the lecturing hour, who is stated to be a social snail. Writer indicated that if the North sent anyone like him there again, Texas might need from the union.

"Maybe they call him 'The Man Who Came to Dinner' you trust we but down here we get our own name for him and it ain't Alexander Woolcott," they stated.

Buffalo, Jan. 23.

Non-political educators are sitting over their school desks with a recommendation that the time of WBSV, one of nation's two high-school-station, be used to have of commercial station WBNT. Stations share 1376 Kc. wavelength.

Recommendation would open WBSV one-half hour later, operating from 9 to 10:30 a. m., and would give up its one-hour afternoon time from 3 to 5. Later probably would be assigned to WBNT, which sought the period. School Transmittal would start. City Law Department now drawing up request for FCC.

Answering charges of political maneuvering expressed in "letters-to-the-editor" columns of local sheets, City Board Member LeRoy F. Farned asserted Wednesday (17) the board's majority feared WBSV would be taken over by commercial band and assigned to ultra-high frequency unless it gave up part of its time. Board vote on measure was 3-2.

WBSV is "poor cousin" among local stations. With other cities piling up education-minded, board and school superintendent, Dr. Robert T. Bage, has urged that WBSV be run by students in Bureau Vocational School, graduate old photograph plotters and study talks.

## Catholic Cage Tournament Sponsored in Ft. Wayne

Ft. Wayne, Jan. 23.

Lincoln National Bank & Trust Company, which has sponsored the Indiana Catholic basketball tournament last night, rights on WOWO and WGL, Ft. Wayne. This league is the fifth and final basketball package available for sponsorship here.

The tournament will be held Feb. 23, 24 and 25 in Fort Wayne, and will bring together all 10 State Catholic prep teams.

## Vancouver Power Boosts

Vancouver, Jan. 23.

Both CJOR and CKWX have received confirmation from Ottawa of increase in power to 1,000 watts, double for both.

Ray Dagg, commercial manager for the latter, is in New York trying to drum up some new biz.

THE  
**SMOOTHIES**  
BABS-CHARLIE-LITTLE

Listen to Their Bluebird Recordings of "Startin' Hour" and "Buxom Barnyard."

**WBAL**  
means business  
in Baltimore

**THE O'NEILLS'**

NEW RAINBOW BOULEVARD  
JANUARY 24, 1940  
LAUGHTER, TEARS, ROMANCE, ART, THRILL

**LISTEN TWICE DAILY**  
NBC Red Network, 12:15 to 12:30 P. M. EST  
IN... COAST TO COAST

DR. CORTYON ADVERTISING AGENCY  
837 E. WOLF-RKO BLDG., NEW YORK CITY





# Fire Alarm Orchestra Requires Only Half-Hour Notice or Radio

Back in the old beer hall era when vaudeville acts did unimpaired performances a day there was a regular band and a quartet of vocalists who were awakened by a fire alarm in the middle of the night. One of the quartet jumped out of bed, yelling, "there's our cue, we're on next!"

Something like that prevails with the "Fire Alarm Orchestra" which plays at Murray's road house at Tuckahoe, N. Y., with the leader and his permanent staff residing close to the dance-dance spot. Band is available on about a half-hour's notice to do in a dance room or on the radio in a dance room. It has had as many as 22 dance periods over the air in one week. The average is 17-19, pickup, about a dozen to Mutual, pick-up, about a dozen to CBS.

## A Smart Musician

Detroit, Jan. 23. Fiddlers play sane. A petition to the court for a writ of habeas corpus for 72-year-old John Swinsberger was denied here in Probate Court. Judge J. O'Brien said that the old violinist who could smash holdings valued at \$50,000 was a smart musician. "What's more, stenists testified in testimony that Swinsberger was competent to administer his own estate."

Of late years he had been head of the violin department of the Detroit College of Music and a lawyer was seeking to get control of his estate.

## Pittsburgh Rendezvous For Profess May Fold

Pittsburgh, Jan. 23. Musicians Club, longest-lived band of Local 60 and practically every organization of Pittsburgh, may fold shortly on account of high overhead and costly bills. Organization occupies entire third floor of big downtown building includes bar, dance hall, pool hall and card room, and has been the scene of some of hottest Jan sessions ever held locally.

Vote of membership this time is to determine whether or not to go on. Higher prices suggested but talk is that Local 60 leads are likely to vote that down. Place has been in operation since a downtown dance hall, invariably a must on all out-of-town musicians' night haunts.

## Band Bookings

Will Osborne, Feb. 16, Astor Hotel, N. Y. 17, private party, Brooklyn, N. Y. 18, "Show of Week," WOL-Mutual, N. Y.

George Auld, Jan. 31, Bottle House B, Hoboken, A.

At Danahoe, Feb. 1, George F. Pavilione, Johnson City, N. Y. 2, Morganstern, W. Va. 3, Carnegie Tech, Pittsburgh, 14-15, Greenwood, S. C. 16-17, Durham Armory, Durham, N. C. 18, Waldorf Hotel, N. Y. 19, Town Hall, Philadelphia; March 1, Russell High College, Troy, N. Y. 2, Philadelphia.

Will Hollander, Jan. 28, Rivoli Bazaar, Mass, Brooklyn.

Jimmy Dorsey, Feb. 4, U. S. of Illinois, Chicago, 11.

## CASA-LOMA DANCERY FIRE

St. L. Sped. Bureaus—Little Date Moved to Another Hall.

St. Louis, Jan. 23. Casa-Loma dance hall in South St. Louis was badly damaged by fire Friday (19). The Casa-Loma ballroom and several business houses also were damaged. Nineteen persons when it plays outside New Year's injured fighting the blaze in western weather.

## Toledo Local Elects

Toledo, O., Jan. 23. John C. Hahn has been elected president for the sixth time, and Hal Cary has been named secretary and business manager for the 13th year, of the Toledo Federation of Musicians, Local 15. Other officers elected for 1940 are C. E. Brunsing, vice-president; B. Van Duren, treasurer; and Louis Berman, sergeant-at-

## WRITTEN IN AS SINGERS

Three Stable Musicians Met Playing During N. Y. Day

Three singers being used as part of the "Fire Alarm Orchestra" band as the Essex House, N. Y., currently are really part of its orchestra when it plays outside New Year's. Neither of the three, Ralph Fay, Ray Heath, or Johnny Drake are members of the local union of the AFM, and in order to have a complete local outfit Stable replaced them with local musicians and carried them in as singers.

Band is now being handled by Arthur Michael in conjunction with Bert Block, its personal manager.

## JOHN GREEN ORCHESTRA (19)

Hotel New Yorker, N. Y. The Green's are currently on the air several times a week on the various Philip Morris cigarette commercials, is at the head of an extremely popular radio band. Though the greater part of its work is with the radio, the band is essentially a dance crew lacking none of the usual requirements of a top-notch dance band. It is a band that some of the most successful and most popular of the country's radio bands have copied.

In addition to four vocalists, four rhythm section, and a strong horn band, there are four violinists, with which few other orchestras instrumentally set up can't obtain. For obvious reasons the four do not enter the picture when the outfit gets off on a stopped up tempo.

On the whole Green's group is a well balanced one. Though the four violinists might suggest too much smoothness on the sweet side, that's not the case. Five brass split power, offering a variety of color, and the band occasionally toward the other end of the scale. It has played such a wide range of music, from the most handsomely to the most unassuming, that it is hard to say what it is. Power (what could be heard due to poor night relaying) does vocals very effectively. Notable: Jack Smith, from the band, libretto.

## BUCK STABLE ORCHESTRA (14)

Pay, Ray Smith, Johnny Drake, Essex House, N. Y. The band has just stood in New York for some time, his outfit having acquired much strength in the middle of the season. The band is a middle sized outfit of 12 pieces, consisting of four horns, four rhythm section, and four vocalists. The band is a well balanced one, with a strong horn band and a strong rhythm section.

Main purpose of the band here is to play for the radio, but it is also a dance band. It has played such a wide range of music, from the most handsomely to the most unassuming, that it is hard to say what it is. Power (what could be heard due to poor night relaying) does vocals very effectively. Notable: Jack Smith, from the band, libretto.

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## JOHN HELLER ORCHESTRA (12)

With Both Bands, Barbara Lamm, Flatbush, N.Y.

Unknown in the past, John Heller has been playing for some time in Flatbush, Brooklyn. He is a single hearing, the outfit seems as if it would be playing for some time long and as not likely to climb very high in the ratings. Heller is a show player, but lacks style necessary for a really top-notch band.

As compared to the Flatbush, this aggregation consists of four reeds, three brass, electric guitar, and piano, with Heller and occasionally contributing brief vocal as well as a piano and the piano, and he even offers two top-of-the-line vocalists. Heller is a show player, but lacks style necessary for a really top-notch band.

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# Bandleader Confesses All

Following letter received last week by the Remick Music Corp. from a resident of San Francisco intimates to the effect that the president of Father Divine has had effect on one ex-band leader.

"I am writing to confess to your company that some years ago I, as a dance band leader operating in Los Angeles, did receive professional copies and other copies from your Los Angeles office under false pretenses. In other words I lied to get the money which I now consider was nothing less than stealing since coming into the knowledge and under the influence of Father Divine's teachings, I was convinced that I believed you would find a postal money order for six dollars which I believe will cover the amount received unworthily and am asking your company's forgiveness in the matter. kindly notify Father Divine that I have made this repentance.

(Formerly Remick Music Corp.)

P. S.—Because among other things it has no established "unexcused" fund Remick is returning the money order to its sender.

# On the Upbeat

Frank Blumra, recently with Harry James, will replace Alvin DeWitt with Tommy Dorsey.

Harry James, recently of Columbia, will be back to work with the Records. Enock Light goes Bluebird, Happy Fulton, Variety, Freddie Rich, Vocalion.

Freddie Markey orchestra will replace Everett Hengland at the Waldorf-Astoria hotel, N. Y.

Miss Alice Ayres extended until May at St. George hotel, Brooklyn.

Clarence Thorhill, substituting for Tommy Kaye at Commodore hotel, N. Y. during Kaye's Monday broadcasts for Senation, as well as for Glenn Miller at Pennsylvania, N. Y., three nights during Miller's Christmas interludes.

Al Kavellie shifts to Baker hotel, Dallas, Feb. 18. At Commodore Ferry, Toledo.

Paul Williams had a horse entered in the "walking" class competition at Harrisburg, Pa., horse show last week.

Al Avela, guitarist, back with the George Al band after operation.

Jim Peppe vacationing in Saratoga, Pa., home.

Sam Savitt exits Hotel Lincoln, N. Y., Feb. 5.

Sam O'Connell and Larry Colton joined Jerry Herman's arranging staff.

Sanny Keadle remaining indefinitely at Detroit Athletic Club.

Will Bradley is the "Band of the Week" at the Hotel New Yorker, N. Y., Sunday (23).

Will Osborne under a tonalities at St. Francis Hospital, Miami, Fla., last week.

Jimmy di Palma, Bobby Byrne crew vocalist, changed name to plain Jimmy Palmer.

Clarence Thorhill and Charley Spivack tried to convince each other that it would be wise to form new bands and join the others while they were young. Heller is a show player, but lacks style necessary for a really top-notch band.

Red Freeman's Summa Cum Laude new book by Wm. Morris. Crew will eventually accept to full size.

Joe Benton on notice from Woody Herman. His own chair will be taken by Herb Tompkins from Los Brown.

Bobby Parks band back in New York at Arcadia Ballroom with NBC wires.

Art Baklan, sax leader, leaving Casa Loma outfit to do radio work. Clarence Ryerson from Al Danahoe, and Cr Baker from Jimmy Dorsey leaving the band.

Tony Pastor will follow Mel Hall into the New York Roanoke. Hall replaces Lenzie Hayton, leaving (17).

Ralph Allen and his Detroiters back in the Blackhawk, Pittsburgh, for indefinite stay, replacing June Gardner and her Gentlemen of Swing.

Hope they now warbling with Emil

Patti at Everglades Club, Palm Beach.

Brannan Tommy Hall and trumpet-player Sally La Perche, late of the "Band" for stretch of its career from New Orleans, to Chicago to Baltimore, New York, and for command performances before King George V of England at which it played (repeated on Broadway "Mardi").

Bill Ainsworth has moved into Harry Silver Grill, Pittsburgh, replacing Nelson Maples outfit.

Original Dixie Land Band had three of its five members on "We, the People" for stretch of its career from New Orleans, to Chicago to Baltimore, New York, and for command performances before King George V of England at which it played (repeated on Broadway "Mardi").

Bob Cottrell's orchestra at Newman's Lake Hotel, Saratoga Springs.

Henry Bone orchestra has been at the Rossmore hotel, New Orleans, for stretch of its career for a minimum of four weeks.

Mary Herline, who has sung with various name bands, is now doing a late-evening audition, to her own satisfaction, over WGT, Schenectady.

Sam Gardner follows Jimmy Glick into the Victor Hotel, Beverly Hills, Feb. 14.

Benny Goodman appears at Cuccinotto Grove in L. A. March 18, succeeding Guy Lombardo, who moves in Feb. 4.

Freddie Nagel orchestra ended its week at the Hotel New Yorker, N. Y., Sunday (23).

Herman Waldman with new band recorded in Dallas during winter, on the "Band" at the Hotel New Yorker, N. Y., Feb. 14.

Gray Gordon one-night Sunday (23) at Ritz ballroom, Bridgeport. Joe Savitt set for Feb. 12.

At Birthday Ball

Kay Kyrn's band was given to play for the Birthday Ball at the Mayflower Hotel, Washington, D. C., Jan. 26.

Al Danahoe had previously been set for the New York counter-party of the hop, at the Waldorf-Astoria.

Philadelphia, Jan. 23. Three bands have been listed to play at the President's Birthday Ball at Convention Hall next Tuesday (26). They are the crews led by Harry James, Mel Hall and Ray Hines.

Handling the list of showgirls who will appear at the President's Birthday Ball are: Betty Baker, Phil Ragan, Frances Tom, Lenora Ulrich and Ray Hines.

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Al Danahoe had previously been set for the New York counter-party of the hop, at the Waldorf-Astoria.

Philadelphia, Jan. 23. Three bands have been listed to play at the President's Birthday Ball at Convention Hall next Tuesday (26). They are the crews led by Harry James, Mel Hall and Ray Hines.

Handling the list of showgirls who will appear at the President's Birthday Ball are: Betty Baker, Phil Ragan, Frances Tom, Lenora Ulrich and Ray Hines.

At Birthday Ball

Kay Kyrn's band was given to play for the Birthday Ball at the Mayflower Hotel, Washington, D. C., Jan. 26.

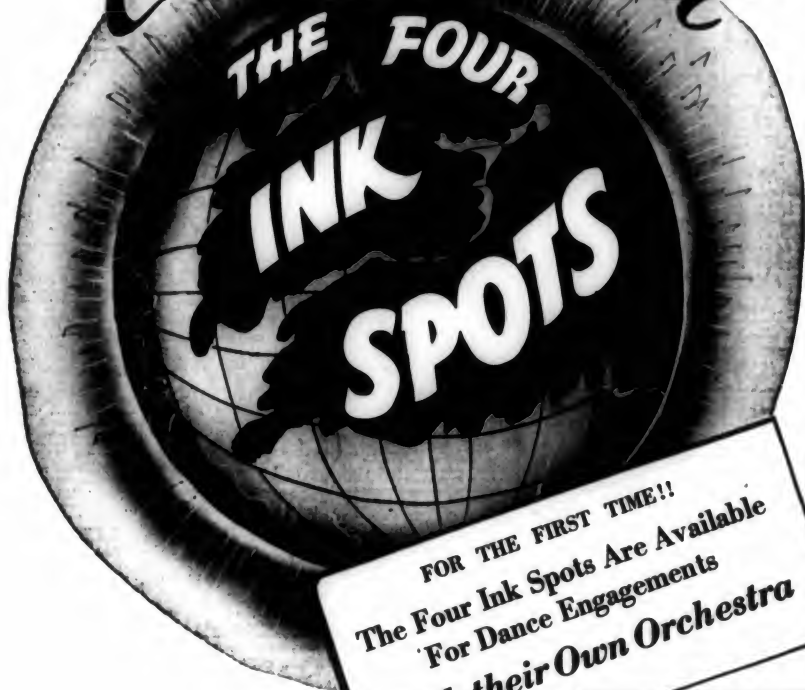
Al Danahoe had previously been set for the New York counter-party of the hop, at the Waldorf-Astoria.



With Apologies to Sherwin Williams

**"IF  
I DIDN'T  
CARE"**

*Covers the World*



**FOR THE FIRST TIME!!  
The Four Ink Spots Are Available  
For Dance Engagements  
With their Own Orchestra**

**TOUR STARTS MARCH 3rd**

**NOW HEADLINING  
STAGE SHOW AT  
NEW YORK  
PARAMOUNT  
THEATRE**

**DECCA RECORDING  
ARTISTS**

Exclusive Management **GALE, Inc.,** 48 W. 48th St., New York City, LO-3-6110



# P. Bradford, Denied ASCAP Admission, Introduces More Copyright Tangles

Refusal of the American Society of Composers, Authors and Publishers to admit Perry Bradford as a writer-number when he applied in 1934 is now having legal repercussions. Bradford, who wrote such numbers as "Crazy Blues," "Black Bottom" and "All I Had Is Done Blues," has asked ASCAP and the Southern Music Co. as defendants in a damage suit he has filed with the U. S. federal court. Bradford claims that neither Southern Music nor ASCAP had any right to authorize the performance of his works, even though the former has been the selling agent for his four catalogs since 1935.

After serving ASCAP and Southern with summonses Shaffer & Shaffer, Bradford's counsel, sent circular letters to networks, stations, hotels and theatre chains advising them that they were not entitled to use the numbers in the four catalogs without direct permission from Bradford. The four catalogs are: *Acme Music Publishing Co.*, *Blues Music Co.*, *Perry Bradford, Inc.*, and *Perry Bradford Music Publishing*.

The catalog listing which ASCAP handles to its licensees has Bradford's four catalogs listed under Southern Music Co. In 1932 the Society had Perry Bradford, Inc. listed as a subsidiary of the Altried Music Publishing Co.

## Joey Stool to N. Y.

Chicago, Jan. 23. Joey Stool goes to New York this week to assume new post as promotional manager of the ABC music firm. Arrangement was set in New York last week by Saul Bernstein following extensive confab with Stool.

Stool was recently manager of the Burns office locally.

## YESTERDAY'S HIT TODAY'S REQUEST

## VICTOR HERBERT'S ROSE OF THE WORLD

Featured in the Film "The Great Victor Herbert" Pub. Int. marks the 1st Anniversary of the death of Victor Herbert... a grand occasion to dedicate this song to a program to him.

M. WITMARK & SONS RCA Building New York

# JOEY STOOL NOW

PROF. MGR.

ABC MUSIC CORP.  
799 7th Ave., New York

## The Princess Spurned

Hanna, Inc. has resumed "Princess Poo-Poo-Ly Has Plenty Pa-pays" to Harry Owens, who has returned his advance of \$200. Although the number has been widely distributed throughout the networks because of what the latter has termed its double entendre lyrics.

Owens is publishing the tune himself.

## Conspiracy (Federal Pen Offense) Charged to 5 Bootleg Song Peddlers

Newark, Jan. 23. Indictments charging conspiracy were returned last week by a grand jury in this federal district against five alleged distributors of bootleg songs. It's the first time that the evil has been treated with such publicity. If found guilty the quintet are subject to minimum penalties of two years in a Federal penitentiary.

The five named in the indictment are John Santangelo, of Derby, Conn.; Dominick Cantalino, John Pomyanski and John Isinski. Santangelo received a heavy fine and sentence for concert bootlegging from a Hartford, Conn. court two weeks ago, while Mancini was fined \$500.

## Death of Effie Carlton Probably Ends Music Bill

Washington, Jan. 23. Bill introduced in Congress early this session to guarantee that possible technical defects in the copyright of Mrs. L. Effie Carlton Carter on "Kick-A-Bye Baby" would not be open to question without royalties, will probably die in committee as a result of the recent death of Mrs. Carlton.

Bill, now in the House Patents Committee, had been introduced at two previous sessions. It has been left in a pigeon-hole by adjournment each time, although a plan by Mrs. Carlton to appear in Washington herself to plead for it was expected to get it passed this time. Shapiro-Bernstein, publishers of the song, are expected to press for passage of the bill now for their protection.

Copyright law only until April 17, 1943, to run before the lullaby falls into public domain. It was originally registered in 1887 and renewed for a second 28-year term. Renewal copyright is the one thought possibly defective. Technicality is of such a nature that only an act of Congress can protect it.

## SHAPIRO GETS TUNE

Outlines Robbin for 'Sierra Sue' Copyright Renewal

Robbins Music Corp. has withdrawn the objection that it filed with the American Society of Composers, Authors and Publishers against crediting Shapiro, Bernstein & Co. with the copyright ownership of "Sierra Sue," and waived its claim to the number in favor of the latter firm. Robbins had also led for the publishing right to this old number, but after complaining to ASCAP, found that S-B's was a more binding contract.

While Shapiro-Bernstein was trying to get the rights to this tune before it Robbins had been there before it. Shapiro didn't press the offer until it learned that the contract which Robbins submitted to the composer's widow hadn't been duly executed. Shapiro then upped its figure and got the tune.

## Billy Jerome Renews Go to Shapiro, Bernstein

Shapiro, Bernstein & Co. has obtained the renewal right to all Billy Jerome tunes in the Maurice Shapiro and Cohen & Harris Music Publishing Co. catalogue from his widow, Mrs. Maude Nugent Jerome.

The numbers include "The White Horse" and "Meet Me in Rome Time, Rome."

## Herman Starr, C. Fischer Newcomers to ASCAP's Availability Committee

All but two of the old setup has been re-elected to the publishers availability committee of the American Society of Composers, Authors and Publishers. The newcomers are Herman Starr, of the Warner Bros. group, and George Fischer, of J. Fischer & Son. They replace Jack Bregman, of Bregman-Vocco-Cohn, and Fred Banks, of the Theodore Presser.

Representing the pop puns on the present availability committee are Saul Bernstein, Louis Bernstein, Max Dreyfus and Starr, while the standard field has Walter Fischer, of Carl Fischer & Son, Walter Fischer and Gus Schirmer.

## Watenberg Argues ARC Point is Badly Taken

Attorney Sidney William Watenberg argued against the technical attack that the American Record Co. has made on the \$100,000 suit of the Crawford and Chappell music division before the appellate division last Friday (19). The Herbert Yates Company, which formerly owned the ARC, had lost out in the lower court in its effort to compel the suing publishers to state a separate cause for action for each license agreement.

Watenberg, as Crawford-Chappell counsel, has argued that as many as 30 licenses in each cause of action. According to the amendment demanded by Yates counsel the complaint would run 1,500 pages.

The action is an outgrowth of an audit made on the ARC's books and records, with the damages involving alleged faulty royalty counts on disc sales. Other publishing firms are awaiting the appellate division's decision on the technical argument before filing similar suits of their own against ARC, which was sold last year to CBS.

## Harry Bergkamp To Rep ASCAP In Denver

Harry Bergkamp, who has been with American Society of Composers, Authors and Publishers for the past two years, was named last week district manager of the Rocky Mountain division with offices in Denver, Frank E. Hickey, his predecessor, remains as local counsel. The district takes in Colorado, Colorado, Utah and Wyoming.

## RETURNS PERMITTED

Exclusive, One of Few Dealing Privileges, Now Reverting Policy

Exclusive Music is to open a Chicago office under Art Rubin, and Vincent Sherwood of Mills Music, shifts to indie manager. The latter is in New York. Latter company, which heretofore distributed through Mills, will begin filling orders from Feb. 1.

At the same time Exclusive will adopt a new trade policy of following system whereby music is returnable. Exclusive is one of the few outfits which had barred returns.

Bernie's "X Gushie Bernadette" is being listed in the Warner Bros. production. "And It All Came True."

# Phonograph Industry Attacks Shotwell Bill, Scores 'Happy Family' Stuff

Phonograph record industry has launched a wide and systematic attack on the Shotwell copyright bill, which was introduced in the U. S. senate Jan. 8. Letters of protest have been addressed to all congressmen and senators, while the distributors and operators of coin-operated jukeboxes are being lined up for a similar barrage.

The letters to Washington legislators charge that passage of the bill would be highly detrimental to the phonograph record industry and the best interests of the American public. It also asks that "adequate hearings be arranged for and that the industry be afforded an opportunity to present" their reasons for opposing the bill.

Dr. Edith E. Ware, executive secretary of the Shotwell committee, is averted in this letter for the statement that she made in a letter addressed to the House and senate patents committees Jan. 16. Her letter stated that in drawing up the bill all factions concerned had acted like one happy family and that since the approval from these quarters was practically unanimous lengthy hearings by congress would not be necessary. Under the proposed bill the 25-yr. limit on phonograph records would be eliminated and copyrighted owners would be free to license coin-operated machines for performing rights.

## The Washington End

Washington, Jan. 23. Copyright legislation probably will not get serious attention in Congress for more than a month, if that soon. Neither House nor Senate committees are disposed to take up the perennial problem quickly, and each outfit hopes that some compromise bill will reduce the amount of disapproval.

ment between parties concerned over the subject.

Comment on the so-called Shotwell bill has been sought from Shill, radio, labels and other groups by Chairman Charles Granter of the House Patents Committee, who so far has declined to introduce legislation despite the promises of its backers. With Senator Homer Y. Howe, Senate committee chairman, still kept at home in Washington with injuries received last summer, nothing is likely to happen at the Senate and of the Capitol. Bone is not expected back on the job for another month at least, and his committee is expected to mark time on the legislation offered by Senator Elbert Thomas of Utah, who is in charge of the International Copyright Commission.

Objections from various music have reached the Senate committee in the short time following Thomas' offering of the Shotwell bill. In addition to broadcasters, who have to hold the measure worse than the present law, manufacturers of coin-operated music machines, various radio plant interests, and the recording companies are squawking.

## Re-Enter Perry Bill

Albany, Jan. 23. Senator Charles D. Perry, Manhattan Democrat, has reintroduced the bill making it grand larceny to record in this state any broadcast emanating from a station without consent in writing of persons doing the broadcasting, or to sell or purchase any such unauthorized recording. This is a measure which Fred Walling and other performers strongly advocate.

Bill, in a little different form, easily passed the Senate last March, but encountered opposition in the Assembly and was killed.

The Hit Of The Week!

## AT THE BALALAIKA

from M-G-M's "Balalaika", starring Nelson Eddy & Bette Midler

---

The Two Top Tunes from Key Kyser's RKO-Radio Film "That's Right - You're Wrong"

The 1940 Monthly Hit!

## THE LITTLE RED FOX

(NYO NYO Ye 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 LINE, Inc. Pres. Rep. LEO MORREY, Pres. Rep.

150 Broadway • NEW YORK

TONY MARTIN'S SMASH HIT

# THIS IS THE NEW WORLD





















## OBITUARIES

## EDWIN CAREWE

Edwin Carewe, 56, film actor, director and producer, died in Los Angeles Monday (23).

Further details in film section.

## OTIS HARBAN

Otis Harban, 37, whose retirement last season terminated a career of more than 30 years on the stage and screen, died Jan. 20 after a long illness at the home of his daughter, Mrs. W. E. Kennedy, in Martinsville, Ind. Early in 1920 he suffered a stroke with recurring for a screen part as Al Johnson.

One of the better comedians short of the World War, he made his name as the comic young man in "The Hole in the Ground," presented at the 16th St. theatre in 1907. He later appeared with Weber and Fields, Elton Johns and Amos Field. He played with Mrs. Kennedy's daughter, Mrs. Mary Kennedy, in "The Millionaire" in 1907. According to his daughter, Mrs. Kennedy, he was the first performer to sing during the first performance of "The Millionaire" to an audience on the New York stage.

Other plays in which he had roles were "A Black Sheep," a considerable success in the movie domain; "A Night and Day," "A Trip to China,"

never achieved a prominent part as a single.

Surviving Whalen are his mother, Mrs. W. E. Kennedy, his daughter, Mrs. W. E. Kennedy, of San Jose, Cal.

## GIUSEPPE GUERRA

Giuseppe Guerra, 63, for 10 years musical secretary of the Metropolitan Opera Association and identical twin brother of the late Giuseppe Guerra, died Jan. 20 in New York after a long illness. He was born in America in 1876, and his first name was Giuseppe.

Born in Ancona, Italy, he was an accomplished violinist who had studied at the Bologna Conservatory of Music, where he was awarded a music master's degree in 1908. After coming to the U. S. he served as musical conductor with the late Oscar Hammerstein's Hamilton Opera Co., returning to Italy in 1918 to conduct opera in Naples, Bologna and Palermo. The following year he came to New York with the Chicago Opera Co. and upon completion of a Central and South American tour in 1920 he came back to New York.

Surviving are his widow, Ada, and a brother, Cesare.

## EDDIE BRANDSTADTER

Adolph (Eddie) Brandstadter, 54, once Hollywood's leading restaurant owner, died Jan. 20 in New York after a long illness. He was born in Norway in 1886 and came to America in 1910 to manage the Met for three consecutive seasons. Thereafter he held similar posts with the Chicago Opera Co. and upon completion of a Central and South American tour in 1920 he came back to New York.

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long, and widely known vaudeville, light club and dance band performer, was found dead in his room at the hotel last week, a victim of strangulation by food lodged in his larynx.

With his brothers, Robert and Harry, Murphy had conducted the Radio City orchestra for many years, but has long been Albany's leading night club.

## LEO GALLAGHER

Leo Gallagher, 60, who toured the vaudeville circuit 35 years ago as Joe Tennyson and the Moore Bros., died Jan. 16 in Pontiac, Mich., hospital of injuries sustained when he fell from a flight of stairs at his hotel.

A World War veteran, Gallagher was gained in the Argentine. He had been employed recently as a motor car designer in Pontiac and Detroit auto plants. He was unmarried.

## J. ALBERT YOUNG

J. Albert Young, identified with the vaudeville circuit for half a century, died Monday night (23) after a brief illness. At the time of his death he was 60 years old and was a resident of New York City. He had been employed as an actor and also acted as secretary of the famous old Alcazar theatre, which was owned by him and his wife, Mrs. Young.

Surviving are his widow, Ada, and a brother, Cesare.

## IRVINE MEEK

Irvine Meek, formerly of Hamilton, O., and of the team Marquita and Meek, died in Miami, Fla., Jan. 4 of a stomach ailment. A xiphophorus, he toured the country for several years in vaudeville and night club.

Survived by widow, daughter and son, Burial was in Miami.

## EDWARD E. FINCH

Edward E. Finch, 64, president of the Cambridge & Merritt Amusement Co., died in New York City, Jan. 14 in New York City.

For the past 13 years Finch headed the company operating the Hippo and Putnam theatres of Marietta, and the Colonial Strand, Cambridge, O.

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## WHAT THEY THINK

## Variety Dated Out

Editor, VARIETY (if you have one):

I'll never believe anything I read ever again in your rag. New John Golden will make me show him the bottom statement of the grand jury in your question that Gertie Lawrence in "Skyhawk," at the bottom of the grand jury.

On page 40, your Jan. 17 sheet, you say, "The left unionists are proud because they weren't asked to the luncheon for the Flamingo ball at the Algonquin." I know that's not true—and you've got to print this in your rag, because I'm a writer. I'm called Louis Schaffer of the International Ladies Garment Workers Union and get the facts, which you could have done if you call yourselves reporters.

Louis Schaffer started the whole ball rolling on Dec. 29 by arranging a meeting in the office of Matthew Wolf (he lives in New York City, not in the office of a union man) with the angle of lining up all the left unions for the Flamingo ball. I know that's not true—and you've got to print this in your rag, because I'm a writer. I'm called Louis Schaffer of the International Ladies Garment Workers Union and get the facts, which you could have done if you call yourselves reporters.

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## In Franks of Harold Goodwin

Editor, VARIETY:

Perhaps this "What They Think" note should be written to 30th Century-Fox rather than to you but as the writer of this note is greatly disappointed in reading your recent review of the new Joe E. Brown film, "What They Think," I feel it is my duty to write to you.

Good stock players, that flingers such as a writer, is in production week after week but do not know their names, no matter how many times we see them and admire their work in small roles. In particular I am thinking of an actor I have seen many times in Fox films but have yet to see him get a cast listing. He was the garnish rasher in "The Whirlwind" and in "The Town's leading citizen who was bearded by Lincoln in the lynching scene in "The Whirlwind" and appeared briefly in "Alexander's Ragtime Band" and many other films.

I am sure you will be able to find the future please! Perhaps you would publish his name in your column.

(Actor referred to is Harold Goodwin who has been as reliable as the sun in the past and is now editing back to 1919 and silent films.)

## Don Seale's Partner

Whitby, Kant.

Editor, VARIETY:

I am not sure if I may be and not see the Devil given to me there. Especially, when that Devil is my partner, Don Seale.

From the Harry T. Smith story of how Hugh Fulton regretted being accused of stealing Don Seale's Central card index, I got the impression that Don was not being given due credit for stealing good ideas.

Since my copy of Don's card stated plainly that the idea was stolen from Don Seale, I am sure that Don has a leg to stand on in this matter. I am sure that Don is not claiming priority as an idea thief.

Yours for Justice,

Ben Hollister, Vice-President and Gen'l Mgr. National KFBI.

## MARRIAGES

Ben Grier, to Elaine Cochrane, in New York, Jan. 21. He's house manager at Paramount, N. Y.

Charles E. Smith, to Mary W. W. Yuma, Ariz., Jan. 16. He's production manager for Harry Sherman.

Reinhold, in New York, Jan. 16. He's a studio and musical comedy singer.

Nita Raymond to Fred Edstrom, in Richmond, Va., Jan. 11. She's a studio manager for Harry Sherman.

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## 22 Years Famed Away

With the Memory of Our Beloved Father

## DAVID POWELL

Goodman

Ind. Jan. 20, 1935

A loving one from an old friend.

As you are loved to his grave.

As you are loved to his grave.

As you are loved to his grave.

As you are loved to his grave.

As you are loved to his grave.

As you are loved to his grave.

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# WHO'S GOT HOLLYWOOD SCARED NOW?

Do you know the full story of the ex-Chicagoan at the bottom (and on top) of Hollywood's labor unions? Whose union has raked in \$4,500,000 from movie-land's 12,000 film workers? Who has the film stars scared *they'll* be "adopted" next? Here—for the first time—is the complete story of that man who boasts, "them producers would like to see me dead in every room." Thousands of people in the picture business will be reading this timely article.

*Read*

**"ALL RIGHT, GENTLEMEN, DO WE GET THE MONEY?"**

by *Florabel Muir*

**IN THIS WEEK'S ISSUE OF**

**THE SATURDAY EVENING POST**





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VOL. 137. NO. 8

NEW YORK, WEDNESDAY, JANUARY 31, 1940

PRICE 25 CENTS

# FILM COLLOSALS AGAIN

## N. Y. Drama Critics' Box Score

AS OF JAN. 17, '40

Key to abbreviations: SE (shows reviewed), R (right), W (wrong), O (on opinion expressed), Pct. (percentage).

	SE.	R.	W.	O.	Pct.
MICHAEL WATTS, JR. (Herald Trib.)	24	23	3	..	941
ROBERT COLEMAN (Mirror)	24	23	3	..	950
BURTON LOCKWOOD (Sun)	27	23	4	..	908
JOHN MASON BROWN (Post)	20	20	4	..	800
ANDREAS ATKINSON (Times)	20	20	4	..	800
ROBERT B. WHITFIELD (World-Tele)	20	21	5	..	801
JOHN ANDERSON (Journal-Amer)	20	20	7	..	800
WALTER WINCHELL (Mirror)	15	15	3	..	800
BURTON MANTLE (Herald)	21	23	0	..	100
VARIETY (Combined)	27	24	3	..	910

## ABOUT-FACE ON '38 WAR JITTERS

**Big, Expensive Pictures for 1940-41 Assured in Advance Peek at New Film Schedules—Primed to Get It Back in Domestic Market**

### NO MATERIAL BUGABOO

By REED GOLDEN

With all companies rushing to complete 1940-41 picture schedules for announcement in the spring, preview images into the picture cards for filming, as printed below, reveals a preponderance of big, expensive pictures that are almost diametrically opposite to what was anticipated during the panic-stricken days of last September, October and November.

Instead of light, airy comedies which can be made on budgets of the same fluffy ilk, exhibitors may look forward, so matter with which companies they deal, to the most optimistic slates in several years. Included are many important stage plays, best-selling novels and large-scale originals, a goodly number of which are being budgeted at \$1,000,000 or more.

Mild turn of the conflict abroad and a change in the manner of thinking. (Continued on page 24)

## LaGuardia Airport Kayoes Mayor's Pet 'Cinema City' Site

Plans made to be envisaged by Mayor LaGuardia and others for "Cinema City" near the New York World's Fair grounds will never materialize unless somebody is crazy, studio executives declared this week. North Beach airport (LaGuardia Field), which the Mayor fought so hard to build, eliminates virtually all of Queens as a studio site. It was said. Drama of the meters of the transport planes, forming almost a constant procession in and out of the field, which will be the busiest in the (Continued on page 2)

### Luise Rainer's Am Debut

Luise Rainer is rehearsing here for her American stage debut in title role of Shaw's "St. Joan" with Washington City Theatre, a D. C. amateur group, week of Feb. 28. Film stars who played extensively on European stages, including, "St. Joan" in German, agreed to do the play for a few days as benefit for Red Cross War Relief.

Civic theatre has taken Bolzano for "St. Joan."

## It's OK to Aid the Finns, But What About the Actors' Own Benefit Show?

### Hitler's Theme Song

NBC had its usual house orchestra standing by for the broadcast yesterday afternoon (Tuesday) of Hitler's speech commemorating his seventh anniversary as Germany's Fuehrer. About three minutes before Hitler's voice started coming through the network's main combination playing "Ten Gory Swears as the Years Go By."

The National Variety Artists is a pretty odd case, so far as clubs and organizations go. Once nightly in the show business, it's now based on one floor in a crummy building just up the block from the former crasse NYA clubhouse on West 42nd street. In some respects parallel case can be drawn between the NYA and Finland, but there's one missing link.

That's in the way of benefits. The NYA has its annual show scheduled for Sunday (4) at the Alvin, New York, but that has very few headliners. Some of the names approached have either made vague promises, or else given the club a complete blank on West 42nd street. A little distracting to the NYA, especially as it views the great number of Finnish soldiers and the great number of actors practically clawing one another to donate their services for the relief of the war-torn Finns.

Helping the Finns is plenty cheap, the NYA has had a lot of money too much to expect that actors should help actors, but there's some 80-odd lack and indignant of their profession to be fed. The NYA has been buying most tickets for these performers. (Continued on page 24)

## Negro Wins Abe Lincoln 'Double' Contest at His Race Fickets Theatre

Washington, Jan. 26.

Some of the diabolic rebels in this territory had got a social shock from this, but it has just come out that the winner of the RKO Keith's theatre-Washington Negro contest to find a 'double' for Abraham Lincoln is a Negro. The Negro hushed up the matter and so did Keith's, currently showing "Abe Lincoln in Illinois," but nevertheless Thomas Benary, who is light-skinned, collected the \$25 prize, and also attended, with his wife, the swank premiere (23), which was picked by Negroes because they won't admit to "white" houses in Washington. The choice locations were part of the prize.

There was some discussion between Keith's and New's execs when he discovered that "Lincoln's" choice was colored, but it was decided to give him the coin and tickets to avoid unfavorable publicity, or to avoid unfavorable publicity, or to avoid unfavorable publicity. (Continued on page 24)

## 'VENUS' BIG B.O. IN N.Y. MUSEUM; \$16,000 GATE

Sturdy competition for Broadway theatres broke out in a new place over the past weekend, with the opening at the Museum of Modern Art, in the Rockefeller Center district, of the exhibit of Italian Masterpieces, loaned by the Italian Government. Paintings and sculptures of the 15th and 16th centuries, have been shown previously at the San Francisco Museum of Art and the Chicago Art Institute. Modern Art Museum is charging fee admission with prospect of \$16,000 late the first week.

Exhibit occupies entire second floor of the new building. Of 23 masterpieces most popular with visitors is Botticelli's "Birth of Venus." Other examples are by Michelangelo, Caravaggio, Guercino, Titian and Verrocchio.

Parade, and Universal and Pathé narrators are covering the exhibit.

## U. S. Reveals How It Smoked Out Additional Film Income Tax Coin

Washington, Jan. 20.

Through scrutiny of income tax returns by film personalities brought home amount of unpaid perhaps it's the Federal Treasury a few years ago. House Appropriations Committee has revealed that movie makers had to be paid with recent efforts to collect more money from executives of movie houses, although it undoubtedly led to greater care and better payments on the part of Hollywood residents.

In outlining the accomplishments of his staff, Elmer Eby, chief of Internal Revenue's Special Intelligence Unit, told the House group that "a great many movie stars—I think about a hundred—had been holding out. Elmer Eby's tax department rounded up five accountants who were prosecuted and convicted for their part in helping dodge responsibility to the Federal treasury.

There were 31 movie people whom we believed had a real intent to evade the payment of income taxes and they were either convicted or pleaded guilty," he added. The Government's additional collections topped \$2,000,000, he said.

### LaCava's \$150,000 Per

For cost in the film "The Great Dictator" of one picture went to Gregory LaCava. He had paid his recently completed "Primrose Path."

## Watts, Coleman 1-2 Among N.Y. Drama Critics In the Half-Season Box Score

Richard Watts, Jr., who covers the drama for the N. Y. Herald Tribune and sometimes doubles as sporting writer for Jack Kirklund, is the No. 1 boy in Varsity's annual box score of the legit critics as the Broadway season reaches the half-way mark. Watts is battling Jai, one of the highest percentage pick achieved by a reviewer at the mid-season point.

The N.Y. critic viewed 24 shows, rating 23 right and whiffing on the remainder. This gave him quite an advantage over Robert Coleman, of the Mirror, who is in second place with 20, although the 16th's picher was also wrong on only two shows out of a total of 22 reviewed. Walter Winchell, technically the Mirror's first string critic, catches only those that meet his fancy. His percentage (Continued on page 24)

## Expect Flagstad, Melchior to Leave Met Opera Next Yr.

The symphony at the Metropolitan Opera house, ended in seeming accord, most likely will develop repertuaries next year. Two of the season's greatest stars, Kirsten Flagstad and Lauritz Melchior, probably won't return to the U.S. at the beginning of last season the Met engaged Erik Leisner, around whom the tipping started, on recommendation of Arturo Toscanini. The 57-year-old conductor, working casually with the late Arner Bodanzky, was untitled praise from the city. (Continued on page 24)

### Walker's Radio Bid

WALKER, N.Y., is talking to former Mayor James J. Walker about taking over the m.v. station on the afternoon hour which the station would like to use. Station has a client if he will accept the assignment. Deal may be closed today (Wed.).

### Bernie Under Ether

Ben Bernia, appendectomized last week, came out of the operating room to find a wire waiting for him from George Jessel.

"I understand," Jessel quipped, "you looked better under ether than Winchell does normally."

### Theatre Ticket Agcy.

For 'Service' at N.Y.

Fair, Big Spec Set

Deal has been virtually closed whereby McBride's ticket agency will have a branch office at the N. Y. World's Fair this season. Under the Fair management will provide the quarters, the branch to be staffed by McBride's. Letter figures that a new service will be provided for visitors and also be promotional for the Broadway agency, as well as its hotel branches.

Other brokers have evinced no interest in the chance of operating at the expo because of the supposed limited budget of the average visitor. McBride's, however, has a different theory of being represented at the Fair. Agency reasons that by giving (Continued on page 24)

## FLU SMITES H'WOOD, UPSETS FILM SKEDS

Hollywood, Jan. 20. Flu germ, aided by a surplus of California mist, made a general attack on the studios and wreaked costly damage on picture budgets. Every company reported cases of flu among actors and crews, causing widespread delay in production schedules.

Hospitals were crowded with influenza patients. Los Angeles health officials sent out flu warnings, something rare in this climate.

Jan. 27 (New York to Genoa)  
John A. Ojerholm (Manhattan).







## New RKO Ties Off Clear of Debt; Gross Up \$8,000,000 From 1933

Radio-Kath-Orpheum Corp. officially cleared from TTB at 1:30 p.m. today (30) when the Irving Trust Co., trustee in bankruptcy for the company for the last seven years, formally announced its decision to return ownership to the new company bearing the same name. New company has adopted plan of reorganization. Actual transfer was accomplished under order of Federal Judge William Bondy, who had supervised the reorg.

Transfer ceremonies were held in a Trust board room on the 6th floor of the 11 Wall Street building. George J. Schoenfeld, president of RKO, was unable to attend, having in Hollywood on production work with Red Dwyer.

O. C. Dorringer, Jr., representing William J. Donovan, attorney for the trustee, stated that various interests in follow were deemed to be made simultaneously as of the opening of business Jan. 1, 1939. A. C. Thompson, of Irving Trust, delivered a bill of sale, securities and cash balances covering the transfer. The cash received from the sale of RKO totaling \$80,000,000. Similar exchange being made with the trustee and RKO finished the transactions.

New RKO company starts out with no assets excepting individuals, the corporate asset comprising only prepared and common stock. Working capital is more than \$5,000,000. It has back sales amounting to about twice the current liabilities. Started with substantial working capital.

During the recent years' administration by the trustee, the fixed debt of RKO and subsidiaries has been reduced by more than \$11,000,000. The balance of further reduction by the plan of reorganization, it was announced. Without including the cash received from proceeds of the recent sale of new common shares, the consolidated cash position was more than doubled during the period. Gross income has grown from \$44,000,000 in 1933 to about \$100,000,000 last year, the trustee said.

Included among the various officials concerned with the transfer were Merrill, William Mahall, William H. Clark, O. R. McMahon, J. H. Walker and G. L. Youngman of RKO.

The transfer back to RKO was actually seven years in the making from the time the company filed its petition in bankruptcy petition in Federal court. Actually, the company is now through with court procedures, with the one exception of the fixed debt.

Within the next month approximately 30 lawyers are expected to be requested which will cost about \$2,000,000. It is expected that Judge Bondy will cut this amount considerably. The money for payment of the fees will come from the purchases of the new common stock. The company is paying about half. Atlanta itself, is expected to seek from \$750,000-\$1,000,000 in its services.

## Mildred Harris Chaplin's Specialty in Burlesquer

Milwaukee, Jan. 30.

Mildred Harris Chaplin, former wife of Al Jolson, the richest comedian of the decade, was the draw with "Hollywood Rodeo" at the Empress theatre here for the weekend, and despite one weather, she drew the house one of its best weeks. She is the winner, she has received \$150,000 as her bit for the three-day draw, heavy dough for the three days, open-house for the three days, and a special prize of \$100,000 for the winner. She did not act in the burlesque, but did a specialty consisting of two songs and a specialty. She was fully prepared, which was a novelty for patrons of "Charley" theatre.

She has an unique policy of burlesque Friday, Saturday and Sunday, and dark the rest of the week, except on the sex or dope picture is available.

## Not Hot Enough?

Hollywood, Jan. 30.  
George Raft was withdrawn from the top role in "Tortured Souls". Warners execs decided the part was not right for him. Pat O'Brien is most likely choice.  
Director is William Keighly.

## Miranda's Tripling Causes Her Collapse On 20th Set in N. Y.

Carmen Miranda, appearing in a Broadway play, a story and making a film simultaneously, collapsed on a set last Wednesday (24) at the Fox-Trustee studios in Manhattan. Brazilian writer was working in scenes for "South American Way", 19th film, for which a crew had been brought east, inasmuch as her other commitments prevented going to the Coast.  
Day on which the singer collapsed had appeared on the set at 7:30 a.m. after working a good part of the night at the Versailles club. Her schedule called for her to appear before the house at 10:30 p.m. then do a matinee and evening performance in "Streets of Paris", return to the studio and be back at the studios early the next morning.

Collapse finished the film work for the day. The cast and crew were taken from doing her usual stint in the Broadway musical and at the Versailles. Chapter of Screen Actors Guild were employed in the film.

About 30 extras from the New York chapter of Screen Actors Guild were employed in the film.

## \$100,000 PRICE TAG ON 'THE MALE ANIMAL'

Hollywood, Jan. 30.

Big major studios are understood to be bidding for the Elliott Nugent-James Thurber stage play, "The Male Animal", with the co-authors demanding \$100,000 for the film rights. Nugent, currently playing in the United States, has three children, expecting to remain six months in the east.

## Martha Raye Set For Jules Levey's 1st Film

Hollywood, Jan. 30.

Martha Raye was linked last week by Jules Levey for a role in "The Love" Rodgers and Hart musical of last season which will be film as his first independent production until Saturday night. Rita Ryan, signed for the picture some weeks ago, and Dick Powell is being linked by Levey.

Mary Kay was being dickered with the Shuberts to appear in "On the Line" Rodgers and Hart musical of last season which will be film as his first independent production until Saturday night. Rita Ryan, signed for the picture some weeks ago, and Dick Powell is being linked by Levey.

## Studios Warned To Keep Their Film Dry

Hollywood, Jan. 30.

Outdoor shooting along dry for a while in these parts as result of a warning from the weather bureau appears to have trip will be gambles until after Feb. 4.

Except for Republic, which requires outdoor shots to wind up "Dark Command" and "Drums of Fu Manchu", the majors have little open-air work. Most of the outdoor stuff is being done by the independents.

## DRESS GROUPS MIX 15% TILT

Reclassification May Mean \$1,000,000 to \$1,500,000 Rise, or \$5,500,000 Yearly —Other Hollywood Labor Moves

## 'B' PLAYERS' VICTORY

Hollywood, Jan. 30.

Major film companies will be asked to allocate an additional \$1,000,000 to \$1,500,000 for atmosphere players if present negotiations on reclassification of my brackets fails to lift annual earnings of the extras.

Drum extras and other groups have turned thumbs down on 1935 wage increase submitted by Screen Actors Guild. Players believe that a tilt in daily checks would result in lower extra earnings would be even less than at present. Players and SAG top executives are in a deadlock. First of the new series has been assigned to Katherine Brunh.

Series began a single picture, "A Family Affair", released in April, 1937, with Lionel Barrymore and Mickey Rooney. Screeners are due for tipped budgets during the 1940-41 season, with some writers developing new series. First of the new series has been assigned to Katherine Brunh.

An increase of \$1,000,000 would bring the \$12.00 minimum daily wage to around \$3,500,000 yearly. This demand, however, will be held in abeyance pending completion of negotiations on reclassification of my brackets, with idea of virtually eliminating the \$1.50 check and minimum wage to \$1.00.

Out of total salary payments of \$1,124,074.04 in 1935, \$1,124,074.04 was paid for placements in the \$11 bracket. This was divided between 23,140 placements in the \$11 bracket. There was a decided decrease in the number of \$11 calls. These figures, however, do not include calls made directly from major studios and by independent producers. It is estimated that the total for extras was around \$4,000,000.

The Screen Actors Guild in co-operation with the producers is now (Continued on Page 34)

## SHADES OF CAPONE

Chicago Sticks of Antones Harris Back to Boaring '39.

Chicago, Jan. 30.

This town of stickups and hold-ups during the prohibition era appears about to reclaim its former glory. The hold-up king, Alvin Karpis, was arrested last night. He was arrested by the Chicago Police Department. He was arrested by the Chicago Police Department. He was arrested by the Chicago Police Department.

Min Bennett, who was appearing here until Saturday night in "Easy Virtue", and Miss Louisa, who closed Thursday night (25) at Balaban & Katz's theatre, were directed to the Ambassador hotel from a charity ball at Union Depot when a car carrying such market. They drew the \$100,000 on an interview. They were the mob cooked Miss Bennett's chauffeur with a gun butt, which pursued him to drive on a half ball, while the others frisked Miss Bennett and Miss Louisa, meaning to keep Richard Arden Bennett's leading man and escort to the ball covered. They didn't touch the \$100,000. They were the mob cooked Miss Bennett's chauffeur with a gun butt, which pursued him to drive on a half ball, while the others frisked Miss Bennett and Miss Louisa, meaning to keep Richard Arden Bennett's leading man and escort to the ball covered. They didn't touch the \$100,000.

Breakdown of the jewels taken showed that Miss Bennett's jewelry was worth \$100,000. She was the mob cooked Miss Bennett's chauffeur with a gun butt, which pursued him to drive on a half ball, while the others frisked Miss Bennett and Miss Louisa, meaning to keep Richard Arden Bennett's leading man and escort to the ball covered. They didn't touch the \$100,000.

(Continued on page 34)

## May Examine Harry Cohn on Coast In U. S. Suit. Setting a Precedent For Other Top Studio Executives

### His Dish

Hollywood, Jan. 30.  
Boris Karloff has a title to his killing in his next picture at Monogram. Another in "Chamber of Horrors".  
Dorothy Reid is doing the script, based on Hugh Wiley's magazine stories.

## Katherine Brush Ties Off Name Authors For Further 'Hardy' Films

Hollywood, Jan. 30.

Maria's most consistent money maker, the Hardy family picture, is due for tipped budgets during the 1940-41 season, with some writers developing new series. First of the new series has been assigned to Katherine Brunh.

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## PHONEY KENTUCKY COL. DUPES JACKIE COOGAN

New Orleans, Jan. 30.

They took Jackie Coogan and two of his companions for \$1,500 at the Fair Grounds restaurant here Wednesday (30).

The horns didn't, but a nurse (Lillian) did. She told the "colonel" take Coogan and his manager, J. Cron, and Miss Marion Hughes to the hotel. She told the "colonel" he was heading for Alabam.

Coogan dropped \$500, Cron \$300 and Miss Hughes \$100.

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### Federal Judge William Bondy in N. Y. yesterday (Tuesday) reserved decision on application of Louis D. Frohlich, representing Columbia Pictures, to vacate a portion of examination before trial served on Harry Cohn and Jack Cohn, and Abe Montague, president, vice-president, and general sales manager of Columbia, respectively. The examinations are scheduled to start in Federal court Monday (31), in connection with the Government's anti-trust action.

Frohlich's argument was based on two grounds. He objected first to the examination of Harry Cohn in N. Y., pointing out that the production nucleus is in Hollywood, and to force the producer to come east would be equally costly to Columbia. He declared that if Cohn is to be examined, the Government should not attempt to do so in N. Y., pointing out that the production nucleus is in Hollywood, and to force the producer to come east would be equally costly to Columbia.

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## D.C. Dizzy From What May Be F.D.R.'s Final Presidential Birthday Ball

Washington, Jan. 30. What may be the last President's Birthday Celebration, in its present form, drew record dice to the capital for a new high in traditional dirty talk hours. Official functions at which 10 stars appeared, began at 11 a.m. today (30), and were to run continuously until after 2:15 a.m. In early as Friday (30), and immediately left into pattern of semi-official receptions and appearances almost as heavy as today's climax.

Today began with broadcast from editor of D.C. Communications Melvin C. Hazen, and was followed in order by luncheon at White House, reception by D.C. Commissioners, banquet, successive visits at seven hotel for luncheon appearances at two mid-night vaudeville shows, attendance at F. D. R.'s White House breakfast, and a \$25 per head party breakfast starting at 2:15 a.m. Side trips were conducted in between for each star. Mickey Rooney, for instance, taking a jaunt over to Baltimore, 40 miles away, between the banquet at the White House.

Stars attending included James Cagney, Pat O'Brien, Ann Munn, Robert Montgomery, Tyrone Power, Brenda Joyce, Dorothy Lamour, Bill Boyd, Grace Bradley, Gene Autry, Mickey Rooney, E. J. Connelley, May Howard, Olivia de Havilland, Maria Jean, Walter O'Keefe, Red Buttons (current at the Erie), Edw. Everett Horton (playing at the National) and Kay Kyser's complete orchestra, which played at dancing at grand individual ball at the Mayflower hotel.

Practically every theatre from its own stock rank of what was made in service and at balls, doors to make. Mrs. Roosevelt again made the room of all other party guests, attempting to ride between with a different star. Tickets to ball, good for one seat, sold at \$10 per head, got \$12; gold plate breakfast asked \$25.

## Macy, in Brim Cram Setup, Bankrupt; Debts, \$652,459, Assets, 110G

Milwaukee, Jan. 30. Retort of financial operations of Warner Gardner Macy, the Oklahoma man who headed the National Amusement Co. and was one of the backers of the ill-fated K. O. Bricker circus, was dismissed in federal district court with the filing of a bankruptcy schedule showing liabilities amounting to \$652,459. Besides his amusement business, Macy was head of a big construction company and also was the municipality's water works system until he sold it to the city.

Settling revenue until now, Macy kept his head above water until the final finally closed in on him and his assets total \$110,000, the bulk being \$20,000 worth of real estate and \$70,000 in life insurance.

## Not No Sandwiches

Minneapolis, Jan. 30. Stockholm, indie lower loop dome great house, is putting out two-bite. For a nickel, patron sees double-bite and the most of the work and a check at cash. Shows run approximately three hours.

## READY FOR KELSO

Hollywood, Jan. 30. Leo Garmes' "And the Winner Takes the Prize" of three productions for RKO Pictures, is slated for release April 1. Picture is currently in the editing stage, while Garmes is studying stories for his next production.

## Unintentional Tipoff

Rochester, Jan. 30. Scheme theorists here along with others in the chain started speculating unconvincingly that would equal radio's "Pot O' Gold" prize missed by anyone while sitting a Schine theatre.

Found it was tipoff to most patrons who had never heard of the air gimmick, which goes over a Buffalo but no Rochester station, as theatres dropped the free ad.

## Exhibs Lining Up Campaigns to Kaye 'Tums' 'Pot O' Gold'

Plymouth, O., Jan. 30. Ed Ramsey, operator of the Plymouth, deciding competition from "Pot O' Gold" was getting serious, started his own campaign to combat it. Any patron in the Plymouth who would have the Tums \$1,000 award if he'd stayed home, will receive an equal amount in cash from Ramsey.

Plymouth has a population of approximately 1,000 persons, the theatre seats 250.

## Boat to FCC On

Detroit, Jan. 30. Exhibitors all over the country are being enlisted by the Co-Operative Theatre of Michigan to bolster its complaint lodged formally with the Federal Communications Commission last week. The complaint charges the "Pot O' Gold" program, their current Tuesday headliner. The theatre men are urged to protest by letter both to the FCC and their congressmen against all prize money programs.

In its formal complaint the Michigan board charges the cash giveaway programs were violations of Section 316, the anti-gambling section of the Communications Act.

"Any program which does so much harm as this one does to our country is not of public convenience or necessity and should be taken off the air," Thomas McGuire, Co-op official, said in lodging his protest.

## FARGO, N. D., INDIE'S "TRICKERY" CHARGE

Minneapolis, Jan. 30. Named defendant in anti-trust suit, the Minnesota Amus. Co. (Paramount) is being charged by the state with trickery. The charge is made by Hector Smith, owner of the Orpheum, Fargo, N. D., of obtaining a license to show the picture "The Great Train Robbery" by effect of putting her out of business. Four days before her lease was to expire, Mrs. Smith charged the Minnesota Amus. leased two-foot strips of property on either side of the Orpheum, thus blocking exits required by city ordinance and necessitating keeping the theatre closed. It has been dark since 1926.

L. J. Lofgren, Minnesota official, states that lease of the two-foot strips was offered to Mrs. Smith, but she declined to consider the proposition. The Minnesota company operates several theatres in Fargo.

## Warner Biggies Roll

Hollywood, Jan. 30. Two of Warner's heavy budgeters, "The Sea Hawk" and "All This and Heaven Too," went into production yesterday (Mm.) under supervision of Hal Roach.

Michael Curtiz directs "The Sea Hawk" and Anatole Litvak pilots "Heaven."

## TRUE DUBIOUS ON SPECIAL P.A.S.

## Paramount-Fidels Deal on 'Crylups' a Lone Tester— Birdwell Assigned Columbia's Ruglio Film, But Not So Elaborately

## BEEN DONE BEFORE

Handling of publicity and exploitation on films by outside agencies, under experiment by Paramount in not practical result will create confusion, according to consensus of opinion among showmen both in and out of Par.

While national advertising went to agencies several years ago, and securities apparently taking a new route, it is pointed up that publicity-exploitation is something that should be handled by the exhibitor with company coöperation, at home offices as well as studios.

Observers also add that when pictures begin to overplay, they are three to be handled at one time to the extent that their value declines, it would be much less practical to try to have outsiders take care of the work. This would be particularly true when much more definitely handling other accounts, it is believed.

The contract made with Paramount by the Tums Falside agency of New York to take over the entire publicity and exploitation campaign on one picture, "Dr. X," has thrown the back-exploitation gentry into a highly disturbed state for fear that this may mark the beginning of a very revolutionary move. News of the Par-Falside deal created a big stir in the home offices and studios, with many publicity men believing such a step to be "dangerous." The same time, however, backs expressed the opinion it couldn't work.

## Only Solution

The only solution to any publicity problem, for as pictures are concerned, lies in remedies from within, which, it is added, may in many cases mean pictures which lend themselves to publicity and exploitation that will rebound at the h. The average exhibitor, it is believed, is that when a picture succeeds it is never admitted to be because the publicity and tongue work that when a flop occurs, they are at fault.

Picture informs VARIETY that the agency is not negotiating with any other companies to handle publicity-exploitation as it is doing for Par on a selective basis. He adds, however, that under the arrangement with Par, he was free to do a Falside. He says the Coast line is working up plans to handle publicity on "Crylups" from there, said that he did the same thing, however, in Hollywood for quite awhile.

Planned by the Falside agency, "Crylups" publicity is already beginning to break, though film is not for release until April. Picture is regarded as a toughie to publicize, but the story of the Parvovirus jungle and containing no cast names. Talent includes Alfred Deller, Charles Logan, Thomas Cottle, Janice Hutton and Isadora.

## Birdwell's Cal. Pic

Russell Birdwell agency was named by Columbia and director Walter Ruzien yesterday (Mm.) to handle special publicity and exploitation on "Too Many Husbands" and "The Sea Hawk" and "All This and Heaven Too" and starring Jean Arthur, Melvyn Douglas and Fred MacMurray will be released early in the spring.

Delius Falside's Paramount show on "Dr. Crylups." Columbia deal in

## Chi Exhibs Ask Change in Releasing System, in Effect for About 20 Years

## Ropin' a Crooner

Hollywood, Jan. 30. There remain 107 crooner-hornback who would like to become Republic's new western star. By gradual elimination only seven remain in the running and from these this week one will be picked for a contract and buildup.

George Sherman, who produces and directs the new age-bureau series, has been testing the picture "Birdy" for the past month.

## WB's Surprisingly Good 1st Quarter Profit, \$642,129 Net

Warner Bros. came through with an amazingly good earnings statement for the first quarter of its fiscal year ending Nov. 29, last, especially in view of the substantial loss sustained in the second quarter. Profit of \$642,129, after all expenses and taxes, as compared with net of \$103,804 for the corresponding period in the previous year.

Warner Bros. actually showed net of \$2,343,537 before charges for amortization and depreciation of new picture and federal income taxes. Gross income after deducting inter-company transactions, amounted to \$2,741,188 as against \$2,648,188 in 13-week period ending Nov. 29, 1935.

Net earnings amounted to 16c per share after allowance for current preferred dividend requirements. Statement showed that the company was in a position to pay a 13c dividend for the period ending Nov. 29, 1935.

Surplus of the company totaled \$2,325,950 as of Nov. 29, 1935. Net profit from the 13-week operation totaled the earned surplus amount by \$17,732.

The unrealized foreign exchange premium, of \$1,000,000 as of Nov. 29, is carried in the company's balance sheet as a deferred credit and consequently a liability in the corporation. Also explained that because of the existence of restrictions against the export of currency in certain foreign territories (mainly Great Britain), current assets of subsidiaries operating in those territories are shown separately. Principal fixed assets in foreign countries are valued at the approximate U. S. dollar costs less depreciation and amortization.

## SARANAC HOSPITAL JUNKET DEFERRED

Plans of the Will Rogers Memorial Hospital to take a junket of trade paper editors and film execs on a tour during January up to the Saranac Lake, N. Y., hospital, are maintained, has been postponed due to so many absences from the city. Other junket on the Coast line.

Trip will probably take place in February or March, according to Dr. F. W. Rogers, who heads the campaign which will begin in April for funds to maintain the hospital.

Current deal is not in an entirely new field for Birdwell, either, as it is for the radio-specializing Falside agency. Birdwell, former studio publicity man, has been in the international and did special work on "Nurse Edith Cavell" for RKO and on "Drum" for Alexander Korda.

Chicago, Jan. 30. Some exhibitors here are demanding that the entire film releasing system of Chicago be reorganized, and be given a more fluent stop instead of the present hard-and-fast scheduling. For 20 years now, the releasing schedule in Chicago has been set up as that the first week of general release, which are the first 10 weeks after the loop showing. This, the exhibitors state, causes an unfair arrangement of available pictures, making a stock of good pictures available on one week while another week will bring nothing that is suitable for exploitation or real business. As set up now, the week for general release starts as of a Sunday, without any other consideration to nature, time of year, conditions, etc.

Exhibitors want the releasing system revised so that the 10 weeks of general release will start on a Friday, particularly in view of the fact that most of the houses in the loop begin their showings on a Friday.

Allied has held several meetings on this subject, with a view to getting a get-together of distributors and exhibitors. Allied is not in a position to take the initiative in the entire plan, but by controlling 50% of the major picture in the loop, it has exercised the greatest control and influence on releases throughout the city and for the entire run of the picture through all the subsequent houses.

## Similar Situation in N.Y.

Increasing seriousness of the problem created as a result of the 10-week neighborhood houses playing the picture on the break day is causing loss of business to exhibitors. A meeting is being called for a conference to attempt to solve the problem.

On a recent Sunday, 17 Minneapolis independent neighborhood houses played the picture on the break day. It was estimated that the picture was shown on break days at all 250 houses and most wanted to grab it up immediately.

As a result, it's declared, business was adversely affected all-around the city. The exhibitors' representatives were below expectation. Moreover, according to the exhibitors, the picture was not as well received as they didn't have a greater choice of attractions.

## Myron Selznick Sees Warners for Holding Back Flynn's Commish

Los Angeles, Jan. 30. Myron Selznick countered in his legal battle with Errol Flynn, filing suit against Warners, Inc., as against Warners. That sum represents commissions on the actor's salary and the studio's share of the picture's gross.

Trouble between Selznick and Flynn began with the actor's petition in the State Labor Commission demanding abrogation of the agency contract on the grounds that the agency was representing him improperly.

Flynn, in his petition, declared that he had withdrawn from his agency, amended his studio contract, raising his salary from \$4,500 to \$10,000, and the State Labor Commission had ruled in his favor, awarding him \$7,500 weekly, ending Aug. 8, 1945.

Selznick's answer to the Labor Commission denied all charges of neglect. His suit in superior court is based on the grounds that he has with Flynn, which calls for the studio to deduct 10% of the actor's salary and turn it over to the agency during the life of the contract.

## MG SPOTS 'REAUT'

Hollywood, Jan. 30. Virginia Bruce plays the top role in "One Way Beautiful" at Metro, which is being distributed by Metro with Frederick Stephani producing. Miller is based on Alice Duer Miller's mag story.





# 'Wind,' \$49,000, Loud Roar in Frisco; '69th,' \$15,000, 'Mice,' 11G, Both Good

San Francisco, Jan. 30.—It has been many a long day since a Market street theatre saw a \$49,000 week, but there's one now. "Gone With the Wind," at the Palace, is putting this figure, plus rave reviews in the papers.

As for other films, "Lightning Bolt" with Colleen Phillips, is running well at Fox, is holding on to a fairly strong \$15,000. "Mice" and "The United States vs. Hiram Green" are doing well at the Palace, \$11,000 week, also very good. "Charlie McCarthy, Detective" was given a grand and off opening day at Golden Gate, with several of the picture stars up from Hollywood for personal appearances.

**Estimates for This Week**  
Fox (F-W-C) (1,500; 30-40)—"Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.  
Golden Gate (RKO) (1,250; 30-35)—"Charlie McCarthy, Detective" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Palace (RKO) (1,400; 30-40)—"Gone With the Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.  
Golden Gate (RKO) (1,250; 30-35)—"Charlie McCarthy, Detective" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

United Artists (Cohen) (1,200; 30-35)—"The Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

## 'WIND' SOAKS TO 28G IN WEAK SEATTLE

Seattle, Jan. 30.—It's clear sailing for "Gone With the Wind," which is making an ord and one of the fifth for indicated maximum business here. The picture and night practically capacity.

Maritime union on Friday night (30) opened members and to telephone picture, citing labor and King angles, but the effect has been to draw through these unions capacity 150,000.

**Estimates for This Week**  
Harris (Hamrick-Evergreen) (1,500; 30-40)—"Gone With the Wind" (WB) and "Henry Jones Arizans" (M-G). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Golden Gate (RKO) (1,250; 30-35)—"Charlie McCarthy, Detective" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Palace (RKO) (1,400; 30-40)—"Gone With the Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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United Artists (Cohen) (1,200; 30-35)—"The Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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## Earliest Lent

One of the earliest dates it has ever started at, and the beginning of Lent this year. It won't come that early again.

Troop of Lent, Ash Wednesday, makes Valentine's day fall into the Lenten period, on Feb. 14. Another coincidence is that St. Patrick's day this year falls on Palm Sunday, but being March 17, Easter Sunday is March 24.

## '69TH' OVER TOP IN HUB WITH \$38,000

"Fighting 69th" is the whammo of the moment here. It has been extended to two weeks and today's showing is the best since the weekend and aiming at the biggest take in many months. Can easily hold over at the Met.

Walter Catlin (RKO) (1,200; 30-35)—"Fighting 69th" (WB). Last week, \$38,000. This week, \$38,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

United Artists (Cohen) (1,200; 30-35)—"The Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Golden Gate (RKO) (1,250; 30-35)—"Charlie McCarthy, Detective" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Palace (RKO) (1,400; 30-40)—"Gone With the Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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## 'CHILD BORN BRIGHT' \$6,000 IN PROVIDENCE

Providence, Jan. 30.—Paced by Love's State with "Gone With the Wind," other local picture action, though a breakdown of grosses of these above average. "Child Born Bright" is best since construction.

Estimates for This Week  
Albany (RKO) (1,200; 30-35)—"Child Born Bright" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Golden Gate (RKO) (1,250; 30-35)—"Charlie McCarthy, Detective" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

Palace (RKO) (1,400; 30-40)—"Gone With the Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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United Artists (Cohen) (1,200; 30-35)—"The Wind" (WB). Last week, \$49,000. This week, \$49,000. "Lightning Bolt" (WB) and "Colleen Phillips" (WB). Both doing well, \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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## Impending 'Wind,' Zero Temp. Slough Mpls.; 'Destry' Town's Best at \$6,500

## Not Chilled Out

Minneapolis, Jan. 30.—During the current snow-zero week, when the mercury dropped to zero in some places and the territory, grosses hit new unbelievable lows in many instances. "Gone With the Wind" and "The United States vs. Hiram Green" are the only two admissions—an adult and child—for a total of \$6,500.

Shubert refused to call off show for the night, despite the lack of customers, "contending that the man who had come with his son from a considerable distance was entitled to see it."

## RAT AND NAME ACTS, GOOD ZIG IN PITT

Pittsburgh, Jan. 30.—It is taking its cue from "Gone With the Wind" and "The United States vs. Hiram Green" and is sharing with Belmont special features. "The United States vs. Hiram Green" is a two-reel feature, "The United States vs. Hiram Green" is a two-reel feature, "The United States vs. Hiram Green" is a two-reel feature.

Estimates for This Week  
Albany (RKO) (1,200; 30-35)—"Child Born Bright" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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Minneapolis, Jan. 30.—With public attention, interest apparently centered largely on the "Gone With the Wind" which it opens Friday (31) at the Orpheum—certain attractions are suffering a serious loss in audience, and some temperatures are very high.

"Destry Rides Again" sizes up as the best second week at the Orpheum. While not selling the benefits, "Destry" by any means, the District court, however, is to give the Orpheum a very fair seven day. Considering the adverse conditions, it's about all that can be expected.

There are mixed opinions regarding the "Gone With the Wind" at the Orpheum, of the State and it's making a record after a three week at the State. Judge Harley and "The United States vs. Hiram Green" for an attraction of the Orpheum. "Intermarriage" winds up a successful week at the Orpheum, and "The United States vs. Hiram Green" again are conspicuously absent.

Estimates for This Week  
Albany (RKO) (1,200; 30-35)—"Child Born Bright" (WB) and "The United States vs. Hiram Green" (WB). Looking for average \$11,000. Last week "Spot Around" (M-G) and "City of China" (20th), \$11,000.

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**YA-HOO! HERE TH**  
**IN THE**  
**MONEY-MAKING**  
**OF ALL SHOW**

**MAE WEST**

**IN UNIVERSAL'S ROOTIN', HOLDOVA**

**"MY LITTLE CHA**

**STARTING FEBRUARY 9th NATIONAL R**



# Y COME!

# GGEST PICTURE TIME!



W.C.

# FIELDS

**OOTIN,' SAGA-DAGA OF THE WEST!**

# KADEE"

Joseph CALLEIA • Dick FORAN • Donald MEEK

Fuzzy KNIGHT • Margaret HAMILTON

Original Screenplay by MAE WEST and W. C. FIELDS

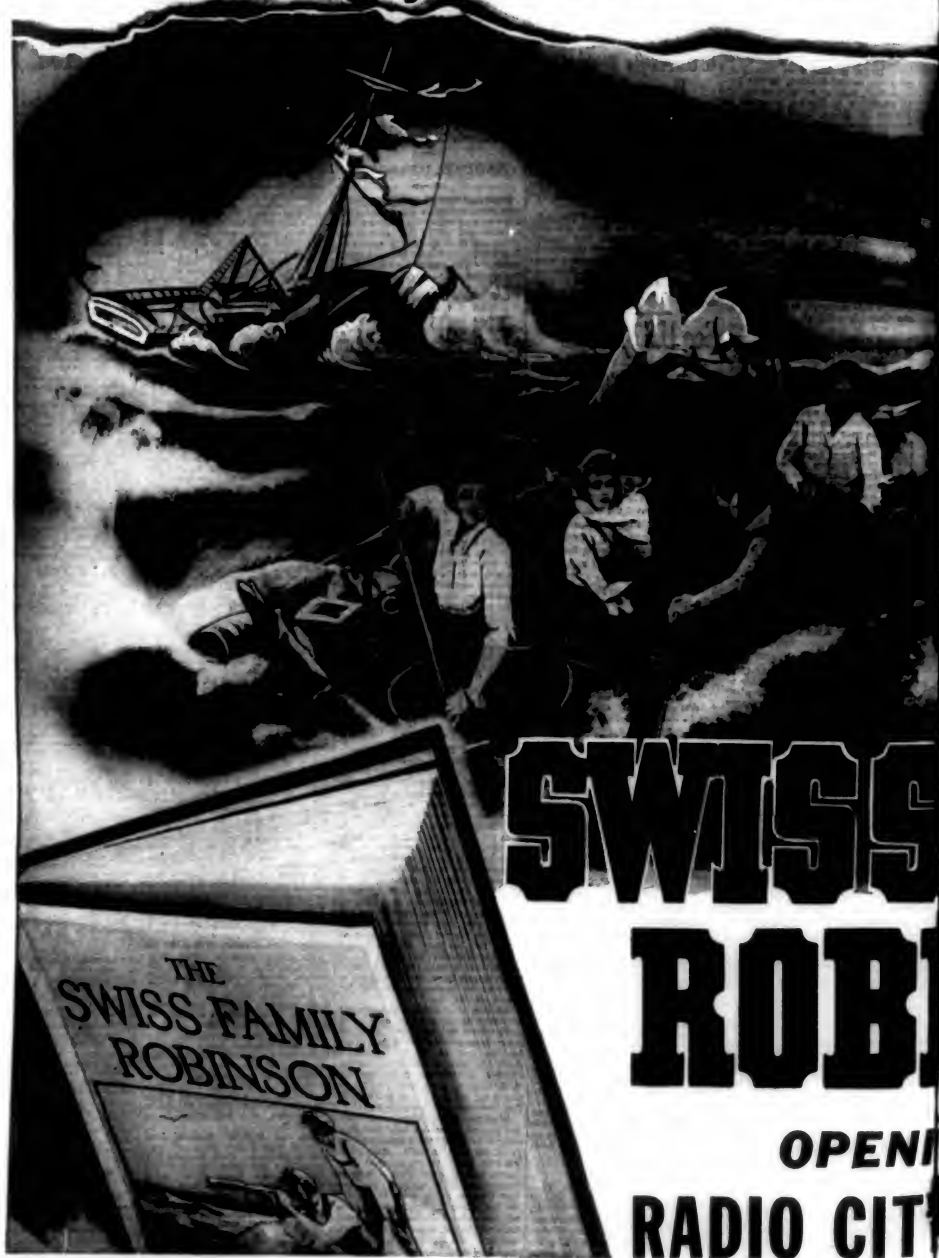
Directed by EDWARD CLINE • Produced by LESTER COWAN

# ASE-FOR A TRAIL OF GOLDEN DATES!





**The best-selling adventure book  
most daringly different adventure**



**SWISS  
ROBINSON**

**OPENING AT  
RADIO CITY**

**ever written becomes one of the pictures ever made!...**

*The most refreshing new note in screen entertainment since "Gunga Din"... Big as the book that has fired the imagination of millions for generations!... Mightily filmed with all the lure of shipwrecked folks against the unknown terrors of an uncharted tropic isle!... Jam-packed*

*with things never seen on the screen before...wondrous sights and scenes; strange new situations; animals, birds, exotic foods, flowers; things exciting, stirring, irresistibly real in unreality beyond the humdrum life of a punch-the-timeclock world!*



**FAMILY**

**INSON**

**FEB. 8<sup>TH</sup>**

**MUSIC HALL**

**GENE TOWNE**  
presents



**with THOMAS MITCHELL  
EDNA BEST · FREDDIE  
BARTHOLOMEW · TERRY  
KILBURN · TIM HOLT  
BABY BOBBY QUILLAN**

Directed by EDWARD LUDWIG · Produced by GENE TOWNE and GRAHAM BAKER

Screen play by Walter Parkes,  
Gene Towne and Graham Baker









**THIS IS A GRAND** occasion for us. We feel warm, happy and grateful and we want to thank you . . . Exhibitor Leaders, Exhibitors, Producers, Trade Paper Publishers and Editors . . . the whole industry . . . for the hundreds of congratulatory messages you sent on the creation of our new child . . . **ADVERTISING ACCESSORIES, INC.**

• In this new addition to the **NATIONAL SCREEN** family we assume a tremendous obligation to our customers, to the distributors whose product we handle and to the industry. Our aim is satisfied customers . . . good, showmanship theatre advertising that will help you sell your show . . . and increased service . . . **NATIONAL SCREEN** Service! . . . and fair dealing to all.

• We have nothing to sell but advertising. Trailers on the screen through **NATIONAL SCREEN SERVICE**. Lobby displays through **NATIONAL SCREEN ACCESSORIES, INC.**, and now the complete line of distributor accessories for all companies serviced through the new baby . . . **ADVERTISING ACCESSORIES, INC.** Our aim has been and always will be to give you the best theatre advertising it is possible to produce at the fairest prices.

• Accessories for all companies serviced through the new **ADVERTISING ACCESSORIES, INC.**, will be available to you on a rental basis with current rental prices prevailing.

#### **THERE WILL BE NO INCREASE IN PRICES!**

• That means immediate savings to those exhibitors who now buy their accessories outright. And, peering into the future, we feel certain that as our organization develops and our business increases we will be able to make substantial reductions in the price of accessories, as we did with trailers. Our record speaks for itself.

• We have been in business twenty-one years and as our business has grown we have shared the benefits with our customers in reduced prices and superior service. We will continue to share, for we have learned during the years that fair dealing pays dividends.

• We are optimistic about our future and the future of motion pictures. The whole **NATIONAL SCREEN SERVICE ORGANIZATION** has been built around men with the ability to accept and foresee new trends . . . to inject new creative inspiration into theatre advertising.

• We will continue to build that way, with the new baby too, **ADVERTISING ACCESSORIES, INC.**, devising new ways and means of bringing more people into your theatres through these great mediums of theatre advertising . . . **TRAILERS . . . LOBBY DISPLAYS . . . ACCESSORIES.**

• We repeat—**ADVERTISING ACCESSORIES, INC.**, entails many heavy obligations. A tremendous financial obligation to our **COMPANY** . . . a serious obligation to **DISTRIBUTORS** whose productions we handle . . . an important obligation to **EXHIBITORS** whom we service. We will try to meet them in the same manner that we have always met our obligations.

• For it has been a rule of our business life to let performance be our best advertisement. We will continue to live by that rule.

**NATIONAL *Screen* SERVICE • NATIONAL *Screen* ACCESSORIES  
ADVERTISING ACCESSORIES, INC.**



# THE GRAPES OF WRATH SECOND WEEK BIGGER THAN FIRST!

"Just about as good as any picture has a right to be; if it was any better, we just wouldn't believe our eyes."  
—Frank Nugent, N. Y. Times

"Better than the book." —Walter Winchell

"Every inch a masterpiece."  
—Howard Barnes, N. Y. Herald Tribune

"Merits a badge of honor for the U. S. movie industry."  
—Life Magazine

"Darryl Zanuck's greatest production achievement. Has outstanding factors for boxoffice success."  
—Hollywood Reporter

"Dynamic entertainment pointed towards top grosses. Takes its place with industry's milestones."  
—Film Daily

"A great film, one of the greatest ever produced."  
—William Boehnel, N. Y. World-Telegram

*the greatest reviews  
ever written!*

20

FOX

THE KEYSTONE OF YOUR FUTURE











# YOU'LL HEAR THIS EVERYWHERE!

"Everybody's talking  
about how  
they've made the  
surprise hit of  
the year  
'I TAKE THIS WOMAN!'"

"Honestly, you've got  
to hand it to that  
M-G-M outfit!"

**WATCH!**





ONE

LAUGHTON

EIGH

in

"SIDEWALKS  
OF  
LONDON"

OF A SWELL PICTURE!

"Charles Laughton will easily clinch his hold on American theatre-goers through his shining performance. Vivian Leigh's artistry easily matches that of Laughton as well as measuring up to standard she set for herself as Scarlett O'Hara!" —Daily Variety

"Vivian Leigh shows other facets of her amazing personality and skill. Charles Laughton gives his best performance to date!" —Ralph Jordan, International News Service

"A hit picture . . . literally spiced with 'good audience stuff.' Splendid performances by Charles Laughton and Vivian Leigh. Audiences should take to this picture as ducks do to water!" —Hollywood Reporter

"Now we can understand why Vivian Leigh made the 'Scarlett O'Hara' role what it was, after watching her beautiful performance in 'Sidewalks of London.'" —Hedda Hopper, famous movie columnist

"Charles Laughton and Vivian Leigh are in top form!" —Jay Emanuel Publications

"The best performance of Charles Laughton's career, backed up by the fire of 'Scarlett' in Vivian Leigh's great characterization!" —Al Kahn, United Press

"Miss Leigh evidences that peculiar magnetism which has made her Scarlett such a distinctive conquest!" —Edna Schallert, Los Angeles Times

CHARLES LAUGHTON • Vivian Leigh SIDEWALKS OF LONDON

by REX HARRISON • Screen Play by C. S. FOREMAN • Directed by T. M. WHITCOMB • Produced by ERICH POMMER

A Paramount Picture • Max Fleischer Production • A Paramount Release





## C.A.B.

NEVER BEFORE  
SUCH RATINGS

Smashing Year for Program Popularity Climbs Due to War, Cold Weather and Diversity—Nearly All Programs Share in Audience Size Expansion

## BUT FEAR FUTURE

By ED GRUNWALD

Nothing in the history of radio programming even remotely approaches the gain in listening to network evening programs which has taken place since the current season got under way last September. So phenomenal has been this gain that reported on compliance by the Cooperative Analysis of Broadcasting that the reports of the 1939-40 season were "the wonder year taking place will, according to expert opinion, rank even greater than the spectacular performance of 1938-39." And in 1939, when these two comments, almost single-handedly, pulled the long-suffering audience into its first big-time proportions.

Using C.A.B. figures as base, some of the most terrific gains may be obtained from the following:

Between Oct. 1938, and Jan. 1939, 19 network evening programs increased their rating on average of 34.6%.

But between October, 1938, and January, 1940, 10 network evening programs increased their rating on average of 38.6%. In other words, the average gain for the current season had two and a half times as much horsepower as the momentum gained by the same interest in the prior season. This beats anything on record to date.

Carrying these comparisons over into individual programs brings up some gains which are almost unbelievable. In the list below (again based on C.A.B. figures), the percent gain in rating of certain high-gained series is compared as between Jan. 1939, and Jan. 1940:

Program	% of Gain
Bob Hope	85
Wax Pops	87
Time or Place	73
Battle of Sexes	78
Avanti Time	78
Informative Phase	76
Fibber McGee	64
Ed Purdon	64
Central Business	64
Ask-Hi-Bushy	57
Ray Kayser	57
Time and Place	57
One Man's Family	47
Lewellyn Thomas	46
Red Hickey	39
Knoll House Hall	39
Kid Smith	29

It should be noted that six of the series making big gains are purely audience-participation shows. Mention, the "Put of Gold," which may be compared to the "Put of Gold" is a newcomer, shows a rating in the latest C.A.B. report of 37.8. That means that since last January, its door prize stans has gained 161 points, or percentage-wise increased its rating 304.5%.

As will be noted on an accompanying chart, the half-hour evening shows have the best gains, after a certain manner of things, which may be at times be misleading. In all cases, the programs took place in all classes of programs with marked acceleration. The name thing might apply to the day-time series, although figures are not at the moment available. A tentative comparison, however, "The Warlock," for instance, which has a rating of 10.8—a figure which indicates that interest for the first time in the evening series.

Causes underlying this unexpected boost in listening are not hard to determine. In fact, the reasons are so obvious that the phenomenon will be before it took place completely.

## Bookkeeping the Popularities

The following figures show in particular the huge aggregate increases in C. A. B. rating of this season's network evening shows, as compared with the 1938-39 season:

Increase in rating of the five leading 60-minute shows between Oct. 1938 and Jan. 1939	+3.3
Increase in rating of the five leading 30-minute shows between Oct. 1938 and Jan. 1940	+8.0
Increase in the rating of all 60-minute shows between Oct. 1938 and Jan. 1939	+3.3
Increase in the rating of all 30-minute shows between Oct. 1938 and Jan. 1940	+5.3
Increase in rating of the 15 leading 30-minute shows between Oct. 1938 and Jan. 1939	+1.8
Increase in rating of all 30-minute shows between Oct. 1938 and Jan. 1940	+4.4
Increase in the rating of all 30-minute shows between Oct. 1938 and Jan. 1939	+1.3
Increase in the rating of all 30-minute shows between Oct. 1938 and Jan. 1940	+4.0
Increase in rating of all 15-minute shows between Oct. 1938 and Jan. 1939	+1.3
Increase in rating of all 15-minute shows between Oct. 1938 and Jan. 1940	+1.7
Increase in rating of all evening shows between Oct. 1938 and Jan. 1939	+12.4%
Increase in rating of all evening shows between Oct. 1938 and Jan. 1940	+34.6%

The statistically-minded reader will ask: "What percentage of set-owners, they are not marked with percentage signs here in order to keep them segregated from other percentages, such as the one marked with an asterisk above the figure of 34.6% is the percentage increase between 11.3 and 12.4 in ratings. The percentage of 34.6% is the percentage increase between 10.4 and 12.4 in ratings.

ly, or had a statistical backdrop. These reasons are as follows:

First, the statistical backdrop gave the new network evening shows a huge unearned increment which was not marked with an asterisk, the embroilment between the Funes and the Buntsons has kept the show marked with an asterisk, with such other incidents as the end of the Japanese trade treaty, etc., combining their share. And in the future there will be the expected spring war maneuvers across the pond, plus the presidential election on the safe side of the water. As an example of what this war business means to network programs, it may be stated that Lowell Thomas highest figure in the eight years he has guided for Sun Oil.

Second, network evening programs this fall show a better diversification than in the past. It was at first thought that the absence of a big hit had led to 1938-40. Variety, quiz shows, and drama currently are cleverly exploiting the war business, and the ratings. On top of which there has been a trend toward informality. As an example, the case of Edward G. Robinson, a sponsor showing itself into the bigtime spender, who has taken the case of Robinson, a sponsor showing itself into the bigtime spender, who has taken the case of Robinson, a sponsor showing itself into the bigtime spender.

The exceptional gains in rating noted in C. A. B. this January coincide exactly with the wave of cold weather which has sent the audience participation shows, a high-bility series, and one somewhat diverted from the weather, and-and-dried formula.

For that very reason, the chilled inhabitants turned on their radio sets to keep warm.

Far Note Book  
Singly, or in combination, all these factors are tending to make the 1939-40 season a record one for radio. But already the sponsors—top in cynicism—are turning their

backs. Might a network rate rise right? If so, there will be a riot. It will mean that the network groups in the past year have viewed rate increases with more and more misgivings, and have talked positively over that most potent: will the networks get themselves into the hands of the magazine and radio they carried circulation and rates like the realm of ad money? It is also well known that the magazine rate—far want of any other competitive rates—have been falling sharply since that radio is slowly too good to be true, and that pretty soon the law of diminishing returns will set in with an awful wallop. (The magazine rates could be known.) The rates of discounts are being pinned in the midst of a bumper harvest.

By way of incidental information it can be noted that Jack Benny once more has the highest C. A. B. rating, and now is ahead of the bundle to the tune of 41.4. The Chase & Bernstein-Charles McCarthy once, late leader of the show, has dropped to No. 3 since switching to a half-hour. Currently rates are even.

30,000 RADIO  
DEADHEADS

Some 30,000 people watched NBC air Friday (28) 12,000 people the Civic Auditorium to watch 110 KFO-KGO artists present a two and-half-hour program in connection with the Diamond Jubilee of the San Francisco Chronicle.

Sunday the two Jack Benny Shows (last and next cast) originated in the Oakland Auditorium, 8,000 paid 75¢ at the afternoon performance and the same number \$1 at the night show. The proceeds go to Infantine Paralysis.

About 50,000 requests for tickets were received for the Chronicle benefit, resulting in a record for the past it on Feb. 28, first available date for the Frisco auditorium.

Becky F. Ernst, 37, of Seattle, formerly employed as a radio operator was awarded there on charge of writing some 20 checks totaling \$150 without funds in the bank.

Should Tums Decide to Take a Hint  
(And a Wink NBC Won't Be Unhappy)

NBC higher-ups are now pretty much decided that "The Put of Gold" should be continued on the network, and the only thing now remaining for them is to devise a way of easing out the program without causing any financial or publicity injury to the account. Tums, NBC wisely mind if the account took the hint and started lining up a group of stations on some other network.

Caution of opinion among the powers-that-be at NBC is that Tums should be advised that the contract for its present Tuesday program will be considered as expiring at the end of the current 13-week cycle unless another and more acceptable program is substituted. NBC officials state that even though the complaints against the show have been plain and negligible they still consider it as something that just isn't sound radio, but may lead to serious repercussions for the radio business.

Mainstream from all over the United States comes reports of local variations of Tums ideas, such as bingos and a general outbreak of merchandise enthusiasm for radio shows. The idea is to react to the high mark. Oddities are multiplying at the same time, as the Bridgeport, Conn. station of the partying game making bob on the state the Tums could be used in.

"What's New Our Candy?"

Another \$300 per broadcast giveaway quiz show starts on Mutual, Feb. 14, sponsored by the Curtis Candy Co. The show is a quiz show. Three main prizes of \$100 each will be granted in the form of U. S. Gov't bonds, remaining \$300 cash to 20 studio contestants. It will air Wednesdays 8-230 p.m. using Ted

Payoff will be similar to bingos in theatres with a board and dice determining the winning number. The dealer it was bought from. When the \$100 due on the board is turned over, the dealer, who submitted the query each draw a \$100 prize.

WGB, New York; WGN, Chicago; CKLW, Detroit-Windsor; WAAB, Boston; and WERC, Cincinnati, will carry. Hushkin-Miller quoted.

Philly's Cash Game

Philadelphia, Jan. 28. Radio game show, with a new high level with more than \$1,000 in cash and merchandise being held to listeners weekly by the local stations. The giveaway trend has hit its highest peak on WIP (radio) and approximately 100,000 cash in cash. One program, "Song," sponsored by the Drug Manufacturers Association, \$1,500. He is a form of lots with song titles instead of numbers. Other WIP giveaways are "Cash Game," which hands out \$75 and "Treasure Chest," which donates \$300.

In addition WIP gives cash prizes to participants in two Quiz programs, "Quiz Quiz Quiz," sponsored by the Philly Record, and "Information Desk."

WIP, for the past three months have given away five radio draws to listeners picked at random from the telephone book.

Excess of at least two other out-of-town stations have "give-aways" programs, but that this type of game is banned from theatres.

Encouraged Kids to Sing

Buffalo, Jan. 30. Crackdown on use of milk bottle top prizes premiums was stepped away from WGB channels. Lang Crenney dropped theatre ticket prizes from the Buffalo station.

Health Board stepped in with ban

when bottle caps milk boxes to reward bottle caps.

"Buy on Credit" Adopts Idea

Adapting Tums' "Put of Gold" idea on a smaller scale, Ray's is using the telephone to distribute \$5 dollar bills to those whose telephone numbers are called during the program. Average of six are squeezed in. Program has its drawbacks, such as telephone patrons have chance of winning and the amount of prize is severely large enough to keep anyone home just in case they

## Gives Away Real Gold

Chicago, Jan. 30.

Radio, the greatest source of variations in respect to the much-talked-about "Put of Gold" program. Last night's "Put of Gold" program, Ray's "crazy" program, for station's Perkins, will give away a new automobile.

Genuine gold are samples.

should be called. On the other hand it is a free phone just for the reversing the phone in case the program is home.

Value of Henry Louis, station announcer, is only one third, and live-inners must use imagination in

advice on convention at other end of the wire is concerned. Lighter moments are afforded by Lewis's and Tums' "Put of Gold" program, which is a telephone call. One patron was caught while shaving. If no one answers the phone line is cut and a check for one dollar, and the \$50 dollar prize is added to the regular fee for the next program.

Transcribed music is used between calls.

Jays of Owling a Phone

St. Louis, Jan. 30. Jimmy Conners, football coach, sponsored 6-7-30-wk by Ford dealers of St. Louis on a "Universal Mutual Sports Broadcast" over KMOX.

calls numbers picked at random from the phone book and asks what time they want to receive.

Tums will either be played by Ruth Hulse Nelson, organist, or practiced by Betty Reed or Bob Price, or both.

RESEA's Variations

San Antonio, Jan. 30.

KTRA is offering "Wednesday" similar to bingos, with a new list of stations and program sponsors used instead of letters of the alphabet.

There is an announcement of a prepared chart, which would be distributed to listeners before each program.

CBS LECTURES

FOR STAFFERS

Columbus has set out to acquaint its employees in New York with all phases of network operation. It's starting with the engineering phase.

There will be 12 talks by members of the engineering staff, and in layman's terms, will be a course of lectures at this series.

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# REBUKE PRIVILEGE OF APPEALS COURT IS DEFINED; BIG VICTORY FOR COMMISH

**D. C. Court of Appeals Must Confine Itself to Issues of Law—Can't 'Re-Make' Procedure of FCC—Frankfurter Files Opinion**

Washington, Jan. 30. The Federal Communications Commission has won a stunning victory against its arch-enemy, the District of Columbia Court of Appeals, in a decision by Justice Felix Frankfurter the U. S. Supreme Court has ruled that Congress, and only Congress, may amend any unfortunate characteristics of radio regulation or the Act governing same. No court may dictate proper procedure for FCC to follow.

Frankfurter declared that "questions of procedure in ascertaining the public interest..." were explicitly and by implication left to Congress.

groom) to the Commission's own devising, so long, of course, as it observes the basic requirements designed for the protection of private as well as public interest."

Significance of this reasoning is clear and far-reaching. The Federal judiciary still has the power to reverse FCC decisions that are "arbitrary and capricious" or which violate established legal principles, such as the "due process" clause of the Constitution, but it cannot tell the Commission how it must operate its administrative machinery.

The Frankfurter opinion is of equal importance for another rea-

son—the emphasis placed on "public interest." Strenuous what Congress said, the Supreme Court's spokesman declared the 1934 law "is not designed primarily as a new code for the adjustment of conflicting private rights through adjudication. Rather it expresses a desire on the part of Congress to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission."

In rebutting both plaintiffs, Potville and Paul Heintzner, the Court flashed the green light for the Commission to apply its philosophy of relative fitness to hold a license, regardless of who is on the scene first. Since tickets cannot be issued for more than three years, every licensee and candidate must be measured against others, no matter how large an investment is at stake, Frankfurter

**Gillette Using CFCF**  
Montreal, Jan. 30.

Joe Ward & Co. planning spot campaign for Gillette over Canadian Marcel station CFCF for four weeks, twice daily four days a week, sometime in March.

Gillette planning trip with release of "Pioneers" have which was scheduled for February and is understood to have been postponed until following month.

pointed out. This agreeing completely with theories advanced by FCC General Counsel William J. Donnelly.

Quasi-judicial outfit like the FCC are "the outgrowth of conditions far different from those which led to foundation of our judicial system, the Supreme Court spokesmen asserted, and consequently should be free to fashion their own rules of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties." If the Commission feels it is necessary in protecting the public interest to hold new hearings or arguments, at which earliest applicants are

placed in competition with late start, the courts have no power to prohibit such operations.

The court has no authority to "create rights of priority," Frankfurter said.

"Congress must confer such a priority. It has not done so. The Court of Appeals cannot write the principles of priority into the statute as an indirect result of its power to scrutinize legal errors in the first of an alternative series of remedial actions," he declared. "Such an incursion from the curtailed review allowed by Congress is tantamount to at war with the basic policy underlying the statute. It would mean that the Commission's decisions, on the basis of judicial review and of litigation rather than the public interest as ascertained by the Commission, are determining which of several pending applications will be granted."

While the court's reasoning is not without merit, the Supreme Court and the Commission's spokesmen could not be satisfied that the Commission should be enjoined from holding new hearings on Potville case merely because the complaint might lead to an interference with the license of Joseph Guerin. This complaint was registered in January by Eliot Lovett, attorney for Potville Broadcasting. Remarking that it is simple to imagine "even even oppressive possibilities on the part of Government regulators," Frankfurter commented that "courts are not charged with general guardianship against all potential mischief in the complicated tasks of government."

As a result of this week's long-awaited rulings, the FCC is free to decide between Potville Broadcasting, Schuytill Broadcasting Co. and Potville News & Radio Corp. in awarding occupancy of the much-sought privilege of serving the listening community. As result, the odds favor the latter applicant, understood to have the blessing of Senator Joseph Guerin and to be favored by the New Dealers.

In the Heintzner case, the Commission will proceed with a new hearing, forcing Heintzner to start from scratch in competition with two late starters seeking to do business in Cheyenne, Wyo.

**Farnsworth Seeks OK For Fort Wayne Television**

Fort Wayne, Ind., Jan. 30. Farnsworth Television & Radio Corp., Fort Wayne, has applied to the F.C.C. for permission to operate a 1,000-watt television station on a frequency of between 68,000 and 72,000 kilocycles, and the application has been referred to a special television committee. Edwin M. Martin, company counsel and vice-president, was in Washington to testify before the commission. Firm has obtained an option for the top two stories of a bank building, as well as tower facilities for the rigging of antennas.

**Quaker Oats Show Folds**

Chicago, Jan. 30. Quaker Oats here through Rutland & Ryan agency, cancelled its Milton Berle "Stop Me If You've Heard This One" show. Program will go off at close of present contract period, as of Feb. 24.

Show was quite satisfactory to client on rating but failed because of product situation of cold cereal. Quaker's pulled goods have found it tough to compete with another company's cellophane wrapped package, which sells for but a nickel.

**GORDON BROWN'S BANQUET**

Rochester, N. Y., Jan. 30. Gordon P. Brown, owner and general manager of station WSAV, will throw a dinner in Hotel Rochester, Thursday, Feb. 1, to celebrate station's affiliation with Mutual.

Fred Weber, Mutual gm, slated as principal speaker. Business and civic leaders will congratulate station of State.

Don Martin Upged at WFIL

Philadelphia, Jan. 30. Don Martin, traffic supervisor at WFIL, has been upped to production manager starting tomorrow (Wed.). He started as a gabber at the outlet four years ago.

## ... That Radio May Better Serve ONE THIRD OF A NATION ... The Rural Radio Audience

It was further this purpose that WLW last year inaugurated the WLW Practical Scholarship in Radio Training—to interest agriculturally educated youth in Radio, to train them in Radio Farm Service.

Each year the competitive examinations for these highly-prized scholarships are open to Agriculture Seniors in Land Grant Colleges throughout the country. A competent board of judges awards the scholarships each year.

The two WLW Scholarship winners then come to the Nation's Station for an intensive 6 months period of practical training and experience in one of Radio's oldest and best-staffed Agriculture Departments. So outstanding was the work of Merton Emmert and Charles Griesham, the students selected in 1939, both were retained on WLW's Agriculture Staff upon the termination of their training period, January 1, 1940.

... these things, too, we think are part of the story of WLW



Emmert, the Emmert, finds his training at WLW has fitted him for all branches of farm radio work.

Now on the WLW staff, Emmert helps produce and announce them.



For Merton Emmert, born in Mississippi, four studios years at Kansas State College of Agriculture was the spring board to a farm radio career.

### WLW'S 1939 SCHOLARSHIP WINNERS

Boy, Indiana, farm-born Charles Griesham of Alabama worked his way through Alabama Polytechnic Institute, had fm, Inc.



Emmert and Griesham, selected from applicants in all parts of the country, came to WLW. Here George Biggers program director, introduces the WLW Scholarship winners to James D. Brown, head of the Nation's Stations.



**WLW** THE NATION'S  
most "Merchandise-Able"  
**STATION**

REPRESENTATIVE: TRANSMERICAN BROADCASTING & TELEVISION CORP., NEW YORK - CHICAGO

**WBAL**  
means business  
in Baltimore

# THE GREAT ORSON WELLES PANIC



"Where's the love interest?" radio technicians howled before the Martian hocus-pocus went on the air. (You'll be entertained at Orson Welles' theory about this broadcast.)

How was Welles himself the chief victim of the panic?

Here are the final fireworks in the life of the man whose beard is driving Hollywood crazy—the actor who gets \$150,000 a picture plus a per cent of the gross (and no interference from the Board of Directors!)—the lad who pointed to Hollywood's maze of cameras and lights and said, "It's the greatest railroad train a boy ever had!"

Read—

## "HOW TO RAISE A CHILD"

by ALVA JOHNSTON and FRED SMITH

NOW ON SALE

See... **THE SATURDAY  
EVENING POST** Out  
today



## Lawyers Testify as 'Stage Money' Case Ends, The Mystery Still Intact

Washington, Jan. 30.

Former legal associates and friends of Frank M. Stearns laid out the case of the late Stearns, who was killed in a local Maryland crash two years ago. FCC concluded its own probe into circumstances surrounding launching of WRAL, Salisbury, Md., and the concealed ownership of the Eastern Shore transmitter by Glenn D. Gillett, consulting radio engineer. License revocation hearing went Thursday (18) with Gum, partner of the ex-legislator, still firmly denying much testimony to the effect that he was the moving spirit in the mystery.

Considerable substantiation of the story told by Stearns, extensible owner of the outlet, and Gillett, who still holds a \$25,000 mortgage on the 250-watt daytime plant, was obtained from individuals who at various times had desk space in the Dill-Gum offices and who talked with the two individuals, accused of having put up the money and not revealing their interest to the commission. But the inquiry folded without uncontroverted proof that the station was supplied by Dill, who at one time had aspirations to own a plant in the national capital and is reported to have harbored for a group of law-

power outlets. Observers heard Commissioner Thad R. Brown adjourn the session still wondering if the case is quicker than the eye.

### Others Testify

Outstanding testimony in the most intriguing day of the three weeks of the hearing was the story of Thomas E. Rhodes, a former Justice Department division chief and lawyer, who was dragged into the confused situation in 1937 when Stearns was seeking to unload his hot potato. The most direct evidence that Dill was far more concerned than he admits was given, however, by James E. Waddell, another radio attorney, who used to be one of the senator's brief writers. In the summer of 1937 Cyril P. Dickson, another attorney, who also had professional connections with Dill, asked him to listen to the Stearns tale of woe and see what could be done about aiding the theoretical proprietor of the Eastern Shore station, Rhodes related. After talking with Stearns, the former D. C. man told the FCC he sounded out Dill and Dill about paying \$10,000 or \$15,000 for his time and effort. The story that Rhodes told was as follows:

Stearns said Gum suggested applying for a construction permit, promising to look after all details and to arrange for financing. Money was put in the bank by Gum and Gillett,

## KFRO's Odd Position

San Antonio, Jan. 30. KFRO, Longview Trans is in a dilemma. The recent ratification of the Havana treaty ends a problem. The station is now operating on 1970 kilocycles. Station has just received a permit to go to 1490 kilocycles with one kilowatt. But the Havana treaty provides that all stations on 1490 stations move to 1570.

Which leaves the station right back where it started from.

But after a corporation was chartered to operate the station, Stearns learned \$10,000 had been withdrawn from the account. Gum demanded Stearns assign his stock and transfer the license to the corporation. The proposition, in Stearns' mind, was to take the station away from him. In attempting to bring about a satisfactory adjustment, Rhodes went to Dill, who acted as though he knew nothing about the matter and passed the buck to Gum. Gum did not reject the facts given by Stearns but said an agreement, number of which he did not reveal, had been entered by Stearns and consequently Dill and Gum intended to pull out. Gum seemed to have a weak conscience as to the origin of the mysterious \$10,000, although there was some reference to the Havana treaty. Rhodes then mentioned Gum as "crazy and cautious" throughout the full conference.

On returning from the conference was supplied by William L. Foss, consulting radio engineer who, during 1937, was assistant of a week in the Dill office. In 1938 or 1937, both the ex-senator and his young aide asked him to look up frequencies open for several stations in the northwest and then Dill requested similar information regarding Salisbury, without hinting who the principal might be. Foss said he suggested seeking a CP to build a plant on the Eastern Shore using 1200 kv, subsequently discussing this assignment with Gum. There were several conversations about the venture, although Foss did not appear as expert in connection with the application.

A Dill-sonoma On returning from a lengthy trip in September, 1937, Foss first heard of Stearns and the hot potato angle of the venture. Stearns requested advice about getting out of his dilemma, admitting he had given the FCC false testimony regarding the source of the funds and his financial qualifications. Foss said he advised Stearns to turn in the CP and drop the whole enterprise. While Stearns never said who put up the cash, he did state plainly the money was not his, the engineer testified, and complained that Gum and Dill were trying to match the station away from him. Stearns admitted he filed the application at the instigation of Gum and Dill, Foss recalled.

After hearing the lamentations, Foss was asked by Dill what Stearns had wanted, the Commission learned. When Foss explained he suggested Stearns surrender the ticket, Dill said the advice was sound and that he was going to advise Gum to get out of the enterprise, too, Foss added.

Confirmation of Rhodes' story and further details were supplied by Dickson, the third surprise lawyer witness, who said that once he was in Dill's office and had been associated with Stearns in a flooring business. This former colleague of the ex-senator's testified he thought that once Gum used his name—with his consent—as incorporator of a small radio company. Whether this company was the one formed to take over WRAL, and then scuttled after Stearns balked at the proposition was not made clear.

Dickson told the Comm. he knew Dill was looking for a station in the District of Columbia-Maryland-Virginia sector and in the fall of 1936 was told by Gum that "they" had found a spot on the Eastern Shore which he termed "attractive." Subsequently Stearns told him he was going ahead with WRAL via Gum's application, Dickson declared, and that the venture was being financed by Gum and Dill. Although Dickson was not acquainted with the details, he said it would be easy to get up the money and the lawyer "presumed" Dill and Gum were providing the cash. This witness also told the Commission that once Dill said he was going to give Stearns "an opportunity," although he never said he was putting up the cash for the station.

### Dickson Backs Up Story

The story which Stearns previously told was backed up in one important respect by Dickson. The law-

## Radio Daffodils

Portland, Me.—Local listeners who set their alarm clocks by any time signal that happens to come out of the loudspeaker at the time now fast is about 10 minutes past the hour have been throwing them off, but rather the clock broadcast by WOPR, a Newfoundland station. Later solid radio society here under WGAH, local part-timer, vacates the 640 channel, and it happens that Newfoundland time differs 30 minutes from local time.

London—Sandy MacPherson, BBC organizer, can now rank as a prime character in a publicity handout to be trusted. MacPherson quotes a letter from a fan in India, who says he was listening to a program when he turned and discovered a snake lying beside him. Rattle was so captured by the organ it only killed his eyes.

Chicago—New audience participation radio show, tagged "Swap Shop," goes on WJZD here maintaining starting Feb. 4. Show develops barter and exchange.

A dentist wants to exchange free dental work for some house painting.

Bethesda—WJH is getting letters addressed "In Dental Building, Detroit." So Bud Mitchell, chief announcer, has called his staff together and suggested a little more care in saying "In the Fisher Building."

Buffalo—Earl Schlemm, 15, of Johannesburg walked 10 miles to hideout from snow-choked roads to catch bus for WBBN's studio, to take part in youth program.

yer attempted that Gum had said 'everything would be endured in blank and turned back over to him.'

Because he was associated previously with the senator and Gum, it was impossible to advise Stearns when the latter sought help in the summer of 1937, Dickson said. So he passed Stearns along to Rhodes after hearing part of the story of strained relations between the two parties. Dickson also declared that he was told at one point by Stearns that Dill and Gum would put up the money and on another occasion heard that each had been deposited and then withdrawn.

In attempting to knock down points of the other testimony, Gum said of bad feeling between the ex-senator and some of their former associates, implying that Waddell, Foss, and Dickson had been anxious to injure Dill in taking the stand in the WRAL inquiry. But he did not try to offer a point-by-point answer to the damaging bits of testimony obtained in the final day.

Harold A. LaFoss, president of WOLB, Buffalo, made final arrangements for the construction of engineer George Lushby for the construction of a new transmitter.

For Results  
IN THE  
INTERMEDIATE  
MARKET

KDYI

NBC  
100  
NEW YORK

Representative JOHN KILPATRICK & CO.



The Adventures and Romance of the West  
Come to Life when

**CARSON ROBISON  
and HIS BUCKAROOS**  
go on the air

Here is another new NBC Recorded Program Series that thrills audiences with its realism, its stirring songs, its tales of high-riding adventure in the roaring, exciting West! Carson Robison and His Buckaroos have been consistent Network favorites of millions for years! For further information, write

**NBC Radio-Recording Division**  
NATIONAL BROADCASTING COMPANY  
A Radio Corporation of America Service

1344 Bldg., Radio City, New York • Manchester Mart, Chicago • Sunset & Vine, Hollywood

## WCCO SCOOP:



**CHILDREN PAYING  
TO LEARN  
—  
and liking it!**

It's a fact. Every Saturday afternoon between 600 and 800 kids pay ten cents each and crowd into a Minneapolis theater, to participate in a WCCO program...and to learn! The "at home" audience seeks in the questions—an average of 2,500 each week! And out of the admission money come prizes...for each question, for each participant, for each correct answer.

Here's an educational program that entertains. Conceived, planned and executed by WCCO, it's called "Kiddie Kwiz." The children like it. Their parents like it. Their teachers like it (Principal McQuarney of the Washburn High School calls it "the most wholesome and instructive children's program on the air").

"Kiddie Kwiz" is only one of many programs with WCCO's unique touch. Into their making goes all the showmanship that sixteen years of programming in the Twin Cities have taught WCCO. If you want to buy a ready-made audience, sponsor WCCO's "Kiddie Kwiz." If you want the most popular station in the market, buy WCCO. It's unique in the Northwest!

**WCCO**

50,000 WATTS WHERE IT COUNTS THE MOST  
CBS • 810 KILOCYCLES • MINNEAPOLIS-ST. PAUL  
Owned and operated by CBS. Represented by Radio Sales.



# Music

UNDER THE DIRECTION

of

## MARK WARNOW



1939-1940

**YOUR LUCKY STRIKE  
HIT PARADE**

*The American Tobacco Co.*

☆

**WE THE PEOPLE**

*Sanka Coffee-General Foods*

☆

**PURSUIT  
OF HAPPINESS**

*The Columbia Broadcasting System*

MARK WARNOW, managed exclusively by  
Columbia Artists Inc., 485 Madison Avenue, N. Y.

## FCC Goes to Supreme Court On WKBB Wrangle; Involves Economic Injury and 'Reasons'

Idea that competition is the chief way of serving public interest had been uttered forcefully last week in a FCC brief urging the U.S. Supreme Court to uphold the granting of a new station in Dubuque, Iowa, over objections of the town's present outlet, WKBB. Stage is set for a ruling on the vital proposition whether existing operators should be protected from anything except ruinous competition.

With argument due soon before the highest tribunal, the Commission last Saturday (27) filed a lengthy argument supporting the contention that it is under no duty to protect the licensee of existing radio broadcasting stations from competition in passing upon a new station.

Inconsistency will result if the "economic injury" argument is a barrier against granting permits for new outlets, the Commission argued.

Because the Communications Act is specifically intended to insure against monopoly but under the D.C. Court of Appeals reasoning the regulatory would be powerless to encourage the competition necessary to reach this goal.

Another important point, involving the often-attached FCC procedure, is presented in the WKBB case. One of the reasons for the reversal in the intermediate court was the Commission's failure to make proper findings. In asking the Supreme Court to hold the original decision, in accordance with the law, Chief Counsel William J. Donaghy says findings are nothing beyond a matter of convenience.

Whether the Commission nor its predecessor, the Federal Radio Commission, has ever assumed, in acting upon an application for a new license or for the renewal or modification of an existing license that any detailed findings of fact were required, the brief said. "Hundreds of thousands of such applications have been granted without any detailed findings having been made, only an entry on the Commission's notes book evidencing the action taken."

If the Commission were obligated to make detailed findings with respect to every application made for a new license or for the renewal or modification of a license on almost insupportable burden would be placed on it. This practical consideration in decision the reason why Congress did not write into the Act any requirement for detailed findings and was certainly a determining factor in molding the consistent administrative practice."

W. C. Swartley, manager of WOV and WOL, Fort Wayne, and R. A. O'Connor, president of the Magnavox Co., are among the members of the committee in charge of assisting in the Federal campaign.

## Flashes From Boston

Boston, Jan. 30. Jack Manning, WBZ announcer, came for the Boston President's Birthday Ball to be held in the Boston Garden, Monday, Jan. 28. When the orchestra will play WBZ will give its staff members a hearing this week. Chorus, secretary, hostesses and anyone else who has microphone ambitions but has not been on the air, will be given a chance to show how voices register.

Harry Lam, singing music critic from Havana, Jara, was on Keyser Percutaneous for Sunday program over WBZ-WBZA.

An extraordinary takes Alice Kinsell of West Traffic Dept. from the office for the next month. Tenney Kelley takes over in the meantime.

The Smarmies, WBZ singing quartet, went to New York last weekend to make a series of transcriptions for sponsorship on the Canadian Network.

National Showboat Bank sponsors a new sport series over WBZ-WBZA beginning Monday. To be called "The Four Horsemen."

Ray Girardin, WBZ funnymen, and family have moved to new home in Wakefield, Mass. Participating sponsor on morning Boston Transcript newscasts over WBZ-WBZA is North American General Insurance Co. "Keep Guessing" WBZ quiz program, will be sponsored by Reliable Flour beginning with the Feb. 6 show.

Beginning Sunday, Feb. 4, Columbia's "The Great Gilday" will be expanded during the year. Starring its Ezzo newscasts seven days a week over WBZ-WBZA.

WEEI's George E. Dunham is in New York gleaming sales ideas at CBS.

Wentley, WEEI sportscaster, went to Canada last weekend with the Boston Olympics. Capt. John A. Holman, U.S. Signal Corps Reserve and New England general manager of NBC, is conducting roundtable discussion titled "This Man's Army" over WBZ-WBZA. Program is designed to aid getting recruits for the U.S. Army. Bill Elliott, WEEI's singing clown, and m.c. at Metropolitan theatre, Providence, will be featured.

WBZ-WBZA announcer Fred R. Cates goes to New York Feb. 6 to meet with Tony Martin, the Radio Regent and Glen Gray's Casa Loma on Street & Finny for services of transcriptions for Rexall Drugs.

## Buy Michigan Football Rights for \$8,000

Detroit, Jan. 30. For \$8,000, WWJ has obtained exclusive commercial rights to broadcast University of Michigan football games next fall. Some rights were held last fall by WJR, which paddled the contents to Chevrolet, but WWJ also carried games as station.

Michigan's out-of-town games aren't covered in commercial rights agreement. Ty Tyson, who's been making "M" games for many years, will again give play-by-play next fall.

## New Ft. Worth Biz

Ft. Worth, Jan. 28. Sterling Insurance Co., Chicago, will sponsor five weekly quarter-hours via KOKO beginning middle of January. Talent will consist of Texas Cowgirls, all-girl string band, playing range ballads.

Waples-Plattner Company, wholesale grocers, have purchased three hundred 15-watt spot announcements on WRAP. Albert Evans & LeMay handle the account.

Junior G-Men, sponsored by Great Western Foods Co., debuted Jan. 1 via KOKO. Program to be heard thrice-weekly for 150 times on a hour basis. Promotes sale of Ranch Style Beans. Series will utilize G-Men fingerprint sets as premium offer and be merchandised throughout the Southwest. Albert Evans & LeMay is agency.

## JACK DOUGLAS TO KMPC

Detroit, Jan. 30. Jack Douglas, for a long time "The Old Nightwatchman" on WJR here and for a time on the networks out of New York, is joining KMPC, Beverly Hills, Calif. Leo Fitzpatrick, executive v.p. of WJR, WGAR and KMPC, wired for him soon after arriving on the Coast last week for annual pre-view with G. A. Richards, pres.

## First Outright Revocation by FCC Ends Life of Station KUMA, Yuma

### 257 Free-Linked

Washington, Jan. 30. Steady growth in the importance of transmitters in the Federal Communications Commission is reflected in detailed list of pre-owned transmitters that will be sold by the Federal Communications Commission.

Latest check, as of Dec. 14, shows 257 of the country's 730-old plants are linked in some way with publicizers.

### STUDEBAKER GRATIFIED

Experts Huger Educational Program During 1945

Washington, Jan. 30. Bigger and better radio programs will be staged up in 1946 by the U.S. Office of Education, Commissioner John W. Studebaker announced last week. Pointing with pride to accomplishments of the past four years, U. S. Education Commissioner Studebaker is "proud and gratified" to declare "new and expanded programs of radio service" was on the menu for the coming year. Studebaker is "increasingly convinced that radio is rapidly becoming one of the most important tools for the education and enrichment of education," he declared.

Three cast-to-cost series will be expanded during the year. Studebaker said. Schedule includes new programs for the "World Is Yours" column series on which Studebaker collaborates with Charles Grawley Abbott, secretary of the Smithsonian Institution, and two additional group programs for "Democracy in Action," a social security series. First group is co-sponsored by NBC's Red Network and latter by CBS.

In addition to the two Sunday series, half-hour Tuesday school program, "Gallant American Women" will be added by NBC's blue tie-up. Descriptive booklets and script of the programs will be available at the Office of Education.

Script Exchange services carried out by the Education Office also will be boosted during the year. Sponsored by the Federal Radio Education Committee—created by the U. S. C.—more than 200,000 copies of scripts have been sent to 12,000 groups all over the U. S. Studebaker reported. Manuals on radio art will continue publication and a new free bulletin, "Ultra-High Frequency Educational Broadcasting Stations," has been added to Uncle Sam's radio-book-shelf report.

### Solo With Havana Synch

Philadelphia, Jan. 30. Rafael Druian, violinist with the KTY home band, was guest soloist with the Havana synch at the Cohen airport on Monday (28).

Druian flew to Havana from the Cuban airport Thursday (28) and returns the same way immediately after his performance to take care of his civil commitments.

### W. J. Cameron Out, In

William J. Cameron, Ford v.p. and spokesman, was off the Coast last Sunday night (27) because of a severe cold, his third absence from the show in six years. No replacement was made, the usual institutional hall being dropped.

### Washington, Jan. 30.

First outright revocation of a broadcast station's license to operate was made last Wednesday (28) when the Federal Communications Commission cut KUMA, Yuma, Ariz., from the air. Commission made that its revocation order against the Yuma transmitter after finding that Albert H. Schermann, licensee, "failed to operate his station in accordance with the terms of his license, having transferred control of station to E. B. Sturdivant." Also pointed out that the licensee "was shown to have visited Yuma 31 times in five years."

Revocation proceedings were instituted against KUMA on Feb. 11, last year and a hearing was held in Phoenix, Ariz., last Dec. 1. Before serving the final order on the Yuma transmitter, Commission permitted Schermann to withdraw an application for hearing which was pending.

Although the regulators have deleted other transmitters in the past, KUMA case was the first in which cut-out-and-revocation was ordered. Other stations have been removed from the air for various reasons, being set down for a hearing on renewal of license and eventually denied the tickets necessary to continuation of service.

## 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 America since in Detroit since it was established—over 40 years by every agency that has ever been made.



General Representatives  
Geo. P. Halliway Co.  
New York, Chicago, Los Angeles, Atlanta

### IN BALTIMORE ITS WJBR

WJBR is the new radio station in Baltimore, Md. It is a 50,000 watt station, and is the first station in the city to be licensed by the FCC. It is owned by the WJBR Corporation, and is operated by the WJBR Broadcasting Company. It is a member of the National Association of Broadcasters.

### DON'T MISS PALMOLIVE'S "HILLTOP HOUSE"

Presented by  
BESS JOHNSON  
By Adelaide Murreton

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. EST.  
78 Stations Coast-to-Coast

Direction BENTON & BOWLES, Inc.  
Management ED WOLF, RKO Production, New York















## Night Club Reviews

### CASINO NACIONAL (MAYAGUEZ)

**January 30, 21.**  
**Chester Hols** brings featuring **Maya Raye & Helen Taylor**, **Guillermo Portales** band (14) and Cubanano Rhythmic.

San Marcos has shifted from his Rivera, in Jersey, to the Cuban capital for the season, and his new Chester Hols revue is marked improvement over his initial show, in slightly less than a Cuban salary day. Native and tourists have stated they have never seen as pretentious a floor show in Havana, and all barnden now needs are more tourists and natives. There are not enough of either right now. The Cuban aren't as prodigal with their coin, and with a new election due and American tourism is slow, due to fear of winter travel, etc. But they are coming over from Florida in sufficient numbers.

However, despite all this, **Maya Raye**, **Jack Arkin** and his sides state that they are almost breaking even in the dining room proper, which is quite unusual. Hereafter the main room was much better, the casino of course carrying everything. The other calls for the gambling profits to the Cuban government right off the top. In Cuban family, as the name in Cuba history, which even the property must of them. **Maya Raye**, at 41, however, have a fancy feet embracing the Oriental rapture, where there is a good election due between and during the season, and also a tie with the Hotel Nacional.

The Casino Nacional is one of the most beautiful of its type in the world, remaining. **Maya Raye** and **Jack Arkin**, but lacking the lushed color of the Casino, the place seems glowing at **Maya Raye** and **Jack Arkin**, but lacking the lushed color of the Casino, the place seems glowing at **Maya Raye** and **Jack Arkin**, but lacking the lushed color of the Casino, the place seems glowing at **Maya Raye** and **Jack Arkin**.

**Chester Hols** revue includes to the Casino Nacional, which is divided as to bands and music. It is estimated that the **Letting me know** for **blanca** but particularly the two top laves, as far as the Cuban **revue**, are a couple of bands.

The double octet does ensemble work in rhythmic precision, ballet and a feature routine—in themselves no feat, but acquire understanding in the **Letting me know** for **blanca** but particularly the two top laves, as far as the Cuban **revue**, are a couple of bands.

Talent class is well taken care of by the director, at all Casino Nacional shows in former years. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands.

Some of the talent gets any intro or building before the respective specialties. That is a mistake and, from the American perspective, seems an abrupt unfolding of events. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands.

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**Guillermo Portales** is a Cuban-American, even getting some native rhythm, leaving it to the Cuban. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands.

### GREEN ROOM, N. Y.

(HOTEL EDISON)

**Blue Barren Orchestra** (12) with **Rene Carlier**, **Charles Fletcher**, **Al Holmes**, **Maria Snyder**.

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man waiting time before becoming available for **Letting me know** for **blanca** but particularly the two top laves, as far as the Cuban **revue**, are a couple of bands. **Maya Raye** and **Helen Taylor**, the two top laves, as far as the Cuban **revue**, are a couple of bands.

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### CHEZ PAREE, CHI

Chicago, Jan. 24.

**Paul Draper**, **Gertrude Nieren**, **Blue Barren Orchestra** (12) with **Rene Carlier**, **Charles Fletcher**, **Al Holmes**, **Maria Snyder**.

**Blue Barren Orchestra** (12) with **Rene Carlier**, **Charles Fletcher**, **Al Holmes**, **Maria Snyder**. **Blue Barren Orchestra** (12) with **Rene Carlier**, **Charles Fletcher**, **Al Holmes**, **Maria Snyder**. **Blue Barren Orchestra** (12) with **Rene Carlier**, **Charles Fletcher**, **Al Holmes**, **Maria Snyder**.

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### Band Bookings

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## 15 Best Sheet Music Sellers

(Week ending Jan. 27, 1940)

Careless	Bertin
(All the Things You Are Very Warm for May?)	Chappell
Oh, Johnny, Oh	Foster
Forever Forever (Gulliver's Travels)	Foster
South of the Border	Winnick
Indian Summer	Winnick
Best of Friends	BVC
In an Old Dutch Garden	Harms
"Little Red Fox" (That's Right—You're Wrong)	Point
My Prayer	Point
In the Mood	Shapiro
"At the Ballade" (Ballade)	Point
"Catherine" (Gulliver's Travels)	Chappell
Lilies in the Rain	Robbins
It's a Happy Day (Gulliver's Travels)	Famous
Famous	Famous

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

Following is a tabulation of the combined plug of current tunes on NBC (WJZ) and CBS (WABC) radio, from the week from Monday through Sunday (Jan. 22-28). Total represents advertised performance on the two major networks from 8 a.m. to 1 a.m. Special 45-minute 9th song, 1 night, all others are pop.

TITLE	PUBLISHER	GRAND TOTAL
Careless	Bertin	40
Indian Summer	Winnick	30
All the Things You Are (Very Warm for May?)	Chappell	30
Oh, Johnny, Oh	Foster	30
Forever Forever (Gulliver's Travels)	Famous	30
South of the Border	BVC	30
Indian Summer	Winnick	30
Best of Friends	Winnick	30
In an Old Dutch Garden	Harms	30
"Little Red Fox" (That's Right—You're Wrong)	Point	30
My Prayer	Point	30
In the Mood	Shapiro	30
"At the Ballade" (Ballade)	Point	30
"Catherine" (Gulliver's Travels)	Chappell	30
Lilies in the Rain	Robbins	30
It's a Happy Day (Gulliver's Travels)	Famous	30
Famous	Famous	30
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# Inline Stuff—Music

In conjunction with 20th-Fox's "Swanee River," Robbins Music is turning out a book of Stephen Foster tunes containing 97 of his writings. Between 25-40 of the covers have never been printed since first editions.

Olson and Johnson, who wrote the number 30 years ago, are arranging to include "Oh, Gee, Oh, Gee, I'm in Love" into the score of their Broadway show, "Hilltoppings." My Kestel has recorded the number for Decca.

Supreme court justice Charles B. McLaughlin in N. Y. last Tuesday tossed out a libel action of John Jones against the Down Beat Publishing Co., Inc., of Chicago. The judge found the defendant was improperly served in New York.

The alleged libel occurred in the Dec. 1, 1939, issue. No complaint asserting the libel, or the damages sought was ever placed on file.

Things happened to the Hot Kempt band, now on a tour through the south, week before last. First a blaze in a trailer used by some of Kemp's men roared back Allen, singer, and Percy Dandberg, Budy Kueley and Clayton Cash, sax, trombone and trumpet respectively. That was in South Carolina. Johnny Van Epps, who recently replaced Kenneth Labadie, got married. So did trombonist Leo Moran. Jack Leffland became the father of a baby boy.

In Atlanta Kemp and his wife celebrated their first wedding anniversary.

Buling which the Appellate Division of the N. Y. supreme court handed down last week in favor of the Crawford Music Co. and Chappell & Co. in connection with the letter's \$150,000 suit against the American Record Co. is expected to result in the filing of a mass of similar suits by other publishing houses. Counsel for the latter had defended starting their actions until the higher court had settled a technical objection to the Crawford and Chappell complaints. ABC will now have to file its answer to C & C's charges of losing financial statements.

American Record had asked that Crawford and Chappell be ordered to state a separate cause of action for each license agreement named in the complaint but Supreme Court Justice Powers ruled that the fact that C & C had grouped as many as 30 licenses in each cause of action was okay. It was this decision that ABC appealed.

The Herbert J. Yates interests told the ABC to CBS last year but they have assumed the defense of the suit. Shapiro Bernstein filed an action Tuesday (17).

Barnders on Parade: Lennie Hayton's new band comes over the air from N. Y. Rowland (since out) in fine fashion but it could use more of the leader's piano breaks to give it a more readily identifiable style. In contrast is the outfit of Johnny McGee from Danahoe's Cedar Grove, N. J., which can't be missed because of the leader's sweet trumpet. McGee has an arrangement of "In a Pair of Wooden Shoes" that stands out. Danahoe's band slipped through New York blockers from WCCO, Minneapolis, carrying a version of Duke Ellington's "My Sweet Home" in done by the Ted Travers band from the Hotel Levy, Minn. A welcome hit. Danahoe's band slipped through New York blockers from WCCO, Minneapolis, carrying a version of Duke Ellington's "My Sweet Home" in done by the Ted Travers band from the Hotel Levy, Minn. A welcome hit. Woody Herman will soon have listeners thinking that he's changed his sign-off from "Shoes on Parade." Plays it at the end of almost every broadcast. Herman's is one band not bothered by a broadcast, could come over amicably in comparison to its real fulcrum... Pinky Tomlin sounds like a fairly solid suggestion from the Drake Hotel, Chicago. Has a new arrangement of "Rise Above It." Jimmy Dorsey's arrangement of "Man and His Drummer" rolls smoothly until the drummer reaches his break, then it adds up to a lot of noise... Louis Armstrong's gravelly vocals make up for change of pace for all the smooth but poorly delivered attempts of 1939 of aired hand singers... Mike setup for the Count Basie bunch from Golden Gate Ballroom, N. Y., could stand reworking. Band consistently entertains him... Violins are a colorful touch to Chris Tucker from the Palmer House, Chicago... There's a Latin outfit that comes through on DX from an unnamed spot in Havana that's got the goods... Fitch! Garber is doing something new and listenable. Comes on like a cymbal band for a few bars then shifts into his theme. Does such things as "Italian Street Song," too.

## 'NOLA' SHOW CHARGE ORDER

Order of Congress Providing Sanction for Rule in Court

A show came order returnable to court (21) in supreme court. On Friday (26) by Justice Charles J. Doyle requiring San Francisco of the music publishing firm of San Francisco Publishing Co., to show why he should not be compelled to appear as a witness before trial of a \$500,000 suit for royalties brought by a sister of the late Felix Arndt, composer of 'Nola' and other songs.

The order also compels Fox to show why he should not be required to produce all business records pertaining to Arndt's songs 'Nola,' 'Marionette,' 'Operator Nightman' and 'Clever Club.'

Arndt's sister, Mrs. Charlotte A. Arndt, of Kansas City, Mo., obtained letters of administration on the late composer's estate last May. She alleged that under an agreement between Arndt and the music firm, she should receive a stipulated percentage of the royalties on \$450,000 for 'Nola,' \$75,000 for 'Marionette' and \$300,000 for 'Operator Nightman' and 'Clever Club.'

The music firm entered a general denial of her allegations and stated that she should be required to produce all business records pertaining to her widow, Nola, agreed to discharge the company from further royalty payments on the basis of her annual declaration. Company also pleaded the statute of limitations prevented institution of the suit.

## ASCAP DECREE IN NEBRASKA

Decree in favor of ASCAP was entered last week enjoining enforcement of the anti-ASCAP law passed by the 1937 legislature in Nebraska. Under the order the injunction is made permanent and the state must comply with the order. The right owners or protectors were from infringement suit. The case was brought by a musical firm which has been barred from the air since the beginning of 1938 when Warners after a five months' absence returned its catalogs to ASCAP. Shubert's records had demanded 50% of the performing fee estimated on their musical scores. WB had the choice of either returning the catalog to the Shuberts or withdrawing it from radio. When it elected the latter device, Warners became the defendant of 34 suits. The settlement was worked out by A. M. Wattenberg, WB counsel, and M. E. Wattenberg, for the Shuberts.

## Byron Gay Sees Robbins, 20th-Fox on 'The Vamp'

Byron Gay is suing the Robbins Music Corp., Leo Feist, Inc., and 20th Century-Fox for \$250,000 on the ground of unjust enrichment and breach of contract of his song 'The Vamp.' The action was filed in the N. Y. supreme court last week.

In his complaint Gay states that the only firm that had any right to license the tune was the publisher, Leo Feist, who had assigned the copyright to Robbins and the latter's refusal to pay Feist was without his knowledge or permission. Gay cites several uses of the song made in 20th-Fox productions, and charges that in none of these instances did he receive any compensation. Lay firm in Feist & Meles did the filing in his behalf.

## Wattenberg Starts Trip

Sidney William Wattenberg, counsel for the Music Publishers Protective Association, left Sunday (26) for a tour of the middle west to line up local associate counsel in the MPPIA's national drive to suppress the bootleg sheet music traffic. His initial trip on this assignment will include stops at Cleveland, Detroit, Indianapolis, Cincinnati, Chicago, St. Louis, Kansas City. Later on he will cover the southern states.

In some spots Wattenberg will arrange to have local counsel use their own investigators on leads furnished by the MPPIA's home office. Other towns will be covered by men from the MPPIA's own staff of investigators.

Drive against contraband sheet music has been intensified as a result of the entrance of the International Copyright Act, as a distributor of sheet music among stationery and drug stores and other places that also sell magazines.

## ASCAP Grabbed Furniture, Cafe Continued; Owner's Daytime Job Slapped With Garnishee Order

### 23rd ASCAP Slap

Kentucky makes the 23d state in whose legislatures a bill directed against the American Society of Composers, Authors and Publishers has been introduced. The phrasing of the bill is similar to the Nebraska measure, which the special federal statutory court recently declared to be unconstitutional.

It provides for the registering of copyrighted numbers, prices, etc.

## SHUBERT MSS. NOW OKAY VIA ASCAP

Catalog of the Shubert Music Publishing Co. has again become available for broadcasting as the result of a settlement last week between the Shuberts and the Warner Bros. publishing interests. Under the settlement deal Harms and the Shuberts became joint owners of BMPC and the catalog is reinstated as a member of the American Society of Composers, Authors and Publishers as of August, 1939. Sidney Kaye, counsel for Broadcast Music, Inc., recently made an offer for the Shubert catalog but the thing never got beyond the discussion stage.

Past terminated 32 actions which the Shuberts had against the N. Y. supreme and federal courts since 1927. Damages sought amounted to \$2,300,000 and the defendants named included the Warners included ASCAP, NBC and CBS.

Musical numbers involved have been barred from the air since the beginning of 1938 when Warners after a five months' absence returned its catalogs to ASCAP. Shubert's records had demanded 50% of the performing fee estimated on their musical scores. WB had the choice of either returning the catalog to the Shuberts or withdrawing it from radio. When it elected the latter device, Warners became the defendant of 34 suits. The settlement was worked out by A. M. Wattenberg, WB counsel, and M. E. Wattenberg, for the Shuberts.

### Milwaukee, Jan. 30

Battle between musician theory of Composers, Authors and Publishers and the Tavern Music Protective Association, which has been in the United States court in county circuit court when a new and unusual note was introduced into the jammed arena. When the federal court slapped a \$500 judgment on the Club Cardinal, West Allie for copyright infringement and it was not paid, ASCAP's next step was seizure of the club's furniture.

This, too, failed to produce any cash. The club simply moved in some furniture and kept right on doing business, but not sharing any of its receipts with ASCAP. Current legal fight on the musicians, learned that Harold Hall, operator of the night club, had a fight with the Allie business Co., machinery manufacturers, as via circuit court stopped a garnishment on his salary there.

Lawyers for the tavern operator feared for dismissal of the garnishment action Friday (28) on the ground that the judgment on which it was based had been rendered in federal court, but Judge D. W. Sullivan ruled in favor of ASCAP, denying the tavern's motion, and holding the garnishment must stand. ASCAP started action against one of its authors after this week—Tony Feiner's New York Bar, where a big feature show is a regular attraction. Damages of \$500 are sought for copyright infringement.

## JACK ROBBINS CRUISING

Shackled Not Too Good Lately—To L. A. via Caribbean

Jack Robbins leaves on a long vacation today (Wednesday), to last at least three months, starting first by ferry to Havana, and thence to Florida, New Orleans, etc. Will wind up in New York. Robbins' songwriter, accompanies him.

The music publisher has been in recently on trip primarily in the nature of a convalescent cure.

## G.-S. Times Dropped

Harry Wood, Jan. 26. Gilbert and Sullivan songs have been dropped from the 20th-Fox production of "Zillan Street" in avoid international complications. Ditties may be sung in this country, but a London firm holds an international copyright covering the British possessions and is asking plenty for their use.

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